

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 245 & UE 246

In the Matters of

PACIFICORP, dba PACIFIC POWER

2013 Transition Adjustment Mechanism
(UE245)

and

Request for a General Rate Revision
(UE246)

**CORRECTED
PREHEARING
CONFERENCE
MEMORANDUM**

On March 19, 2012, the Public Utility Commission of Oregon (Commission) held a joint prehearing conference in these dockets. Representatives appeared on behalf of PacifiCorp, dba Pacific Power), Industrial Customers of Northwest Utilities (ICNU); the Citizens' Utility Board of Oregon (CUB); Noble Americas Energy Solutions (Noble), the Klamath Water and Power Agency, and the Commission Staff.

Parties

CUB has filed notice of intervention under ORS 774.180 and has become a party to these proceedings.

Before the conference, petitions to intervene were filed in docket UE 245 by ICNU and Nobles, and in UE 246 by ICNU, Fred Meyer Stores and Quality Food Centers (Fred Meyer), Portland General Electric Company (PGE), and Sierra Club. Pacific Power requested time to review the petition filed by Sierra Club, but did not object to any other petition.

Accordingly, I do not rule on Sierra Club's petition at this time. After review of the other petitions, I find each of the parties has a sufficient interest in the proceedings to participate, and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.¹ I grant the petitions to intervene filed by ICNU, Nobles, Fred Meyer, and PGE.

With its petition, Fred Meyer included a motion for admission pro hac vice of Kurt J. Boehm, an attorney in good standing in Ohio and Kentucky, and Jody M. Kyler, an attorney in good standing in Ohio. Both attorneys seek to associate with Oregon attorney Nona M. Soltero. No party objected to the motion.

The motion satisfies the requirements of Uniform Trial Court Rules 3.170 for participating of counsel licenses in another jurisdiction to appear before the Commission. The motion is granted.

¹ See OAR 860-001-0300.

Procedural Schedule

A. UE 246 – General Rate Proceeding

The parties agreed to the following procedural in docket UE 246, which is adopted:

EVENT	DATE
Petitions to Intervene ²	April 18, 2012
Proposed Budgets for Intervenor Funding	May 9, 2012
Settlement Conferences ³	May 30-31, 2012
Staff and Intervenor Testimony	June 18, 2012
Settlement Conferences	June 27-28, 2012
Pacific Power Reply Testimony	July 17, 2012
Staff and Intervenor Rebuttal Testimony	August 13, 2012
Pacific Power Surrebuttal Testimony	September 5, 2012
Hearing ⁴	October 1-2, 2012
Simultaneous Opening Briefs	October 25, 2012
Simultaneous Closing Briefs	November 7, 2012
Oral Argument	November 30, 2012
Target date for Commission decision	December 20, 2012
Compliance filing	December 26, 2012 (by noon)
End of tariff suspension	December 31, 2012

The parties also agreed that responses to data requests would be due seven business days following the July 17th filing of Pacific Power's reply testimony, and five business days following the August 13 filing of Staff's and Intervenor's rebuttal testimony.

As discussed at the conference, although the schedule does not currently include a requirement to file prehearing briefs, the Commission may request the parties file prehearing briefs or issue lists later in this proceeding.

B. UE 245 – Transition Adjustment Mechanism

The parties were not able to reach an agreement on a procedural schedule for docket UE 245. Pacific Power, Staff, and intervenors ICNU, CUB, and Nobles submitted separate proposed schedules for consideration. The primary disagreement is whether the schedule should include three or five rounds of prefiled testimony. Pacific Power recommends three rounds. ICNU, CUB, Nobles, and Staff recommend five rounds.

² By statute, a person may petition to intervene at any time before the close of the record. Because it is helpful if parties are identified early in the proceedings, the Commission requests that petitions to intervene be filed by the date identified above.

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

⁴ The first day of the hearing will be set aside for Commission Examination. This date is subject to the Commissioner's availability. The hearing will follow the Commission Examination.

Following consultation with Commissioners, I conclude that the procedural schedule should include three rounds of testimony. To ensure that all parties have the opportunity to present relevant evidence on all disputed matters, however, Staff and intervenors should have the opportunity to request the ability to file additional, issue specific testimony upon a proper showing. That showing would require Staff or intervenors to establish that Pacific Power raised new issues or presented unanticipated evidence in its reply testimony, and that Staff and intervenors would be unable to effectively rebut the issues or evidence on cross examination at hearing. If the Commission grants a request to present additional prefiled testimony, then Pacific Power will be given the opportunity to respond to any filing with the direct testimony of live witnesses at hearing.

To accomplish this, I move up the filing date of Pacific Power's reply testimony, and establish the following procedural schedule. In doing so, I acknowledge that some dates might conflict with other proceedings before this Commission or Pacific Power rate proceedings in other jurisdictions. If such a conflict arises, I ask the parties to discuss informally agreeable modifications, or to request an additional prehearing conference for further discussion.

EVENT	DATE
Petitions to Intervene	March 30, 2012
Proposed Budgets for Intervenor Funding	April 18, 2012
Staff and Intervenor Testimony	June 6, 2012
Pacific Power Reply Testimony	July 11, 2012
Hearing	August 13, 2012
Simultaneous Opening Briefs	September 5, 2012
Simultaneous Closing Briefs	September 17 5 , 2012
Target date for Commission decision	October 26, 2012
Final NPC	November 15, 2012
New Rates Effective	January 1, 2013

I did not include dates for settlement conferences, as the parties may schedule settlement conferences without Commission approval.

Dated this 20th day of March, 2012, at Salem, Oregon.



Michael Grant
Chief Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures