

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1394

In the Matter of the)
)
PUBLIC UTILITY COMMISSION OF)
OREGON)
)
Open an investigation into electric companies)
providing Qualified Reporting Entity services)
for certification of renewable energy)
certificates by the Western Renewable)
Energy Generation Information System.)

PREHEARING
CONFERENCE REPORT
&
RULING

DISPOSITION: PETITIONS TO INTERVENE CONDITIONALLY
GRANTED; SCHEDULE ESTABLISHED

On October 21, 2008, a prehearing conference was held in the above-captioned docket. The purpose of the conference was to identify parties, identify issues, establish a procedural schedule, and address any other issues raised.

Identification of Conference Participants

Appearances were entered by Portland General Electric Company (PGE); PacifiCorp, dba Pacific Power (Pacific Power); Idaho Power Company (Idaho Power); the Citizens' Utility Board of Oregon (CUB); the Industrial Customers of Northwest Utilities (ICNU); Exergy Development Group of Idaho (Exergy); Renewable Northwest Project; Iberdrola Renewables, and the Public Utility Commission of Oregon Staff (Staff).

Petitions to Intervene

Prior to the prehearing conference, petitions to intervene were filed by Pacific Power, ICNU, Bonneville Power Administration, PGE, Exergy, and Idaho Power. No person objected to the petitions to intervene. Each of these filings meets the requirements for intervention under OAR 860-012-0001. The petitions are conditionally approved subject to any objections that may be filed during the statutory period for objections.

Procedural Schedule

The following schedule, proposed by the conference participants, is hereby adopted:

Deadline for intervention	October 31, 2008
Utilities file draft tariffs with opening comments on Staff's initial Issues List in the October 7, 2008, Staff Report	November 6, 2008
Workshop (includes preparing Joint Issues List) ¹	November 12, 13, or 14
Joint Issues List to ALJ	November 18, 2008
Opening comments on Joint Issues List (all parties)	December 8, 2008
Reply comments (all parties)	January 7, 2009
Hearing (if necessary)	January 21, 2009
Briefs (if necessary)	TBD

Dated this 22nd day of October, 2008, at Salem, Oregon.

Lisa D. Hardie
Administrative Law Judge

UM 1394, PHC Report/Ruling, 10-22-08

¹ Not part of formal schedule. Staff will provide notice to the parties of the time and location for the workshop.

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.