

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 435

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request for a General Rate Revision.

PREHEARING CONFERENCE
MEMORANDUM

On March 21, 2024, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of Portland General Electric Company; the Alliance of Western Energy Consumers; Calpine Energy Solutions, LLC; Walmart, Inc.; Oregon Citizens' Utility Board; and Staff of the Public Utility Commission of Oregon.

Petitions to Intervene

Prior to the conference, Walmart filed a petition to intervene in this docket. No party attending the conference objected to the petition. I find that Walmart has sufficient interest in the proceedings to participate and that its participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.¹ The petition to intervene is therefore granted. In addition, CUB filed its notice of intervention as allowed under ORS 774.180

Procedural Schedule

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

EVENT	DATE
Administrative Hearings Division Rate Case Process Workshop	April 4, 2024, 1:30 p.m.
Oral Argument on CUB's Motion	April 16, 2024, 1:00 p.m.
Settlement Conference ²	May 2, 2024
Settlement Status Report to ALJ	May 13, 2024
Public Comment Hearing	May 16, 2024, 6:00 p.m.
Deadline to File Budgets for Intervenor Funding	June 11, 2024
Staff and Intervenors (excluding CUB) Opening Testimony	July 15, 2024

¹ See OAR 860-001-0300(6).

² Workshop/Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule workshops or settlement conferences.

CUB Opening Testimony	July 23, 2024
Settlement Conference	July 26, 2024
Settlement Status Report to ALJ	August 5, 2024
PGE Reply Testimony	August 14, 2024
Settlement Conference	August 19, 2024
Settlement Status Report to ALJ	August 27, 2024
Staff and Intervenor Rebuttal Testimony	September 10, 2024
Settlement Conference	September 13, 2024
Settlement Status Report to ALJ	September 16, 2024
PGE Surrebuttal Testimony	September 30, 2024
Prehearing Briefs and Cross-examination Statements	October 8, 2024
Hearing	October 10, 2024
Opening Briefs	October 25, 2024
Closing Briefs	November 7, 2024
Oral Argument	November 14, 2024, 1:30 p.m.
Target Commission Order Date	December 20, 2024
Rate Effective Date	January 1, 2025

Beginning August 14, 2024, the parties agreed to a best efforts five business day data response turn-around.

The schedule also included a date for a Commission Environmental Justice Workshop of April 18, 2024. This will be rescheduled for a later date.

Pro Hac Vice

On March 15, 2024, Walmart filed a motion to allow Justina Caviglia to appear as counsel *pro hac vice* in this proceeding. The affidavit of Ms. Caviglia accompanied the motion. Ms. Caviglia states that she will associate with Brandon J. Mark, an active member in good standing with the Oregon State Bar.

I have reviewed the motion for admission *pro hac vice* and find that it complies with the requirements of UTCR 3.170 and OAR 860-001-0320. There were no objections at today’s conference.

The motion to admit Justina Caviglia as counsel *pro hac vice* on behalf of Walmart is granted for a one-year period. For cases continuing over one year, an attorney appearing *pro hac vice* must file a new application to continue to participate in the case.³

³ See UTCR 3.170(5); OAR 860-001-0320(3).

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 1st day of April, 2024, at Salem, Oregon.

A handwritten signature in blue ink that reads "Katharine Mapes". The signature is written in a cursive style and is positioned above a horizontal line.

Katharine Mapes
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.