

KINDLEY LAW, PC

RAYMOND S. KINDLEY

ADMITTED IN OREGON AND WASHINGTON

May 5, 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 enclosed Columbia Basin Electric Cooperative's Motion to Compel in UM 1823 filed pursuant to OAR 860-001-0420(1). 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.

Enclosures

CERTIFICATE OF FILING

I hereby certify that on May 5, 2017, on behalf of Columbia Basin Electric Cooperative, Inc. I filed the foregoing COLUMBIA BASIN ELECTRIC COOPERATIVE INC.'S MOTION TO COMPEL 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.

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,
Pursuant to ORS 756.500

**COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC.'S MOTION TO
COMPEL**

9 **I. Introduction**

10 Pursuant to OAR 860-001-0500(7), Columbia Basin Electric Cooperative (Columbia
11 Basin) moves to compel Umatilla Electric Cooperative (Umatilla) and Wheatridge Wind Energy
12 (Wheatridge) to produce timely and complete responses to Columbia Basin's data requests and
13 to indicate with specificity to which data request the documents they have produced respond.

14 Columbia Basin certifies that, as required by OAR 860-001-0500(7), the parties have
15 conferred but have been unable to resolve the dispute. The parties have exchanged numerous
16 emails regarding discovery issues, and although Umatilla has taken some steps to designate
17 what it has produced, the essence of Columbia Basin's concerns remains unaddressed. See
18 Exhibit G. In fact, Wheatridge still has yet to produce a single responsive document.

19 It has become apparent that the parties differ significantly in their interpretations of
20 fundamental provisions in the discovery rules, and the discovery process would be greatly aided
21 by an order from the Administrative Law Judge (ALJ) bringing clarity to these issues. Therefore,
22 for the reasons explained below, Columbia Basin respectfully requests that its motion to compel
23 be granted.

24 **II. Background**

25 On January 13, 2017, Columbia Basin initiated this case against Umatilla. Columbia
26 Basin alleges that Umatilla is providing or offering to provide electric service to the Wheatridge

1 Wind Project and Willow Creek Dairy in Columbia Basin’s exclusive service territory, in violation
2 of Oregon law. On February 10, 2017, Umatilla moved to bifurcate the case and separate the
3 claims regarding Wheatridge from those regarding Willow Creek. The motion to bifurcate was
4 granted on March 20, 2017, at which point discovery was ongoing. The Wheatridge claims now
5 reside in docket number UM 1823, and the Willow Creek Dairy claims are in docket number UM
6 1818.

7 **A. Discovery Involving Umatilla**

8 On March 7, 2017, Columbia Basin sent its first set of data requests (DRs) to Umatilla
9 regarding both the Wheatridge and Willow Creek issues. See Exhibit A. On March 20, 2017,
10 Umatilla responded to Columbia Basin’s first set of data requests with a document that (1)
11 stated general objections applicable to all requests; (2) stated specific objections to DRs 1–3, 9,
12 12–16, 21, 23, and 24; and (3) indicated that Umatilla would conduct “a search of reasonable
13 scope” and then produce any documents responsive to DRs 4–8, 10, 11, 17–22, and 24. See
14 Exhibit B. Umatilla’s response seemed to indicate that it did not intend to produce documents
15 responsive to DRs 1–3, 9, 12–16, and 23.

16 On March 28, Columbia Basin received a disk from Umatilla, which apparently contained
17 responsive documents, but the disk was corrupted and unreadable. On April 7, Columbia Basin
18 emailed Umatilla to ask for a new disk, explain why Umatilla’s objections to DRs 1–3, 9, 12–16,
19 and 23 were incorrect, and request that Umatilla respond to these DRs. Umatilla responded by
20 sending a new copy of the first disk as well as a second disk with additional production. In
21 response to Columbia Basin’s arguments, Umatilla stated that it maintained its objections, but
22 without waiving them, would now provide documents responsive to DRs 1–3, 9, 12–14, 16, and
23 23. Umatilla also stated that Columbia Basin’s DR 15 needed to be narrowed and that it would
24 provide confidential documents once Columbia Basin was bound by the protective order.

