

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1670**

COLUMBIA BASIN ELECTRIC  
COOPERATIVE, INC.,

Complainant,

v.

PACIFICORP dba PACIFIC POWER,  
NORTH HURLBURT WIND, LLC,  
SOUTH HURLBURT WIND, LLC,  
HORSESHOE BEND WIND, LLC and  
CAITHNESS SHEPHERDS FLAT, LLC,

Defendants.

**PETITION FOR RECONSIDERATION  
OF DEFENDANTS NORTH  
HURLBURT WIND, LLC, SOUTH  
HURLBURT WIND, LLC,  
HORSESHOE BEND WIND, LLC AND  
CAITHNESS SHEPHERDS FLAT, LLC**

## PETITION

Pursuant to ORS 756.561 and OAR 860-001-0720, Defendants North Hurlburt Wind, LLC, South Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC, and Caithness Shepherds Flat, LLC (collectively the “Caithness Defendants”) file this petition for reconsideration of Order No. 15-110 of the Public Utility Commission (the “Commission”) in UM 1670, entered April 10, 2015 (the “Order”). As addressed in more detail below, the Caithness Defendants seek reconsideration of one issue, and solely out of an abundance of caution: the omission of an express statement of dismissal of all claims by petitioner against the Caithness Defendants from Part V of the Commission’s Order. This petition is supported by the memorandum of support below as well as the case file.

### MEMORANDUM IN SUPPORT

On page 10 of the Order, this Commission states: “We dismiss the Territory Allocation claims against the Caithness defendants,” and conclude that “the Caithness defendants have committed no violation.” Order at 10. However, Part V of the Order, while summarizing other determinations within the Order, does not reference the dismissal of the Caithness Defendants.

Given the express statements and analysis by the Commission on Page 10 of the Order, it the Caithness Defendants’ position that a restatement of this determination in Part V is unnecessary. The Caithness Defendants raise the issue for reconsideration solely to inform the Commission of its position, including that the Caithness Defendants have relied on the Commission’s express determinations on Page 10 in not seeking reconsideration or rehearing on any other aspect of the Order.

Consistent with OAR 860-001-0720, the Caithness Defendants provide the following additional information:

**1. The portion of the challenged order that the applicant contends is erroneous or incomplete.**

The Caithness Defendants identify the omission, from the Order's "Part V. Order," of a statement that the Caithness Defendants' motion for summary judgment is granted with respect to denial of all claims by petitioner against the Caithness Defendants.

**2. The portion of the record, laws, rules or policy relied upon to support the application.**

The Caithness Defendants rely on their briefing in support of their motion for summary judgment, as well as the body of the Order, to support this application.

"Part III. Discussion" of the Order itself provides that the Commission "dismiss[es] the Territory Allocation claims against the Caithness defendants." (p. 10). The Order's discussion continues by explaining the reasons for dismissing those claims. *Id.* The Caithness Defendants have the right to rely on that analysis in determining the meaning of the Order, which would otherwise be internally inconsistent.

The record also supports the Caithness Defendants' request. The Caithness Defendants moved for denial of all of petitioner's claims, and the reasons specified in the moving papers support the Commission's decision. *See* Caithness Defendants' Motion for Summary Judgment, Docket # UM 1670 (Oct. 6, 2014).

**3. The change in the order that the Commission is requested to make:**

As noted above, it is the Caithness Defendants' position that no change is necessary to the Order. To the extent the Commission determines on reconsideration that a change in the Order's text is advisable, however, the Caithness Defendants request that the Commission revise its Order to expressly include a statement within Section V ordering the dismissal of the claims against the Caithness Defendants.

**4. How the applicants' requested change in the order will alter the outcome:**

The requested change should have no effect on the outcome of this matter. Given that the body of Commission's Order makes clear the intent to dismiss the claims against the Caithness Defendants, it is the Caithness Defendants' position that the omission of a specific statement in the summary "Part V" of the Order specifying the dismissal is unnecessary, or merely an oversight.

**5. The regulatory grounds for rehearing or reconsideration:**

There is good cause to examine further an issue essential to the decision. The Order is premised on the conclusion that the claims against the Caithness Defendants are dismissed. While the Caithness Defendants recognize that they continue to have a role in this proceeding in order to comply with the Commission's authorization of further proceedings to address petitioner's service to Shepherds Flat South, the dismissal of the claims against the Caithness Defendants minimizes, and arguably moots, the Caithness Defendants' interest in contesting (and ability to contest) a number of the other determinations made by the Commission in its Order.

**CONCLUSION**

For the foregoing reasons, the Caithness Defendants request that this Commission grant the Caithness Defendants' petition for reconsideration.

DATED this 9th of June, 2015.

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**CERTIFICATE OF FILING AND SERVICE**

**Docket No. UM 1670**

I hereby certify that on the date given below the original of the foregoing **PETITION FOR RECONSIDERATION OF DEFENDANTS NORTH HURLBURT WIND, LLC, SOUTH HURLBURT WIND, LLC, HORSESHOE BEND WIND, LLC AND CAITHNESS SHEPHERDS FLAT, LLC** was sent by first-class mail, and a copy sent by email, to:

Public Utility Commission of Oregon  
3930 Fairview Industrial Drive SE  
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On the same date, a true and correct copy of the foregoing document was sent to the following parties at the contact information as indicated on the attached Service List as follows:

by electronic mail on the date set forth below; and/or

by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said party's last-known address and deposited in the U.S. Mail at Portland, Oregon on the date set forth below.

DATED this 9th day of June, 2015.

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**UM 1670  
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