

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 421

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2022 Power Cost Adjustment Mechanism.

RULING

DISPOSITION: PROCEDURAL SCHEDULE ADOPTED AND ESTABLISHED

On May 30, 2022, I issued a memorandum requesting that the parties to these proceedings provide a proposed procedural schedule in lieu of a prehearing conference and to indicate whether any party required a prehearing conference to discuss the schedule or other procedural matters. On June 15, 2023, PacifiCorp, dba Pacific Power, filed a proposed schedule and a motion to adopt.¹ PacifiCorp represents that the Staff of the Public Utility Commission of Oregon, the Oregon Citizens' Utility Board, and Vitesse, LLC jointly developed the proposed schedule and support PacifiCorp's motion. No party or other entity with a pending petition to intervene indicated that they required a prehearing conference.

Due to a scheduling conflict for the evidentiary hearing date proposed by the parties, the date for the evidentiary hearing has been shifted to October 10, 2023.² The proposed procedural schedule is adopted as modified below:

EVENT	DATE³
Settlement Conference ⁴	August 3, 2023
Settlement Update	August 17, 2023
Staff and Intervenors Opening Testimony	August 31, 2023
7-Day Response Deadline for Data Requests Begins	September 7, 2023
Settlement Conference	September 12, 2022
Settlement Update	September 26, 2023
PacifiCorp Reply Testimony; Staff and Intervenors Rebuttal Testimony	September 27, 2023

¹ PacifiCorp originally submitted the procedural schedule by email on June 13, 2023. PacifiCorp also submitted a correction to one of the dates on June 20, 2023. The schedule considered in this ruling incorporates the correction filed on June 20, 2023.

² In the event parties have scheduling conflicts on the date established for the evidentiary hearing, I request that the parties jointly propose an alternate date. Please note that there is limited date availability in that timeframe to reschedule.

³ The filing deadline for all dates in this procedural schedule is 3:00 p.m. on the date of the event.

⁴ Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule workshops or settlement conferences.

Parties Cross Examination Statements and Exhibits	October 5, 2023
Hearing	October 10, 2023, at 1:30 p.m.
All Parties Opening Briefs	October 26, 2023
All Parties Reply Briefs	November 9, 2023
Target Decision Date	December 20, 2023
Effective Date	January 1, 2024

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear *pro hac vice*.⁵

Dated this 23rd day of June, 2023, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

⁵ See UTCR 3.170, OAR 860-001-0320.

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.