

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1719

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation to Explore Issues Related to
a Renewable Generator's Contribution to
Capacity.

PREHEARING CONFERENCE
MEMORANDUM

On April 6, 2015, the Public Utility Commission of Oregon held a prehearing conference in this docket. Representatives appeared on behalf of Portland General Electric Company (PGE), PacifiCorp, dba Pacific Power, Idaho Power Company, the Citizens' Utility Board of Oregon (CUB), the Industrial Customers of Northwest Utilities (ICNU), the Oregon Department of Energy (ODOE); Renewable Northwest (Renewable NW), the Renewable Energy Coalition (REC), the Community Renewable Energy Association (CREA), YAM Services, and Commission Staff.

Petitions to Intervene

Before the conference, petitions to intervene were filed by PGE, PacifiCorp, Idaho Power, ICNU, ODOE, Renewable NW, REC, and CREA. CUB filed a notice of intervention as permitted by ORS 774.180. No party attending the conference objected to the petitions. Upon review of the petitions, I find that PGE, PacifiCorp, Idaho Power, ICNU, ODOE, Renewable NW, REC, and CREA have sufficient interest in the proceedings to participate and that their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings.¹ The petitions to intervene are therefore granted.

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*.

Procedural Schedule

At this time, the parties agreed to one procedural event: the parties will hold an informal workshop on May 5, 2015. The parties also suggested a second workshop with Commissioners, which is addressed below.

¹ See OAR 860-001-0300.

Advisory Committee

In Order No. 15-077, the Commission opened this investigation and memorialized a discussion from the March 10, 2015 Public Meeting by directing Staff to develop an advisory committee comprised of experts to provide independent analysis on the methodologies to determine contribution to capacity. At the public meeting, Commissioners suggested that Staff consider an advisory committee similar to PGE's EIM committee.² The Commissioners stated that they would like the advisory committee to take an independent look at the different methodologies. Commissioners suggested Michael Milligan from NREL, a statistician from OSU, an expert from Berkley National Lab, or an expert from the Regulatory Assistance Project. Additional suggestions include experts from the National Regulatory Research Institute, the California Public Utilities Commission, or the Northwest Power and Conservation Council. This is not an exhaustive list.

Also at the public meeting, the Commissioners stated they expected the committee experts would volunteer their time. This guidance has not changed since the public meeting.

Regarding the committee's proposed role in this investigation, the Commission would like the committee to participate in a special public meeting commissioner workshop, which will occur before any testimony is filed. The workshop will be a half-day event for the utilities to discuss their modeling approaches, for Staff and intervenors to ask questions and provide comments, and for the independent experts to answer Commissioners' questions. Possible dates include: June 8, 15, 18, or 22; July 8 or 9; or August 10, 12, 13, 17, 18, or 19. The Commission has not decided whether the committee will have a role in this proceeding beyond the workshop.

Regarding the next procedural steps, Staff should work with the parties to establish the volunteer advisory committee, and select two possible dates from above. Please submit a filing in this docket to allow the Commission to review the committee members and to select the date.

Dated this 13th day of April, 2015, at Salem, Oregon.



Sarah Rowe
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

² Audio of the March 10, 2015 public meeting discussion is available at: <http://www.puc.state.or.us/Pages/meetings/pmemos/2015/031015/agenda.aspx>. See also *In the Matter of Portland General Electric Company 2013 Integrated Resource Plan*, Docket No. LC 56, Order No 14-415 at 11-12 (Dec 2, 2014) (directing PGE to create a steering committee).

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.

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.