

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 228

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY

2012 Annual Power Cost Update Tariff
(Schedule 125).

PREHEARING
CONFERENCE
MEMORANDUM

**DISPOSITION: PROCEDURAL SCHEDULE ESTABLISHED;
PETITIONS TO INTERVENE GRANTED**

On April 18, 2011, the Public Utility Commission of Oregon (Commission) held a prehearing conference in this docket. Representatives appeared on behalf of Portland General Electric Company (PGE); Commission Staff; the Citizens' Utility Board of Oregon (CUB); the Industrial Customers of Northwest Utilities (ICNU); and Noble Americas Energy Solutions LLC (Noble Americas).

Parties

On April 5, 2011, CUB filed a Notice of Intervention under ORS 774.180 and became a party to the proceeding

On April 12, 2011, ICNU and Noble Americas filed petitions to intervene. During the prehearing conference, no party objected to the petitions. I find the petitioners have sufficient interest in the proceeding to participate, and that their appearance and participation will not unreasonably broaden the issues, burden the record, or delay the proceeding.¹ The petitions are granted.

¹ See OAR 860-001-0300.

Procedural Schedule

The parties agreed to the following procedural schedule, which was adopted:

EVENT	DATE
Petitions to Intervene	May 2, 2011
Requests for Intervenor Funding	May 9, 2011
Workshop / Settlement Conference ²	June 1, 2011
Staff / Intervenor Opening Testimony	June 30, 2011
Settlement Conference	July 7, 2011
MONET Update (All Changes)	July 15, 2011
PGE Reply Testimony	August 15, 2011
Hearing	August 24, 2011
Simultaneous Opening Briefs	September 7, 2011
Simultaneous Closing Briefs	September 20, 2011
MONET Update (All Changes)	September 30, 2011
Target Order Date	October 20, 2011
MONET Update (Forward Price Curve and Contracts)	November 4, 2011
MONET Final Update (Forward Price Curve)	November 15, 2011

After PGE files its reply testimony on August 15, 2011, parties will use their best efforts to respond to data requests within five business days of receipt.

By statute, a person may petition to intervene in a docket at any time before a hearing,³ but persons are encouraged to intervene by the date included in the schedule. Persons who petition to intervene late in the proceedings must take the existing record and schedule as they find them. Participation may also be limited in other ways.

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 19th day of April, 2011, at Salem, Oregon.



Lisa D. Hardie
Administrative Law Judge

² This date is included in the schedule for the parties' convenience. Parties may reschedule settlement conferences without Commission approval.

³ See ORS 756.525.

⁴ See UTCR 3.170; 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 this proceeding 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 to 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the website at www.puc.state.or.us. The Commission will hear issues as identified by the parties.

Right to Attorney: As a party to this hearing, 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 in the case, will be represented by the Department of Justice. Once a hearing has begun, you will not generally be allowed to postpone the hearing to obtain counsel.

Administrative Law Judge: The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-001-0090. The ALJ 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 to 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 to 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(1)(b). 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. Once a hearing is completed, the ALJ will not generally allow the introduction of additional evidence without good cause.

Record: The hearing will be recorded, either by a court reporter or by audio/digital tape, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request the Commission for a copy of the tape for a fee set forth in OAR 860-001-0060(3)(e)(B). 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 ALJ's 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. *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. *See* ORS 756.610.