

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1805

NORTHWEST AND INTERMOUNTAIN	)	EXPEDITED TREATMENT
POWER PRODUCERS COALITION,	)	REQUESTED
COMMUNITY RENEWABLE ENERGY)	
ASSOCIATION and RENEWABLE	)	JOINT MOTION FOR EXTENSION
ENERGY COALITION,	)	OF TIME TO FILE REPLY TO
	)	PORTLAND GENERAL ELECTRIC
Complainants,	)	COMPANY’S OBJECTION TO THE
	)	JOINT PETITION TO INTERVENE
v.	)	OF DAYTON SOLAR I LLC,
	)	STARVATION SOLAR I LLC, TYGH
PORTLAND GENERAL ELECTRIC	)	VALLEY SOLAR I LLC, WASCO
COMPANY,	)	SOLAR I LLC, FORT ROCK SOLAR
	)	I LLC, FORT ROCK SOLAR II LLC,
Defendant.	)	ALFALFA SOLAR I LLC, FORT
	)	ROCK SOLAR IV LLC, HARNEY
	)	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 request an extension of time to file a reply to Portland General Electric Company’s (“PGE”) objection to the NewSun Solar Projects’ joint petition to intervene. For the reasons stated below, the NewSun Solar Projects respectfully request that Administrative Law Judge (“ALJ”) Allan Arlow issue a ruling that the NewSun Solar Projects may file a reply to PGE’s objection on or before Monday, October 2, 2017.

BACKGROUND

On September 8, 2017, the NewSun Solar Projects filed a joint petition to intervene out of time in this proceeding, and concurrently filed a motion for clarification and application for rehearing or reconsideration of Order No. 17-256. On September 18, 2017, PGE filed an objection the NewSun Solar Projects' petition to intervene out of time.

Under the Public Utility Commission of Oregon's ("OPUC") administrative rules, the NewSun Solar Projects would ordinarily be allowed to reply to PGE's objection within seven days of the objection, which in this case would have been on September 25, 2017. OAR 860-001-0300(5). The NewSun Solar Projects had intended to file such a reply on or before the due date and were actively engaged in preparing such reply shortly after PGE filed its objection.

On September 20, 2017, ALJ Arlow issued a ruling that stated: "I grant Petitioners' petition to intervene out of time." *See ALJ Ruling* at 1 (Sept. 20, 2017). The NewSolar Projects did not complete and file their reply to PGE's objection because the ruling granting intervention mooted the need for a reply to the objection to intervention.

However, on September 26, 2017, ALJ Arlow issued an Erratum to the September 20, 2017 ruling, which deleted the paragraph of the September 20, 2017 ruling that stated intervention was granted. The September 26, 2017 Erratum indicated that the joint petition to intervene is still pending consideration. The Erratum does not set a deadline for reply to PGE's objection.

REQUEST FOR EXTENSION OF TIME

At this point, the NewSun Solar Projects still intend to file a reply to PGE's objection the joint petition to intervene, as ordinarily allowed by the administrative rules. The NewSun Solar Projects intend to make such filing as expeditiously as possible. However, given the circumstances, the NewSun Solar Projects propose that the new due date for a reply to PGE's objection be Monday,

October 2, 2017, which is the date that would apply if the deadline is tolled during the days between the rulings issued on September 20, 2017 and September 26, 2017, or if the five days that remained until the initial due date at the time of September 20, 2017 ruling begin to run again after issuance of the September 26, 2017 Erratum.

Given the impending deadlines, the NewSun Solar Projects request expedited treatment of this request, and do not believe there is any need for responses to this procedural request. Counsel for the NewSun Solar Projects has contacted counsel for the other parties to this proceeding. The Complainants and Renewable Northwest support the request for extension of time, and PGE and Staff do not object to the request for extension of time.

For the reasons set forth herein, the NewSun Solar Projects respectfully request that ALJ Allan Arlow issue a ruling that the NewSun Solar Projects may file a reply to PGE's objection on or before Monday, October 2, 2017.

Dated September 27, 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