

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1805

NORTHWEST AND INTERMOUNTAIN)	
POWER PRODUCERS COALITION,)	
COMMUNITY RENEWABLE ENERGY)	
ASSOCIATION and RENEWABLE	)	JOINT RESPONSE TO PORTLAND
ENERGY COALITION,	)	GENERAL ELECTRIC COMPANY’S
	)	EXPEDITED REQUEST FOR STAY
Complainants,	)	BY DAYTON SOLAR I LLC,
	)	STARVATION SOLAR I LLC, TYGH
v.	)	VALLEY SOLAR I LLC, WASCO
	)	SOLAR I LLC, FORT ROCK SOLAR
PORTLAND GENERAL ELECTRIC	)	I LLC, FORT ROCK SOLAR II LLC,
COMPANY,	)	ALFALFA SOLAR I LLC, FORT
	)	ROCK SOLAR IV LLC, HARNEY
Defendant.	)	SOLAR I LLC, AND RILEY SOLAR I
	)	LLC

Dayton Solar I LLC, Starvation Solar I LLC, Tygh Valley Solar I LLC, Wasco Solar I LLC, Fort Rock Solar I LLC, Fort Rock Solar II LLC, Alfalfa Solar I LLC, Fort Rock Solar IV LLC, Harney Solar I LLC, and Riley Solar I LLC (collectively the “NewSun Solar Projects”) hereby submit their response in opposition to Portland General Electric Company’s (“PGE”) request for an expedited stay of Complainants’ motion for clarification and rehearing or reconsideration and NewSun Solar Projects’ motion for clarification and rehearing or reconsideration. The Public Utility Commission of Oregon (“Commission” or “OPUC”) should deny PGE’s request for a stay.

PGE asks for an “immediate” stay of its opportunity to file a response to the Complainants’ and the NewSun Solar Projects’ two separate motions for clarification and applications for rehearing or reconsideration. *PGE’s Request for Stay of Time to Respond* at 3. The NewSun Solar Projects oppose PGE’s request for a stay.

The entire premise of PGE’s request is that the NewSun Solar Projects should be denied intervention to this proceeding. The NewSun Solar Projects disagree. As allowed by the Commission’s rules, the NewSun Solar Projects intend to file a reply to PGE’s meritless objection to the NewSun Solar Projects’ petition to intervene to obtain correction of Order No. 17-256, which PGE now confirms it will otherwise use as a sword against the NewSun Solar Projects. *See* OAR 860-001-0300(5) (reply allowed within 7 days of objection).

There are numerous reasons that PGE’s emergency request for immediate relief should be denied, but the most obvious is that PGE provides no basis to place a stay on the deadline for PGE to respond to the Complainants’ motion for clarification and rehearing or reconsideration, which essentially presents the same arguments as the NewSun Solar Projects’ filing. In fact, PGE’s filing even acknowledges that Complainants’ application for rehearing or reconsideration adopts and incorporates the arguments made by the NewSun Solar Projects in their application for rehearing or reconsideration, regarding the 2015 Standard Renewable Contract Form (approved by Order No. 15-289). Rather than reproduce the identical arguments of the NewSun Solar Projects on those points, Complainants adopted those arguments that already exist in the record – a common practice in courts and commissions that saves the Commission the burden of reading the same exact arguments made by aligned parties. Thus, PGE’s objection to responding

to the substance of the NewSun Solar Projects' application for rehearing or reconsideration is mooted by the fact that PGE will have to respond to the same arguments that are made a part of the Complainants' application for rehearing or reconsideration.

Furthermore, if the NewSun Solar Projects' application for rehearing and reconsideration simply rehashes arguments that PGE has already defeated with regard to the 2015 Standard Renewable Contract Form, as PGE asserts, then PGE should have little trouble responding within the 15-day deadline.

Finally, although not mentioned in PGE's emergency request, counsel for the NewSun Solar Projects communicated to PGE that they would not object to a reasonable extension of time for PGE's response, provided that the NewSun Solar Projects be provided the opportunity to file a reply if necessary to respond to new information or arguments in PGE's response. In any event, the NewSun Solar Projects are available for a telephonic conference on September 20, 2017, as PGE suggests might be necessary.

RESPECTFULLY SUBMITTED this 20th day of September 2017.

RICHARDSON ADAMS, PLLC

/s/ Gregory M. Adams

Gregory M. Adams (OSB No. 101779)
515 N. 27th Street
Boise, Idaho 83702
Telephone: 208-938-2236
Fax: 208-938-7904
greg@richardsonadams.com
Of Attorneys for Dayton Solar I LLC,
Starvation Solar I LLC, Tygh Valley Solar I
LLC, Wasco Solar I LLC, Fort Rock Solar I
LLC, Fort Rock Solar II LLC, Alfalfa Solar
I LLC, Fort Rock Solar IV LLC, Harney
Solar I LLC, and Riley Solar I LLC