

ISSUED: August 5, 2004

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UM 1081

In the Matter of	)	
	)	
An Investigation Into Direct Access Issues	)	RULING
for Industrial and Commercial Customers	)	
Under SB 1149.	)	

**DISPOSITION: MOTION TO ACCEPT LATE FILED BRIEF GRANTED**

A full and complete facsimile of the Opening Brief of EPCOR Merchant and Capital (US) (EPCOR) was received as of 5:07 p.m. on August 3, 2004. A hard copy, postmarked August 3, 2004, was received on August 5, 2004. On August 4, 2004, EPCOR filed a motion requesting that the Commission accept its late-filed Opening Brief.

Pursuant to my ruling, dated June 29, 2004, the “in hand” due date for opening briefs was established to be August 3, 2004. Pursuant to OAR 860-011-0025(1), all documents are filed with the Public Utility Commission of Oregon (Commission) “by mail, personal delivery, or any other reasonable means of delivery.” OAR 860-011-0025(4) provides, however, that a telephonic facsimile copy of a document will be accepted for filing if the original signed document is deposited in the mail, with proof of service, on the date the facsimile copy is received. Pursuant to this provision, the complete facsimile copy must be received by the Commission by 5:00 p.m. Pacific Time, on the filing deadline. Responsibility for timely filing falls on the persons filing documents by facsimile. The Commission’s rules do not provide for electronic filing.

Based on EPCOR’s representation that no party is inconvenienced by the delay in filing of its Opening Brief and that parties were electronically served (as stated in the “Certificate of Service and Filing” attached to its Opening Brief), I conditionally grant EPCOR’s Motion. A party may object, however, to the Commission’s acceptance of EPCOR’s Opening Brief by 5:00 p.m. on August 9, 2004. If no party files an objection by such time, EPCOR’s Motion is finally granted.

Dated this 5<sup>th</sup> day of August, 2004, at Salem, Oregon.

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Traci A. G. Kirkpatrick  
Administrative Law Judge

