

TAYLOR Annette

From: HARDIE Lisa D.
Sent: Thursday, February 24, 2011 8:46 AM
To: Melinda Davison; bob@oregoncub.org; BIRD Carla; catriona@oregoncub.org; dan@meeek.net; GARCIA Deborah; gordon@oregoncub.org; JONES Jason W; Irion A. Sanger; joelle.steward@pacificorp.com; katherine@mcd-law.com; linda@lindawilliams.net; mjd@dvdllaw.com; oregondockets@pacificorp.com
Cc: TAYLOR Annette; WALLACE Sarah K.; Ellen Blumenthal
Subject: RE: UE 177(4) Hearing

Thank you, Ms. Davison.

Obviously we are happy to go forward with a hearing, but I do have concerns about tomorrow morning given the forecast in Portland and Salem. There's a decent probability the conditions will be dangerous.

If the parties have waived cross in UE 178, one option might be to move the hearing in UE 177 to tomorrow afternoon to give people more time to get to Salem. I'm not sure this would do more than improve our chances slightly, but it would presumably be better than a morning hearing. Can the parties advise whether UE 178 is going to go forward?

Another option would be to move the hearing to next week. I will be out of town next week, but ALJ Wallace would be willing to conduct the hearing on Tuesday, Wednesday, or Friday of next week. If we could keep simultaneous closing briefs scheduled for the week of March 21st, I would be willing to entertain a request to modify the briefing schedule slightly to accommodate a rescheduling of the hearing. (Anything the parties could do to get closing briefs in as early as possible would obviously be helpful, but we could move the date as late as March 25.)

Please discuss this among yourselves and let me know your preference as soon as possible.

Many thanks,
Lisa Hardie

-----Original Message-----

From: Melinda Davison [<mailto:sbvc@comcast.net>]
Sent: Thu 2/24/2011 7:41 AM
To: HARDIE Lisa D.; bob@oregoncub.org; BIRD Carla; catriona@oregoncub.org; dan@meeek.net; GARCIA Deborah; gordon@oregoncub.org; JONES Jason W; Irion A. Sanger; joelle.steward@pacificorp.com; katherine@mcd-law.com; linda@lindawilliams.net; mjd@dvdllaw.com; oregondockets@pacificorp.com
Cc: TAYLOR Annette; WALLACE Sarah K.; Ellen Blumenthal
Subject: RE: UE 177(4) Hearing

Dear Judge Hardie and Parties-

Unfortunately, based on the data responses we received yesterday, ICNU is unable to waive its right to live rebuttal testimony and cross examination of the two witnesses identified in our cross examination statement. We hope to go forward with the hearing tomorrow despite the weather. Judge Hardie, if you plan to reschedule the hearing please let us know as soon as possible as our witness will be getting a plane to Portland in a few hours. Thank you.
Melinda Davison

From: HARDIE Lisa D. [<mailto:lisa.hardie@state.or.us>]
Sent: Wednesday, February 23, 2011 12:25 PM

To: bob@oregoncub.org; BIRD Carla; catriona@oregoncub.org; dan@meeek.net; GARCIA Deborah; gordon@oregoncub.org; JONES Jason W; jcp@dvclaw.com; joelle.steward@pacificcorp.com; katherine@mcd-law.com; linda@lindawilliams.net; mail@dvclaw.com; oregondockets@pacificcorp.com
Cc: TAYLOR Annette; WALLACE Sarah K.
Subject: UE 177(4) Hearing

All -

Due to concerns about the weather, a hearing will only be held if the parties are unable to reach a mutual agreement to waive cross-examination.

If the Commission has factual questions, we will issue a bench request. If we have legal questions, we will request that certain information be addressed in briefs. If either of these requests is necessary, it will be issued no later than Monday, February 28, 2011.

Please note that this same statement was sent out by ALJ Wallace earlier today in docket UE 178(4). I'm making it applicable to docket UE 177(4) as well due to the witness overlap in the two dockets.

Lisa Hardie

Administrative Law Judge

Oregon Public Utility Commission

(503) 378-6106