

ISSUED: January 29, 2007

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 177/UE 178/UG 170/UG 171

In the Matters of THE PUBLIC UTILITY)
COMMISSION OF OREGON STAFF)
directing:)
)
PACIFICORP, dba PACIFIC POWER &)
LIGHT COMPANY, (UE 177))
)
PORTLAND GENERAL ELECTRIC)
COMPANY, (UE 178))
)
NORTHWEST NATURAL GAS)
COMPANY, dba NW NATURAL,)
(UG 170))
)
and)
)
AVISTA UTILITIES, (UG 171))
)
To file tariffs establishing automatic)
adjustment clauses under the terms of)
SB 408.)

MEMORANDUM

**DISPOSITION: SCHEDULE VACATED, COMMISSION DECISION
SET FOR APRIL 13, 2007**

By prehearing conference memorandum, dated November 2, 2006, the Commission set a procedural schedule that established dates for workshops, status conferences, filing of testimony, evidentiary hearings, filing of briefs, and a Commission decision on April 13, 2007. After the workshops, but before the status conferences, Jason Jones, attorney for the Commission Staff (Staff), advised the Commission that the parties attending the workshops “have not identified any contested issues in these filings.” Accordingly, the parties agreed that the status conferences should be canceled.

Mr. Jones further represented that the parties agreed that “the remainder of the contested case procedural schedule should be suspended.” He indicated that Staff “intends to present the tax reports to the Commission at the first Public Meeting in April.”

By Memorandum dated January 18, 2007, I canceled the status conferences. I allowed parties five days to respond to Staff’s request that the schedule be suspended.

The Commission received two replies within the five days. By letter dated January 23, 2007, counsel for the Industrial Customers of Northwest Utilities (ICNU) indicated that it does not object to suspending the procedural schedule, but reserves all arguments with respect to future tax report filings. ICNU’s reservation is noted.

By pleading dated January 24, 2007, Ken Lewis and Utility Reform Project (URP) objected to the “proposed course of action by ALJ.” In their pleading they note that they did not attend the workshops. Apparently they object to any inference that their non-participation signals their agreement regarding the disposition of any issue. Mr. Lewis and URP, however, do not object to either the cancellation of the status conferences, or the suspension of the procedural schedule. There are no other actions contemplated in this docket at this time, except the filing of the staff report and the Commission decision on April 13, 2007. Accordingly, their objection is without substance.

Mr. Lewis and URP also criticize the Commission for having failed to take earlier action that in their terms amounts to a failure to comply with the terms of SB 408. Such observations are not responsive to Staff’s request to cancel the status conferences and need not be addressed.

The procedural schedule set by the Commission on November 2, 2006, is vacated. The Commission Staff is directed to present the tax reports to the Commission at the first public meeting in April.

Dated at Salem, Oregon, this 29th day of January, 2007.

Patrick Power
Administrative Law Judge