

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1742

SURPRISE VALLEY ELECTRIFICATION
CORP.

Complainant

vs.

PACIFICORP, dba PACIFIC POWER

Defendant.

RULING

DISPOSITION: MOTION TO COMPEL GRANTED

In its motion, Surprise Valley Electrification Corp. (Surprise Valley) requests that PacifiCorp, dba Pacific Power, be ordered to provide complete responses to data requests 1.7, 1.8, 1.9, 1.24, 1.26, 1.29, 1.31, 1.47, and 1.48(b). In its response, PacifiCorp states that it has provided supplemental responses to date requests 1.9, 1.28, and 1.35. In addition, PacifiCorp states that it has agreed to provide responses to data requests 1.24, 1.26, and 1.31. Thus, in this ruling I address the motion with respect to data requests 1.29, 1.7, 1.8, 1.47, and 1.48(b).

The legal standard for discovery, as summarized in Surprise Valley's motion and acknowledged in PacifiCorp's response, is whether the information sought is relevant. OAR 860-001-0450(1) provides that relevant evidence must: (a) tend to make the existence of any fact at issue in the proceedings more or less probable than it would be without the evidence; and (b) be of the type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs.

I grant the motion with respect to data requests 1.7 and 1.8, in which Surprise Valley seeks to discover information regarding PacifiCorp's companywide QF purchase power agreements (PPAs). I am not persuaded that discovery should be limited to information relating only to PacifiCorp's Oregon QFs. The requested documents are relevant to PacifiCorp's claim that it cannot accept Surprise Valley's output through displacement and assertion that Surprise Valley has not provided a viable method for transmitting the Paisley Project's net output. Surprise Valley is entitled to investigate whether PacifiCorp has been willing to accept power delivered through displacement with other qualifying facilities, as well as whether the company has agreed to any unique delivery arrangements in its other contracts.

I also grant the motion with regard to data request 1.47, in which Surprise Valley seeks information related to PacifiCorp's transmission function and its network transmission service under its Open Access Transmission Tariff (OATT). PacifiCorp is correct that Surprise Valley's complaint arose from its effort to obtain a PPA, but the company's defense that its transmission function lacks the capability to accept the entire net output makes Surprise Valley's data request 1.47 relevant to this proceeding.

Finally, I also grant the motion with regard to data requests 1.29 and 1.48(b). PacifiCorp again argues that discovery should be limited to Oregon QFs. Again I find that the scope of this complaint raises issues also related to PacifiCorp's relationships with its non-QF generators, so that the discovery should be allowed.

Accordingly, PacifiCorp is directed to fully respond to Surprise Valley's data requests 1.29, 1.7, 1.8, 1.47, and 1.48(b).

Dated this 19th day of November, 2015 at Salem, Oregon.



Michael Grant
Chief Administrative Law Judge