

KINDLEY LAW, PC

RAYMOND S. KINDLEY

ADMITTED IN OREGON AND WASHINGTON

June 9, 2017

Via Electronic Mail

Public Utility Commission
Attn: Filing Center
201 High St. S.E., Suite 100
P.O. Box 1088
Salem, OR 97308-1088

Re: UM 1823 Columbia Basin Electric Cooperative v. Umatilla Electric Cooperative

Dear Filing Center:

Please find attached Columbia Basin Electric Cooperative's Motion to Amend Procedural Schedule in UM 1823. This motion was filed at the Commission's filing center email address puc.filingcenter@state.or.gov.

Thank you for your assistance.

Sincerely,

/s/ Raymond S. Kindley
Raymond S. Kindley
KINDLEY LAW, P.C.
Of attorneys for Columbia Basin
Electric Cooperative, Inc.

Attachments

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 **UM 1823**

4 In the Matter of the Complaint of
5 COLUMBIA BASIN ELECTRIC
6 COOPERATIVE, INC.,
7 against
8 UMATILLA ELECTRIC COOPERATIVE,
9 Pursuant to ORS 756.500

**COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC.'S MOTION TO
AMEND THE PROCEDURAL
SCHEDULE**
**[EXPEDITED CONSIDERATION
REQUESTED]**

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11 Pursuant to OAR 860-001-0420 Columbia Basin Electric Cooperative (Columbia Basin)
12 respectfully requests to amend the procedural schedule in this docket to allow for resolution of
13 the pending discovery dispute and time for the parties to more fully develop the record.

14 Columbia Basin has conferred with the parties to this proceeding. Umatilla Electric Cooperative
15 (Umatilla) and Wheatridge Wind Energy (Wheatridge) oppose this motion. The Public Utility
16 Commission of Oregon Staff (Staff) notified Columbia Basin that it would not take a position on
17 this motion.

18 Columbia Basin requires additional time to complete discovery in this proceeding.
19 Currently, Columbia Basin has a pending motion to compel, which concerns issues with
20 discovery from both Umatilla and Wheatridge. These parties have failed to provide timely data
21 responses and responses that are correlated to specific data requests. They also have declined
22 to produce certain responses on relevancy grounds. Their actions have delayed and prejudiced
23 Columbia Basin's discovery efforts. As of the filing of this motion, Columbia Basin's motion to
24 compel has not been ruled upon, and the ultimate ruling may affect future discovery in this
25 proceeding.
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1 Additionally, Wheatridge recently notified the parties that the ownership of the
2 Wheatridge project has changed and that Wheatridge intends to self-supply station service.
3 These recently changed circumstances necessitate additional discovery for Columbia Basin to
4 thoroughly understand the facts underpinning its claims and Umatilla’s defenses. Columbia
5 Basin already has requested additional discovery but does not anticipate that it will have
6 adequate time to receive and review responses and draft its testimony by the June-19 deadline.
7 And if the data responses raise additional questions or fail to fully inform Columbia Basin about
8 the necessary facts, another round of data requests may be necessary. Assuming the parties
9 provide prompt responses to current and future data requests and that the motion to compel is
10 resolved, Columbia Basin anticipates that it will be able to complete discovery and file its
11 testimony if the procedural schedule in this case is set back by approximately one month.

12 Therefore, Columbia Basin requests that the current procedural schedule be amended
13 as set forth below:

14	EVENT	DATE
15	Columbia Basin Initial Testimony	July 24, 2017
16	UEC, Wheatridge and Staff Reply Testimony	August 21, 2017
17	Columbia Basin Reply Testimony	September 1, 2017
18	All-Party Cross-Examination Statements	September 8, 2017

19 Columbia Basin requests that the hearing date be rescheduled to a date later in
20 September in accordance with the availability of the Commission, the ALJ, and the parties.

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1 Columbia Basin respectfully requests expedited consideration of this motion given the
2 fast-approaching, June-19 deadline for Columbia Basin to file its testimony. Absent expedited
3 consideration, Columbia Basin would need to file its testimony prior a decision on this motion.
4 Columbia Basin respectfully requests the parties filing responses to this motion file such
5 responses no later than June 14, 2017, and that a decision be issued prior to June 19, 2017.

6
7 DATED: June 9, 2017.

Respectfully submitted

8 By /s/ Raymond S. Kindley
9 Raymond S. Kindley, OSB 964910
10 Kindley Law, PC
11 Email: kindleylaw@comcast.net
12 Tel: (503) 206-1010

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Of Attorneys for Columbia Basin Electric
Cooperative, Inc.

CERTIFICATE OF FILING

I hereby certify that on June 9, 2017, on behalf of Columbia Basin Electric Cooperative, Inc. I filed the foregoing COLUMBIA BASIN ELECTRIC COOPERATIVE INC.'S TO AMEND PROCEDURAL SCHEDULE in UM 1823 with the Public Utility Commission; Att'n Filing Center, by electronic transmission to puc.filingcenter@state.or.gov.

By /s/ Raymond S. Kindley

Raymond S. Kindley, OSB No. 964910

KINDLEY LAW PC

Email: kindleylaw@comcast.net

Tel: (503) 206-1010

Of Attorneys for Complainant

Columbia Basin Electric Cooperative, Inc.