

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1147

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF)	CLARIFICATION OF
OREGON)	PREHEARING CONFERENCE
)	MEMORANDUM ISSUED
Staff Request to Open an Investigation)	JULY 26, 2004
Related to Deferred Accounting.)	

On July 27, 2004, Staff of the Public Utility Commission of Oregon (Staff) filed a request for clarification of the Prehearing Conference Memorandum (Memorandum) issued in this proceeding on the previous day. The Memorandum schedules two rounds of simultaneous comments. Staff requests further clarification of the scope and purpose of these comments.

I adopted a partial procedural schedule in the Memorandum, rather than establish a full procedural schedule, due to concern that a hybrid format (including comments and a public workshop on policy matters, together with factual testimony and a hearing to develop factual matters) may be too complicated, without greater delineation of the policy and factual matters upfront, to ensure an adequate record on all the issues. Although several prehearing conference participants indicated that factual development of the issues would likely be unnecessary, my initial review of the proposed issues indicates that several of the issues may raise matters of both fact and policy.

I intended parties to use the simultaneous opening comments to begin addressing the merits of the issues, and to also comment on the procedural nature of each issue. Although commenting on the procedural nature of the issues in an expedited manner, as suggested by Staff, has appeal, it may be necessary to comment at length on the substance of each issue before being able to fully identify whether an issue requires the development of factual evidence, or to recognize sub-issues that require factual development. I added a date for the submission of reply simultaneous comments in order to allow parties to respond to comments about the procedural nature of an issue. Parties should limit reply to comments about the procedural nature of issues, and need not submit reply comments if not deemed necessary. I also asked parties to comment on the appropriate procedural process to be implemented to ensure the adequacy and timeliness of this proceeding.

Following submission of these comments and the settlement conference, I expect to establish a full procedural schedule at the status conference. My expectation is that it may be appropriate to phase the proceeding, although I anticipate conducting the phases in a relatively concurrent manner. While proposed procedural steps, such as a public workshop, will be delayed, I anticipate that spending some time upfront to delineate the scope and nature of the issues may ultimately save time in the long run.

The Memorandum is clarified, as follows:

1. The procedural dates set forth in the Memorandum are unchanged; and
2. Simultaneous opening comments should do the following:
 - a. Begin addressing the merits of the ten issues identified in Appendix A of the Memorandum. Comments should identify policy matters raised by the issues and set forth initial positions on those policy matters.
 - b. Discuss whether each issue requires factual development or raises a factual sub-issue.
 - c. Comments should identify when resolution of a policy matter is dependent upon development of facts.
 - d. Discuss the interrelationship of the issues. Do certain issues need to be resolved before others? Do the issues that require early resolution require factual development?
 - e. Recommend a procedural process to adequately develop a record on both facts and policy.
3. Simultaneous reply comments should respond to comments on procedural issues only. Reply comments on the merits should be reserved.

Dated this 28th day of July, 2004, at Salem, Oregon.

Traci A. G. Kirkpatrick
Administrative Law Judge