25 Columbia Basin sent its second set of DRs to Umatilla on April 11. See Exhibit C.
26 Umatilla’s response—dated and mailed on April 20 and received by Columbia Basin on April

1 24—again objected and stated what Umatilla would produce but did not include any responsive
2 documents. See Exhibit D. In the second set of DRs, Umatilla specifically objected to DRs 27,
3 29–34, 36–37, 40–41. Umatilla stated it would provide responsive documents for DRs 25–33,
4 35, 37–38, and 40, and it provided narrative responses to DRs 39 and 43.

5 On May 1, Columbia Basin contacted Umatilla to inquire about the status of the
6 responsive documents and to request that they be provided by noon on May 2. In the evening
7 on May 2, Umatilla informed Columbia Basin that it would upload responsive documents to the
8 Huddle discovery platform as soon as the appropriate folders had been prepared by the
9 Commission administrators of Huddle. On May 3, Columbia Basin again emailed Umatilla and
10 reiterated that the timing of Umatilla’s discovery responses thus far had been inadequate, that
11 Umatilla’s refusal to separate documents by DR was unacceptable, and that Umatilla still had
12 not fully responded to several DRs. In addition to these general concerns explained in the
13 email, Columbia Basin also attached a list of 12 specific issues regarding Umatilla’s production
14 of documents and Columbia Basin’s position on each issue. Umatilla responded by requesting
15 that the parties engage in a discovery conference with the ALJ and then promptly emailed the
16 ALJ to inquire about availability. Subsequently, the ALJ issued a memorandum outlining the
17 possibilities for resolving the discovery disputes and asked the parties to attempt to agree on an
18 approach. Umatilla stated that it would like to confer via phone, but Columbia Basin stated that
19 it preferred to confer in writing and requested written responses to the issues it had raised.
20 Umatilla responded that it believes it has provided written responses and would like to meet.

21 Both sets of Columbia Basin’s DRs specifically stated that responsive documents should
22 be “segregated and designated as responsive to a particular request or to particular requests.”
23 Commission Staff’s recent data request also includes this requirement. However, many of the
24 documents Umatilla provided, first on disks and later via Huddle, were labeled only with Bates
25 numbers and contained no organization or labels indicating to which DR(s) each document was
26 responsive. It was therefore extremely difficult to determine to which DRs the approximately

1 2000 pages of documents produced were responsive. When Columbia Basin raised this issue,
 2 Umatilla responded with a note that stated one 89-page document (labeled UEC002002-
 3 UEC002091) contained documents responsive to DRs 4, 25, 26, 28–30, 32, 37, and 40. Finally,
 4 on May 3, Umatilla began uploading documents to Huddle with labels to indicate that they
 5 address a particular DR or group of DRs. However, only DRs 4, 5-7, 10, 12-13, 16, and 18 had
 6 been separately uploaded as of the time of this filing, and these DRs do not reflect all of the
 7 DRs to which Umatilla has indicated it intends to produce responsive documents.

8 **B. Table Summarizing Current Status of Umatilla Discovery**

9 This table summarizes, to the best of Columbia Basin’s knowledge, the current status of
 10 each DR Columbia Basin has sent to Umatilla (note the DRs marked by an asterisk relate to
 11 Willow Creek Dairy):

