

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 426

In the Matter of

IDAHO POWER COMPANY,

Application for a General Rate Revision.

MEMORANDUM

On January 9, 2024, the Public Utility Commission of Oregon held a prehearing conference in this docket. Idaho Power Company (Idaho Power), Commission Staff, Oregon Citizen's Utility Board (CUB), J.R. Simplot Company (Simplot), and Community Energy Project (CEP) appeared through their representatives.<sup>1</sup>

At the prehearing conference, no party indicated an intent to object to Simplot's petition to intervene in this matter. I found Simplot had sufficient interest in the proceedings, and that its participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.<sup>2</sup> I then granted Simplot's petition to intervene.

In advance of the prehearing conference, Idaho Power, Staff, and CUB submitted a proposed procedural schedule as well as an update to it. At the prehearing conference, I noted some observations on the schedule and asked the parties some clarifying questions on the proposal. The parties were given an opportunity to raise any additional points regarding the procedural schedule as well as any additional procedural items to discuss at the prehearing conference. Non-party CEP also provided its perspective on an aspect of the procedural schedule. Simplot indicated it had no objection to the proposed procedural schedule. I took all comments, proposals, and requests under advisement.

After considering the proposed schedule as well as the comments made at the prehearing conference, I establish and adopt the below procedural schedule. Deadlines related to party-only workshops and settlement conferences are provided for the parties' convenience and do not require Commission approval to be rescheduled. Hearing and oral arguments dates are subject to change to accommodate Commission scheduling needs. Hearings and oral argument dates will be officially noticed later.

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<sup>1</sup> Community Energy Project is not a party to this proceeding.

<sup>2</sup> OAR 860-001-0300(6).

<b>Event</b>	<b>Date</b>
Deadline for Staff and Intervenor Workshop Questions to Idaho Power	February 2, 2024
Idaho Power Company Workshop	February 13, 2024
1st Settlement Conference (Cost of Capital)	February 13, 2024
PUC AHD Rate Case Training Workshop	February 15, 2024, at 1:00 p.m. PST
Deadline for Staff to File Agenda for Commissioner Workshop	February 20, 2024, at 3:00 p.m. PST
Deadline for Settlement Status Report	February 20, 2024, at 3:00 p.m. PST
Deadline to File Budgets for Intervenor Funding Commissioner Workshop	February 28, 2024, at 3:00 p.m. PST March 5, 2024, at 1:30 p.m. PST
Requested Deadline for Petitions to Intervene	March 11, 2024, at 3:00 p.m. PST
Public Comment Hearing #1 (Remote via Zoom)	<b>TENTATIVE:</b> March 14, 2024, at 5:00 p.m. PDT (6:00 p.m. MDT)
Public Comment Hearing #2 (In-Person in Ontario, OR)	<b>TENTATIVE:</b> March 20, 2024, at 5:00 p.m. PDT (6:00 p.m. MDT)
Deadline for Staff and Intervenor Opening Testimony	March 25, 2024, at 3:00 p.m. PDT
2nd Settlement Conference	April 5, 2024
Deadline for Settlement Status Report	April 11, 2024, at 3:00 p.m. PDT
Deadline for Staff Opening Testimony Supplement to Include Public Comment Hearing Comments	April 15, 2024, at 3:00 p.m. PDT
Deadline for Idaho Power Reply Testimony	April 30, 2024, at 3:00 p.m. PDT
3rd Settlement Conference	May 6, 2024
Deadline for Settlement Status Report	May 10, 2024, at 3:00 p.m. PDT
Deadline for Staff and Intervenor Rebuttal and Cross-Answering Testimony	May 28, 2024, at 3:00 p.m. PDT
4th Settlement Conference	June 4, 2024
Deadline for Settlement Status Report	June 10, 2024, at 3:00 p.m. PDT
Deadline for Idaho Power Surrebuttal Testimony	June 12, 2024, at 3:00 p.m. PDT
5th Settlement Conference	June 14, 2024
Deadline for Settlement Status Report	June 17, 2024, at 3:00 p.m. PDT
Deadline for Cross-Exam Statements and Exhibits from All Parties	June 18, 2024, at 3:00 p.m. PDT
Evidentiary Hearing	June 24, 2024, at 9:30 a.m. PDT
Deadline for Motions to Admit Evidence	July 1, 2024, at 3:00 p.m. PDT
Deadline for Objections to Motions to Admit Evidence	July 8, 2024, at 3:00 p.m. PDT
Deadline for Reply Briefing to Objections to Motions to Admit Evidence	July 10, 2024, at 3:00 p.m. PDT
Deadline for Idaho Power Opening Brief	July 16, 2024, at 3:00 p.m. PDT
Deadline for Staff and Intervenor Reply Briefs	August 1, 2024, at 3:00 p.m. PDT
Deadline for Idaho Power Closing Brief and Staff/Intervenor Cross-Answering Briefs Due	August 15, 2024, at 3:00 p.m. PDT
Oral Argument	August 29, 2024, at 9:30 a.m. PDT
Target Order Date	October 1, 2024
Rate Effective Date	October 15, 2024

The remote and in-person public comment hearing dates are tentative. Confirmation of those dates and times as well as additional information on their format will be provided when details are confirmed. The parties should be prepared for the evidentiary hearing to be held in a hybrid format in Salem, Oregon and via Zoom. The oral argument will be conducted remotely via Zoom.

Petitions to intervene are requested to be filed by 3:00 p.m. PST on March 11, 2024.<sup>3</sup>

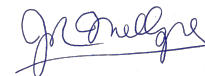
To ensure clarity, the parties should note that any filings referencing a specific time should include the time zone the party is referencing given that Idaho Power's service territory covers two time zones.

Anyone who is not a party may seek to become an interested person in this docket. An interested person receives notifications of filings made by parties and documents issued by the Commission or ALJ in this proceeding. An interested person is not a party to the proceeding, and is not entitled to file pleadings, present evidence for the record, conduct cross-examination of witnesses, become a signatory to a protective order, or file briefs. To become an interested person, one should contact the filing center at [puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov), request to be listed as an interested person in docket UE 426, and provide their name and contact information.

Procedural questions related to this docket should be addressed to Ellie Knoll ([ellie.knoll@puc.oregon.gov](mailto:ellie.knoll@puc.oregon.gov)) or the Administrative Hearings Division ([puc.hearings@puc.oregon.gov](mailto:puc.hearings@puc.oregon.gov)). Questions about Commission rules should be directed to Chief Administrative Law Judge Nolan Moser ([nolan.moser@puc.oregon.gov](mailto:nolan.moser@puc.oregon.gov)).

**The parties are advised that all filings submitted in this docket are due by 3:00 p.m. PST.<sup>4</sup> Filings submitted after 3:00 p.m. PST may be considered filed on the following business day.**

Dated this 12th day of January, 2024, at Salem, Oregon.



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John Mellgren  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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<sup>3</sup> See OAR 860-001-0300.

<sup>4</sup> 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.