

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 421

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2022 Power Cost Adjustment
Mechanism.

SCHEDULING MEMORANDUM;
PROPOSED SCHEDULE IN ADVANCE
OF PROCEDURAL CONFERENCE

On May 15, 2023, PacifiCorp, dba Pacific Power, filed for its 2022 Power Cost Adjustment Mechanism. PacifiCorp requests that its proposed tariffs become effective on January 1, 2024.

I request that the parties¹ confer and provide a proposed procedural schedule no later than 3:00 p.m. on June 13, 2023. To the extent that stakeholders are unable to agree on a proposed procedural schedule, they may submit separate procedural schedules. The schedule must include regular settlement status updates, which should be provided within the two weeks following a settlement conference. The proposed schedule should allow for at least four weeks between any final briefs or oral arguments and the target date for a Commission order.

At this time, I anticipate that any conferences, hearings, or oral arguments in this docket will be conducted remotely, however, the Commission may start holding hybrid in person/remote events. To the extent that the parties would prefer that an event have an in-person option or be entirely remote, the parties should indicate this in their proposed schedule. Evidentiary hearings, oral argument, and any Commissioner-attended events should be scheduled on Tuesday afternoons or Thursday mornings or afternoons whenever possible.

If the parties prefer to hold a virtual prehearing conference to discuss the schedule or any other procedural matters, they may indicate this preference with the proposed schedule or a separate filing by 3:00 p.m. on June 13, 2023.

Dated this 30th day of May, 2023, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

¹ For the purposes of this memorandum, the term “parties” includes any entity with a pending petition to intervene.

NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

Hearing: The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at <https://www.oregon.gov/puc/Pages/default.aspx>. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

Notice to Active Duty Servicemembers: Active Duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

Hearing Rights: You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

Evidence: Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Notice of Contested Case Rights and Procedures continued

Record: The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

Final Order and Appeal: After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.