

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1854

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Application to Lower the Standard Price and  
Standard Contract Eligibility Cap for Solar  
Qualifying Facilities

PREHEARING CONFERENCE  
MEMORANDUM

On July 12, 2017, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of Portland General Electric Company; Industrial Customers of Northwest Utilities (ICNU); Renewable Northwest; Community Renewable Energy Association (CREA); Northwest and Intermountain Power Producers Coalition (NIPPC); Renewable Energy Coalition (Coalition); PacifiCorp, dba Pacific Power; Ken Kaufmann; Cypress Creek Renewables; Pacific Northwest Solar; Obsidian Renewables; and Commission Staff.

**Petitions to Intervene**

Prior to the conference, ICNU, Renewable NW, CREA, NIPPC, the Coalition, and PacifiCorp filed petitions to intervene in this docket. No party attending the conference objected to these petitions. I find that ICNU, Renewable NW, CREA, NIPPC, the Coalition, and PacifiCorp have sufficient interest in the proceeding to participate and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.<sup>1</sup> The petitions to intervene are granted.

**Procedural Schedule**

The parties were unable to agree on a procedural schedule to address PGE's request for interim relief. PGE seeks a fairly expedited schedule, claiming delay will cause substantial and irreparable harm to its customers, while others prefer additional time to conduct discovery in order to respond to what they believe to be a significant request for relief.

In considering the various proposed schedules, I am initially guided by our procedural rules. I treat PGE's motion for interim relief as an application under OAR 860-001-0400, rather than a motion under OAR 860-001-0420. PGE's motion for interim relief was not filed as part of a pending proceeding with an established service list, but rather

---

<sup>1</sup> See OAR 860-001-0300(6).

simultaneously on June 30, 2017, with its application for permanent relief to lower the standard price and standard contract eligibility cap for solar qualifying facilities (QFs).

OAR 860-001-0420 governs applications filed with the Commission. Section (4) provides that, unless otherwise directed by the Commission or administrative law judge (ALJ), an answer to an application may be filed within 20 days of filing. Section (5) provides that a reply to a responsive pleading is not permitted unless otherwise allowed by the Commission or ALJ.

I am also guided by past Commission practice. As discussed at the prehearing conference, both Idaho Power Company and PacifiCorp filed requests seeking interim relief relating to standard contracting with solar QFs. In docket UM 1725 relating to Idaho Power's request, the parties were allowed the opportunity to conduct limited discovery and required to file a response within 33 calendar days. In docket UM 1734 relating to PacifiCorp's request, the parties were not afforded discovery and were required to file a response within 8 calendar days. In both cases, the utility was allowed the opportunity to file a reply to the responses.

Guided by these considerations, I adopt the following schedule. Staff's and Intervenors' responses to PGE's motion for interim relief will be due July 27. This is 27 days after PGE filed its motion, and 20 days after the notice of prehearing conference was issued. PGE will be allowed to file a reply by August 3.

To help facilitate limited discovery, I shorten turn-around on discovery to 3 business days.

Accordingly, the following schedule is adopted:

EVENT	DATE
Staff's and Intervenors' Responses to Motion for Interim Relief	July 27, 2017
PGE's Reply to Responses	August 3, 2017

Parties are encouraged to confer on a schedule to address PGE's request for permanent relief, and to notify me by August 7 whether the parties were able to reach consensus on a schedule or if another prehearing conference is necessary.

Dated this 13<sup>th</sup> day of July, 2017, at Salem, Oregon.



Michael Grant  
Chief Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

## 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 [www.puc.state.or.us](http://www.puc.state.or.us). 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.

**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.

**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.