

ISSUED: October 26, 2010

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UG 201

In the Matter of

AVISTA CORPORATION, dba  
AVISTA UTILITIES

PREHEARING CONFERENCE  
MEMORANDUM

Request for a General Rate Revision.

DISPOSITION: SCHEDULE SET; PETITIONS TO INTERVENE  
GRANTED

A prehearing conference was held in this matter on October 25, 2010. Appearing at the conference were David Meyer on behalf of Avista Corporation, dba Avista Utilities, Jason Jones on behalf of the Staff of the Public Utility Commission of Oregon (Commission), John Sturm on behalf of the Citizens' Utility Board of Oregon (CUB), and Chad Stokes on behalf of the Northwest Industrial Gas Users (NWIGU).

**Docket Schedule**

Following an off-the-record discussion among the parties the following schedule was proposed:

<b>Action</b>	<b>Due Date</b>
Deadline to File Petitions to Intervene	November 10, 2010
Settlement Conferences <sup>1</sup>	January 18, 2011 January 19, 2011
Deadline to File Proposed Budgets for Intervenor Funding	January 20, 2011
Staff and Intervenors File Opening Testimony	February 16, 2011
Avista Files Reply Testimony	March 16, 2011
Staff and Intervenors File Rebuttal Testimony	April 8, 2011
Avista Files Surrebuttal Testimony	April 22, 2011
All Parties File Cross-Examination Statements	April 28, 2011

<sup>1</sup> The dates set for settlement conferences are included for the convenience of the parties. The dates may be changed without further authorization from the Commission.

Action	Due Date
Hearing (Begins with Commissioner(s) Examination	May 4-5, 2011
Joint Briefing Outline Submitted to ALJ	May 9, 2011
Simultaneous Opening Briefs	May 18, 2011
Simultaneous Reply Briefs	June 2, 2011
Closing Oral Argument Before the Commission	June 8, 2011
Target Date for Commission Decision	July 20, 2011

I adopted the proposed schedule at the conference.

### Data Requests

The parties further agreed to the following schedule for data request response times:

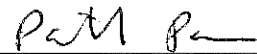
After Avista Files Reply Testimony (March 16, 2011)	7 days
After Staff and Intervenor File Rebuttal Testimony (April 8, 2011)	6 days
After Avista Files Surrebuttal Testimony (April 22, 2011)	4 days

The parties may agree to modify the data request schedule without further Commission authorization.

### Intervenors

CUB filed its Notice of Intervention on October 5, 2010, and is a party to this proceeding. On October 6, 2010, Community Action Partnership of Oregon filed a petition to intervene in this proceeding. On October 7, 2010, NWIGU filed a petition to intervene. No objections were voiced to the petitions to intervene at the conference or in writing prior to the expiration of the protest period. The petitions to intervene are therefore granted.

Dated at Salem, Oregon, this 26th day of October, 2010.



Patrick Power  
Administrative Law Judge

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

The 2007 Oregon Legislative Assembly amended the Administrative Procedures Act to require agencies to provide all parties written notice of contested case rights and procedures. Pursuant to 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, Divisions 11-14. 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 counsel. Once a hearing has begun, you will not generally be allowed to request a recess to obtain counsel.

**Administrative Law Judge:** The Commission has delegated the authority to preside over contested cases to its employee Administrative Law Judges (ALJs). The scope an ALJ's authority is defined in OAR 860-012-0035. 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 860-014-0045 to OAR 860-014-0060. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-014-0065 to 860-014-0070.

**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 860-014-0045(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 type of proceeding. *See* OAR 860-014-0035. The burden of presenting evidence to support an allegation or position rests with the proponent of the allegation or position. 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 860-011-0090(2)(e)(C). 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 860-014-0095. You may also file a petition for review with the Court of Appeals within 60 days. *See* ORS 756.610.