

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 426

In the Matter of

IDAHO POWER COMPANY,

Application for a General Rate Revision.

MEMORANDUM

The Oregon Public Utility Commission will hold a prehearing conference in this docket on Tuesday, January 9, 2024, at 1:00 p.m. Pacific Standard Time (PST) via Zoom video conference. The purpose of the prehearing conference will be to identify parties, discuss a procedural schedule, and discuss any other procedural issues related to this docket. A link to access the prehearing conference will be provided in the official notice for the prehearing conference.

In advance of the prehearing conference, I ask that the parties collaborate on a joint proposal for how this docket should proceed, including attempting to reach agreement on a proposed schedule identifying key milestones, timelines, and process in advance of the prehearing conference.

When preparing a proposed schedule for discussion at the prehearing conference, I request that parties structure the schedule with no less than six weeks provided for the Commission's deliberation and preparation of an order after oral argument. Any proposed schedule also must include dates for regular settlement updates. In addition to regular settlement updates, parties should plan to advise the Commission as soon as practicable when any settlement in principle is reached on any or all issues in order for the Commission to determine whether any schedule changes are appropriate.

The parties should be prepared for key events such as the public comment hearing, any evidentiary hearings, and oral argument to be conducted in a hybrid (in-person and remote) format.

I request that the parties confer and provide a proposed procedural schedule no later than 3:00 p.m. PST on Wednesday, January 3, 2024.

Though not required, I encourage any additional person seeking to participate as a party in this docket to file a petition to intervene by 3:00 p.m. PST on Monday, January 8, 2024.¹

¹¹ See OAR 860-001-0300.

**The parties are advised that all filings submitted in this docket are due by 3:00 p.m. PST.²
Filings submitted after 3:00 p.m. PST may be considered filed on the following business day.**

Dated this 15th day of December, 2023, at Salem, Oregon.



John Mellgren
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² The parties are advised that references to PST should be considered to refer to Pacific Daylight Time when Salem, Oregon transitions from Pacific Standard Time to Pacific Daylight Time on March 10, 2024.

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.