

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Portland General Electric Company

Docket No. EL02-114-000  
EL02-114-005

Enron Power Marketing, Inc.

Docket No. EL02-115-001  
EL02-115-006

Docket No. EL03-137-000, *et al.*

ORDER OF CHIEF JUDGE SUSPENDING PROCEDURAL SCHEDULE,  
SEVERING, AND CONSOLIDATING PROCEEDINGS

(Issued October 1, 2003)

1. On September 26, 2003, Portland General Electric Company, Commission trial Staff, the People of the State of California, *ex. rel.* Bill Lockyer, Attorney General, the California Public Utilities Commission, the City of Tacoma, Washington, the Oregon Public Utility Commission, Enron Power Marketing, Inc. (EPMI), Industrial Customer of Northwest Utilities, and Blue Heron Paper Company (the "Movants") filed a Joint Motion to Suspend Procedural Schedule due to the concurrent submission to Presiding Judge Jeffie Massey of an uncontested Offer of Settlement and accompanying Agreement and Stipulation.

2. The Motion also requested severance of all litigation matters set for hearing against EPMI in Docket No. EL02-114-000 and in Docket No. EL02-115-001 from this proceeding and consolidation of those issues into the proceeding in Docket No. EL03-154-000. It is noted that the Joint Motion is expressly conditioned upon the Commission's approval of the Offer of Settlement without condition or modification, or, if conditioned or modified by the Commission, upon the Signatories' acceptance of such conditions and/or modifications. The Offer of Settlement is expressly conditioned upon the Commission's granting this Joint Motion to sever the allegations against EPMI and concerning Portland General Electric Company in Docket No. EL02-114-000 and consolidate them into the pending proceeding in Docket No. EL03-154-000, which is one of the proceedings consolidated in Docket No. EL03-137-000, *et al.*, *American Electric Power Service Corporation, et al.* However, in order that the EPMI parties in Docket Nos. EL02-114-005 and EL02-115-006 not be prejudiced by missing an opportunity to file testimony and other pleadings in EL03-137-000, *et al.*, by the current due dates, the Chief Judge feels that it is in the best interest of the parties and the public if he acts on the severance and consolidation in this order.

3. The Chief Judge finds good cause to suspend the currently established Track II procedural schedule in Docket Nos. EL02-114-000 and Docket No. EL02-115-001 pending consideration of the Offer of Settlement and accompanying Agreement and Stipulation. Accordingly, the procedural schedule established herein, including all Track II dates, is hereby suspended.

4. The Chief Judge hereby severs all litigation issues or matters set for hearing against EPMI from the EL02-114-000 and EL02-115-001 proceeding and consolidates those matters and issues into Docket No. EL03-137-000, *et al.* for hearing and decision. The EPMI issues will be heard under Docket Nos. EL02-114-005 and EL02-115-006. As requested by the Movants in their joint motion, both proceedings will proceed in the same procedural posture, with the same allocation of the burden of proof, and with the same record established in the dockets as of the date of this severance and consolidation.

Curtis L. Wagner, Jr.  
Chief Administrative Law Judge