

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 461

In the Matter of

AVISTA CORPORATION, dba
AVISTA UTILITIES

Request for a General Rate Revision.

PROCEDURAL CONFERENCE
MEMORANDUM

On April 11, 2023, the Public Utility Commission of Oregon conducted a procedural conference in this docket. Representatives appeared on behalf of the Staff of the Public Utilities Commission, Avista Corporation, dba Avista Utilities, Oregon Citizens' Utility Board, and the Alliance of Western Energy Consumers.

The parties submitted a proposed procedural schedule prior to the procedural conference. This schedule proposed a date of June 6, 2023, for a public comment hearing, and April 28, 2023, as the deadline to file budgets for intervenor funding. At the procedural conference, I stated that the proposed June 6, 2023, date for the public comment hearing would not work for the Commission and a different date would be selected following the conference. Additionally, I asked the parties about the deadline to file budgets for intervenor funding and whether it was intended to be consistent with the memorandum issued by Chief Administrative Law Judge (ALJ) Nolan Moser on March 28, 2023, in this docket. Because the proposed date would be earlier than the dates outlined in the March 28, 2023 memorandum, I have not adopted a deadline to file budgets in the procedural schedule below. Instead, any requests for intervenor funding and deadlines related to intervenor funding must be consistent with Chief ALJ Moser's March 28, 2023 memorandum.

Accordingly, the procedural schedule, as revised consistent with the discussions at the prehearing conference and Chief ALJ Moser's March 28, 2023 memorandum on intervenor funding, is adopted as set forth below:

Event¹	Date
Deadline for Petitions to Intervene ²	April 14, 2023
Settlement Conference (ROE/Capital Structure Only, Gas Meter Issues) ³	April 18, 2023
Settlement Status Update	May 2, 2023
Public Comment Hearing	June 7, 2023, 6:00 pm

¹ As stated in the scheduling memorandum issued on March 27, 2023, the filing deadline for all dates in this procedural schedule is 3:00 p.m. on the date of the event.

² The schedule includes a requested date for petitions to intervene, but by statute, a person may petition to intervene at any time before the close of the record. See ORS 756.525.

³ Staff Workshop/Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule Staff workshops or settlement conferences.

Staff/Intervenor Opening Testimony	July 7, 2023
Data Request Response Time Reduced to 5 Business Days	July 7, 2023
Settlement Conference	July 24, 2023
Settlement Status Update	August 7, 2023
Avista Reply Testimony	August 7, 2023
Settlement Conference	August 18, 2023
Staff/Intervenor Rebuttal Testimony	September 7, 2023
Settlement Conference	September 12, 2023
Avista Surrebuttal Testimony	September 22, 2023
Settlement Status Update	September 26, 2023
Cross-Exam Statements	September 28, 2023
Pre-Filed List of Issues	September 29, 2023
Hearing	October 5, 2023
Simultaneous Opening Briefs	October 12, 2023
Simultaneous Closing Briefs	October 20, 2023
Oral Argument	October 24, 2023
Target Date for Commission Order	December 20, 2023
Effective Date	January 1, 2024

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the Commission in this docket must file an application for admission to appear pro hac vice.⁴

Dated this 20th day of April, 2023, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

⁴ See UTCR 3.170, OAR 860-001-0320.

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.