

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 433

In the Matter of  
PACIFICORP dba PACIFIC POWER,  
Request for a General Rate Revision.

**MEMORANDUM ESTABLISHING  
FILING REQUIREMENTS AND  
DEADLINES**

Prehearing Conference

The Public Utility Commission of Oregon will hold a prehearing conference in this proceeding in the near term. The purpose of the procedural conference will be to identify parties, establish a procedural schedule, and discuss use of an expedited process for resolving discovery disputes. Additionally, parties should be prepared to provide input regarding potential consolidation with other dockets under OAR 860-001-0600.<sup>1</sup> Please note that the prehearing conference for this docket will be conducted at the same date and time as the prehearing conference for the company's 2025 transition adjustment mechanism, docket UE 434. Separate schedules will be established for each docket.

Ahead of the prehearing conference, I request that the parties confer regarding a proposed procedural schedule as well as identification of any other dockets for possible consolidation with the general rate revision. When preparing a proposed schedule for discussion at the prehearing conference, I request that parties structure the schedule with no less than eight weeks provided for the Commission's deliberation and preparation of an order after closing briefs. Any proposed schedule also must include dates for regular settlement updates. In addition to regular 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 to determine whether any schedule changes are appropriate.

I request that the parties provide a proposed procedural schedule and identify any dockets for possible consolidation no later than 3:00 p.m. on March 6, 2024. Please note that the Commission will conduct a public comment hearing regarding both the 2025 transition adjustment mechanism and general rate revision. The public comment hearing is anticipated to be conducted remotely via Zoom. Any evidentiary hearings or oral argument occurring later in the proceeding may be conducted in a hybrid (in-person and remote) format.

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<sup>1</sup> The Commission has discretion to consolidate cases under OAR 860-001-0600 and has used that discretion in the past when consolidation was efficient and logical and when consolidation would clarify and simplify resolution of issues.

Intervention

Under OAR 860-001-0400, an answer to a petition to intervene must be filed within ten days after filing of the petition. In order to facilitate timely access to protected materials and expedite the discovery process, parties must indicate intent to file an answer to a petition to intervene within three business days after filing of the petition. The deadline for filing the answer itself remains unchanged.

Discovery Dispute Process

An expedited process for resolving discovery disputes will be established for use in this proceeding. The details will be set forth in a separate memorandum. Ahead of the prehearing conference, please review the procedures established in docket UG 490 set forth in the memorandum issued on February 20, 2024.

Filing Deadlines

Any filings submitted in this proceeding are due by 3:00 p.m. in order to provide adequate processing time for the Filing Center. Filings submitted after 3 :00 p.m. will be considered filed on the following business day.

Dated this 21st day of February, 2024, at Salem, Oregon.



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Alison Lackey  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

## 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.