



Portland General Electric Company
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V. Denise Saunders
Associate General Counsel

September 19, 2017

Via Electronic Filing

Public Utility Commission of Oregon
Filing Center
201 High St SE, Suite 100
PO Box 1088
Salem OR 97308-1088

Re: UM 1805 – Northwest and Intermountain Power Producers Coalition, Community Renewable Energy Association, and Renewable Energy Coalition, Complainants vs. Portland General Electric Company, Defendant

Attention Filing Center:

Enclosed for filing in Docket UM 1805 is Portland General Electric Company's Request for Stay of Time to respond with expedited consideration requested.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "V. Denise Saunders". The signature is written in a cursive, flowing style.

V. Denise Saunders
Associate General Counsel

VDS:bop

Enclosure

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1805

NORTHWEST AND INTERMOUNTAIN
POWER PRODUCERS COALITION;
COMMUNITY RENEWABLE ENERGY
ASSOCIATION and RENEWABLE ENERGY
COALITION,

Complainants,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

**PORTLAND GENERAL ELECTRIC
COMPANY’S REQUEST TO STAY
RESPONSE TO PETITIONERS’ JOINT
MOTION FOR CLARIFICATION AND
APPLICATION FOR REHEARING OR
RECONSIDERATION AND
COMPLAINANT’S PETITION FOR
CLARIFICATION AND APPLICATION
FOR REHEARING OR
RECONSIDERATION UNTIL
PETITIONERS’ JOINT PETITION TO
INTERVENE OUT OF TIME IS
RESOLVED**

**EXPEDITED CONSIDERATION
REQUESTED**

Portland General Electric Company (“PGE”) respectfully requests that Administrative Law Judge (“ALJ”) Allan J. Arlow issue an immediate ruling staying the period for PGE to respond to the joint motion for clarification and application for rehearing or reconsideration filed September 8, 2017 (“Application”), until after the Public Utility Commission of Oregon (“Commission”) has ruled on the related joint petition to intervene out of time filed on September 8, 2017 (“Petition”). PGE requests an expedited ruling as PGE’s response is due September 25, 2017.

On September 8, 2017, ten qualifying facilities (“QFs”) jointly filed the Petition and the Application in this proceeding. The ten QFs are: 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, “Petitioners”).

The Petitioners seek to intervene in this proceeding out of time. PGE has filed timely objections to the late intervention contemporaneous with this motion.

A response to Petitioners' Application is due September 25, 2017. The Application makes extensive arguments regarding the interpretation of PGE's prior standard contract forms and regarding the ten executed contracts to which Petitioners are parties. In its objection to the petition to intervene out of time, PGE has argued that it is inappropriate to grant Petitioners late intervention and inappropriate to allow Petitioners to use a motion for clarification or request for rehearing to re-litigate the issues already decided in Docket No. UM 1805.

Responding to the arguments raised in the September 8, 2017 Application is a significant undertaking. The Application raises variations on arguments that were previously raised by Complainants in Docket UM 1805 and which required many weeks to fully brief. The Application may also raise new arguments regarding the Petitioners' ten specific, executed contracts. PGE submits that it is inappropriate to require PGE to expend the considerable resources required to respond to the Application *before* the Commission has decided whether to grant or deny the petition to intervene out of time.

In addition, it is inappropriate to require PGE to respond to the substance of Petitioners' Application when that Application appears to be time-barred on its face. Under ORS 756.561 a request for rehearing or reconsideration of a Commission order must be filed *by a party* within 60 days of the date of service of the order. There is no provision for a non-party to file an effective request for rehearing or reconsideration.

In this case, non-party Petitioners seek rehearing or reconsideration of Commission Order No. 17-256, which was issued on July 13, 2017. The sixty-day deadline to seek rehearing or reconsideration of Order No. 17-256 ran on September 11, 2017. Petitioners were not parties to

Docket No. UM 1805 on or before September 11, 2017. It is therefore not possible for Petitioners to file an effective request for rehearing or reconsideration of Order No. 17-256.

PGE should not be required to expend the considerable resources required to develop a substantive response to Petitioners' Application unless and until: (a) the Commission has granted Petitioners' joint petition to intervene out of time; and (b) the Commission has ruled on the limited question of whether Petitioners' September 8, 2017 Application can be considered a timely and effective request for rehearing or reconsideration when the Petitioners were not parties on or before September 11, 2017.

PGE requests that the Commission or ALJ Arlow issue an immediate procedural ruling staying the period for PGE to respond to the Application until after the Commission has ruled on the Petition. If the Petition is denied, it will be unnecessary for PGE to respond to the Application. If the Petition is granted, then PGE requests that the Commission allow PGE to file a response to the Application within 15 days of the order granting the Petition.

In the absence of a ruling on this motion, PGE must file a response to Petitioners' Application on Monday, September 25, 2017. Because of the short timeline involved, PGE respectfully requests that ALJ Arlow provide expedited consideration of this request. PGE is available for a telephone conference September 20, 2017, to discuss this request but believes ALJ Arlow can grant the request regarding the schedule in UM 1805 without the need for a telephone conference.

PGE further requests that ALJ Arlow stay the period for PGE to respond to the petition for clarification and application for rehearing or reconsideration filed by Complainants on September 11, 2018 ("Complainants' Request for Rehearing"). Complainants have incorporated by reference the arguments in Petitioners' Application. In the interest of administrative

efficiency, PGE should not be required to respond to Complainants' Request for Rehearing, which purports to incorporate Petitioners' arguments, until after the Commission has ruled on whether the Petitioners will be granted party status out of time. PGE respectfully request that its September 26, 2017 deadline to respond to Complainants' Request for Rehearing be stayed pending resolution of whether Petitioners will be allowed to intervene out of time.

Counsel for PGE discussed a stay of its deadline to respond to Petitioners' Application with counsel for Petitioners but was unable to reach agreement regarding such a stay.

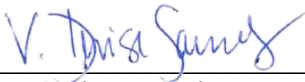
Counsel for PGE has also discussed a stay with counsel for Complainants. Complainants have filed a petition for clarification and an application for rehearing or reconsideration. Complainants' request for rehearing simply incorporates Petitioners' arguments by reference. Complainants' petition for clarification raises original arguments. PGE has proposed that its deadline to respond to Complainants' request for rehearing or reconsideration be stayed until after the Commission rules on Petitioners' intervention request. PGE has proposed that it respond to Complainants' petition for clarification by October 10, 2017. Complainants are not willing to agree to this proposal.

Therefore, PGE respectfully requests that the ALJ issue an immediate ruling: (1) staying the period for PGE to respond to the Application filed September 8, 2017 until after the Commission has ruled on the related joint petition to intervene out of time filed on September 8, 2017, and PGE's objection thereto; (2) similarly staying the period for PGE to respond to the Complainants' request for rehearing or reconsideration (which simply incorporates Petitioners' Application by reference) until the Commission has ruled on the joint petition to intervene out of

time; and (3) extending the time for PGE to respond to Complainants' petition for clarification to October 10, 2017.

Dated this 19th day of September 2017.

Respectfully submitted,



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