

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 428

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Advice No. 23-018 (ADV 1545),
Modifications to Rule 4, Application for
Electrical Service.

SCOPING MEMORANDUM

In order to resolve this proceeding expeditiously, we are establishing a Phase 1 of this proceeding to take briefing on legal issues arising under PacifiCorp's filing. In advance of the prehearing conference, we solicit feedback on the scope of Phase 1 legal briefing. In particular, the Commission currently intends to seek legal briefing on the following issues in Phase 1:

1. What is the Commission's authority under Oregon law to adopt limitations on liability?
 - a. What, if any, boundaries exist on that authority?
 - b. Has the Commission already adopted relevant limitations on liability? How are those similar and different to those asked for here?
2. To what extent have other jurisdictions adopted limitations on liability similar to those asked for here? Have other jurisdictions considered and rejected limitations on liability similar to those asked for here?
3. Does any existing Oregon law limit or otherwise address PacifiCorp's liability in ways that overlap with its request here?
4. Are there additional threshold legal issues the Commission should consider before turning to factual and policy issues?

While the schedule will be set at the prehearing conference, we suggest that briefs will be due on the following dates:

Initial Briefs – January 30, 2024.

Reply Briefs – March 1, 2024

Following briefing in Phase 1, the Commission will set a schedule for Phase 2, in which it will consider remaining legal, factual, and policy arguments, and during which it will conduct an evidentiary hearing if necessary.

Dated this 1st day of December 2023, at Salem, Oregon.

A handwritten signature in blue ink that reads "Katharine Mapes". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Katharine Mapes
Administrative Law Judge