

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2032

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation Into the Treatment of
Network Upgrade Costs for Qualifying
Facilities.

PREHEARING CONFERENCE
MEMORANDUM

On June 29, 2020, the Public Utility Commission of Oregon held, by telephone, a prehearing conference in this docket. Representatives appeared on behalf of Commission Staff; Portland General Electric Company; PacifiCorp, dba Pacific Power; Idaho Power Company; the Alliance of Western Energy Consumers; the Community Renewable Energy Association; the Northwest & Intermountain Power Producers Coalition (NIPPC); the Renewable Energy Coalition; and NewSun Energy.

Docket Process

Two process questions were raised, oral argument was made, and I ruled, as follows:

1. A question was asked whether the May 22, 2020 ruling adopted Staff's proposed issues list as well as Staff's proposed phrasing of how the issues would be addressed. I clarified that the ruling adopted both.
2. A question was asked about whether the adopted issues should be addressed using a contested case process, or with comments alone. I was persuaded that a contested case process should be used.

Procedural Schedule

The parties proposed a procedural schedule that was taken under advisement. After consultation with relevant calendars, I adopt the following schedule for the docket:

EVENT	DATE
Utilities file Direct Testimony	August 24, 2020
Staff and Intervenors file Response Testimony	October 19, 2020
All Parties file Reply Testimony	November 16, 2020
All Parties file Second Round of Reply Testimony	December 8, 2020

All Parties file Pre-hearing briefs	January 12, 2021
Hearing	January 28, 2021
All Parties file Post Hearing Briefs	February 17, 2021

I make the following notes:

- The parties anticipate holding two technical workshops, but did not establish dates. Dates will be determined at a later date;
- The parties agree that the prehearing briefs will be comprehensive in nature;
- The Utilities request that the Commission schedule oral argument; and
- 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.¹

I request that parties confer following the final round of reply testimony regarding a date to file cross-examination statements and cross-examination exhibits, and that a joint motion be filed requesting the addition of a date to the schedule. The selected date should be at least 10 days before the hearing date.

Dated this 1st day of July, 2020, at Salem, Oregon.



Traci Kirkpatrick
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

¹ 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 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.

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.