

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1002

|             |   |        |
|-------------|---|--------|
| WAH CHANG,  | ) |        |
|             | ) |        |
| Petitioner, | ) |        |
|             | ) | RULING |
| v.          | ) |        |
|             | ) |        |
| PACIFICORP, | ) |        |
|             | ) |        |
| Respondent. | ) |        |

**DISPOSITION: MOTION FOR EXTENSION OF TIME GRANTED;  
SCHEDULE MODIFIED**

On August 17, 2005, a scheduling conference was held. Milo Petranovich attended on behalf of Petitioner, Wah Chang. Richard Williams also participated, by telephone, on behalf of Petitioner. Lawrence Reichman attended on behalf of Respondent, PacifiCorp.

The scheduling conference was called when Petitioner moved, on August 5, 2005, for a 90-day extension to file direct testimony in the above captioned proceeding. In order to accommodate the requested extension, all dates currently scheduled in this docket would need to be adjusted. Petitioner proposed the docket's schedule be modified as follows:

|                                    | Current Date       | Requested Date    |
|------------------------------------|--------------------|-------------------|
| Wah Chang files direct testimony   | September 16, 2005 | December 15, 2005 |
| PacifiCorp files reply testimony   | February 17, 2006  | May 18, 2006      |
| Wah Chang files rebuttal testimony | March 31, 2006     | June 29, 2006     |
| Hearing                            | April 25-27, 2006  | July 24-26, 2006  |

Petitioner represents that the extension is needed for four reasons:

- 1) failure to timely receive, in response to discovery requests, viable audiotapes from PacifiCorp of trader conversations on particular dates;
- 2) failure to timely receive, in response to discovery requests, copies of certain electronic mail ("e-mail") messages;
- 3) need to schedule certain depositions after review of the requested audiotapes and e-mails; and
- 4) past and future medical leaves by Mr. Petranovich.

Further details about these issues were discussed during the scheduling conference. PacifiCorp admitted that there have been discovery delays, but indicated that the delays are largely due to the age of requested materials. Wah Chang largely agreed and acknowledged that PacifiCorp has been forthcoming during discovery. Wah Chang also indicated that PacifiCorp has now provided copies of all requested audiotapes, but observes that the tapes still need to be converted to a useable format. Indeed, it remains to be seen whether the audiotapes can be converted at all.

Wah Chang stated, however, that at this point in the discovery process, relevant evidence has been obtained from PacifiCorp and that Wah Chang is ready to prepare for and conduct depositions of PacifiCorp representatives. Wah Chang represents that it can conclude discovery and prepare testimony within the requested time extension.

This proceeding has a lengthy history and it is clear that the age of the proceeding is causing problems with its current processing. It is in the interest, therefore, of all parties to proceed on a timely basis. Consequently, I am reluctant to extend this history farther in the future by modifying the schedule. However, I am sympathetic to delays in discovery that appear to be legitimate, as well as to the medical issues of a primary attorney for Wah Chang. Consequently, I conclude that this docket's schedule must be postponed. Based on Wah Chang's representation that an extension of three months will be sufficient to conclude all discovery and prepare direct testimony, I grant Wah Chang's motion and due dates for testimony are modified as requested by Wah Chang. I note, however, that I am heavily relying on Wah Chang's representation that the requested extension is sufficient and that further delays will not be needed. At the request of PacifiCorp, new hearing dates will not be scheduled at this time. Instead, a prehearing conference will be held at some later date in order to set a time for hearing and to address any other matters that need to be resolved prior to hearing.

Dated this 18<sup>th</sup> day of August, 2005, at Salem, Oregon.

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Traci A. G. Kirkpatrick  
Administrative Law Judge