

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

DR 10, UE 88, UM 989  
(Remand Proceedings, Phase II)

In the Matters of )  
)  
The Application of Portland General Electric )  
Company for an Investigation into Least Cost )  
Plan Plant Retirement, (DR 10) )  
)  
Revised Tariffs Schedules for Electric )  
Service in Oregon Filed by Portland General )  
Electric Company, (UE 88) )  
)  
Portland General Electric Company's )  
Application for an Accounting Order and for )  
Order Approving Tariff Sheets Implementing )  
Rate Reduction. (UM 989) )

**RULING AND  
CONSOLIDATED PREHEARING  
CONFERENCE MEMORANDUM**

**DISPOSITION: PHASE II SCHEDULE ESTABLISHED**

On May 9, 2007, a consolidated prehearing conference was held in Salem, Oregon. The purpose of the prehearing conference was to establish a procedural schedule for the second phase of the remand proceedings in the above captioned dockets.

The following appearances were made in person: Stephanie Andrus, on behalf of Commission Staff (Staff); Jeanne M. Chamberlain and Jay Dudley, on behalf of the Portland General Electric Company (PGE); Rich Williams, on behalf of Wah Chang; and Katherine McDowell, on behalf of PacifiCorp. The following appearances were made via telephone: Dan Meek, on behalf of the Utility Reform Project (URP); Linda Williams, on behalf of Morgan, Gearhart and Kafoury Brothers, LLC (MGK); David Meyer, on behalf of Avista Utilities; Lowrey Brown, on behalf of the Citizens' Utility Board of Oregon (CUB); and Sarah Adams, on behalf of the Idaho Power Company (Idaho Power).

At the start of the prehearing conference, URP raised issues regarding the mandate in Order No. 07-157, to open a second phase of these remand proceedings. URP was directed to submit a formal, written motion regarding any proposed procedural change to the mandate in Order No. 07-157. With regard to questions by URP and MGK about the intervention of new parties, I clarified that as the first phase of these remand proceedings is currently being held in abeyance, anyone intervening at this time would do so with regard to the second phase. I explained that new interventions in preceding or subsequent phases of these remand proceedings would be addressed at a later time. With regard to URP's request that the issues in a second phase of these remand proceedings be further delineated, prehearing conference participants agreed, after discussion off the record, to allow time in the schedule for an issues list to be developed.

Participants submitted two proposals for a procedural schedule for the second phase. The first proposed schedule, offered by PGE and supported by Staff, CUB, Idaho Power, PacifiCorp and Avista is, as follows:

Issue lists submitted	May 17, 2007
Petitions to intervene due	7 days after ruling on issues list
Simultaneous opening comments due	June 20, 2007
Simultaneous closing comments	July 18, 2007
Oral argument scoping order entered	TBD
Oral argument	August 9, 2007

URP offered a much more expedited schedule, as follows:

Issue lists submitted	May 14, 2007
Petitions to intervene due	7 days after ruling on issues list
Simultaneous opening comments due	May 25, 2007
Simultaneous reply comments due	June 8, 2007
Simultaneous surreply comment due	June 22, 2007
Oral argument	TBD in July

As URP's proposed schedule would alter the date for oral argument requested by the Commissioners in advance of the prehearing conference, I took the proposed schedules under advisement. Before the prehearing conference was adjourned, PacifiCorp stated that it preferred the first proposed schedule because it better accommodated the intervention of new parties by allowing sufficient time for new parties to understand and address the issues.

### Ruling

Order No. 07-157 conveyed an interest in expeditiously addressing the question of whether the Commission's legal authority to engage in retroactive ratemaking, but recognized that, due to the generality and breadth of this issue, input from a wide array of interests is called for. Consequently, I agree with PacifiCorp that it is appropriate to adopt a schedule that allows sufficient time for new parties to fully participate. I note that the majority of prehearing conference participants that were not active in the first phase of these remand proceedings expressed support for the first proposed schedule. I also observe that I find it difficult to adopt, at this time, a schedule that is acknowledged to be expedited, when full development of the issues to be addressed has yet to occur. For these reasons, I adopt the first proposed schedule.

Dated this 10<sup>th</sup> day of May, 2007, at Salem, Oregon.

---

Traci A. G. Kirkpatrick  
Administrative Law Judge