12

DR	Status
13 1	UEC objected initially but in response to CBEC’s follow-up email, UEC stated it maintained its objections but “will provide some documents responsive to” DRs 1-3. On 5/4, UEC uploaded a document called “DRs 1-3”
14 2	UEC objected initially but in response to CBEC’s follow-up email, UEC stated it maintained its objections but “will provide some documents responsive to” DRs 1-3. On 5/4, UEC uploaded a document called “DRs 1-3”
15 3	UEC objected initially but in response to CBEC’s follow-up email, UEC stated it maintained its objections but “will provide some documents responsive to” DRs 1-3. On 5/4, UEC uploaded a document called “DRs 1-3”
16 4	UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR4, and to several other DRs. On 5/4, UEC uploaded a document entitled “DR 4 et al,” which it indicated responds to 9 DRs, including DR 4.
17 5	On 4/28 UEC uploaded a 226-page document to Huddle and indicated it was responsive to DRs 5-7. UEC uploaded a document called “DRs 5-7” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3, and also added a new document called “DRs 5-7”
18 6	On 4/28 UEC uploaded a 226-page document to Huddle and indicated it was responsive to DRs 5-7. UEC uploaded a document called “DRs 5-7” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3, and also added a new document called “DRs 5-7”
19 7	On 4/28 UEC uploaded a 226-page document to Huddle and indicated it was responsive to DRs 5-7. UEC uploaded a document called “DRs 5-7” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3, and also added a new document called “DRs 5-7”
20 8	UEC stated in its answer that it will produce any responsive documents, but CBEC is

1		not aware that UEC has provided any responsive documents to date.
2	9	UEC objected initially and again via email and has stated that the documents it produced initially “are the only documents that UEC has to provide.” UEC has not uploaded anything to Huddle for this DR.
3	10	UEC uploaded a document labeled “DR 10” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3
4	11	UEC stated in its answer that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date
5	12	UEC objected initially but in response to CBEC’s follow-up email, UEC stated it maintained its objections but “will provide documents responsive to” DRs 12 and 13.
6		UEC uploaded a document labeled “DRs 12 and 13” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3
7	13	UEC objected initially but in response to CBEC’s follow-up email, UEC stated it maintained its objections but “will provide documents responsive to” DRs 12 and 13.
8		UEC uploaded a document labeled “DRs 12 and 13” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3
9	14	UEC objected initially and again in response to CBEC’s follow-up email, and stated “UEC is providing a significant number of documents that show the planned location and alternative locations considered.”
10		
11	15	UEC objected initially and again in response to CBEC’s follow-up email. UEC insists that this request be narrowed so it can conduct a reasonable search.
12	16	UEC objected initially but in response to CBEC’s follow-up email, UEC stated it maintained its objections but “will provide documents responsive to this request.” UEC uploaded a document labeled “DR 16” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3
13		
14	17	UEC stated in its answer that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
15	18	UEC stated in its answer that it will produce any responsive documents, and it uploaded a document labeled “DR 18” to the Huddle folder “Responses Produced Prior to Huddle” on 5/3
16		
17	19*	UEC stated in its answer that it will produce any responsive documents, and it uploaded a document labeled “DRs 19-21 (Huddle Version)” to the Huddle folder “Responses Produced Prior to Huddle” on 5/4
18		
19	20*	UEC stated in its answer that it will produce any responsive documents, and it uploaded a document labeled “DRs 19-21 (Huddle Version)” to the Huddle folder “Responses Produced Prior to Huddle” on 5/4
20		
21	21*	UEC objected in its answer but stated that it will produce any responsive documents, and it uploaded a document labeled “DRs 19-21 (Huddle Version)” to the Huddle folder “Responses Produced Prior to Huddle” on 5/4
22		
23	22*	UEC stated in its answer that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
24	23*	UEC objected initially and again in response to CBEC’s follow-up email, but stated “some of the documents UEC produces will be responsive to this request.” To date, UEC has not indicated that any documents it has produced are responsive to DR23.
25	24*	UEC objected in its answer but stated that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
26	25	UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR25, and to several other DRs.

1	26	UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR26, and to several other DRs.
2	27	UEC objected in its answer but stated that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
3	28	UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR28, and to several other DRs.
4	29	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR29, and to several other DRs.
5	30	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR30, and to several other DRs.
6	31	UEC objected in its answer but stated that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
7	32	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR32, and to several other DRs.
8	32	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR32, and to several other DRs.
9	32	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR32, and to several other DRs.
10	33	UEC objected in its answer but stated that it will produce any responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
11	34*	UEC objected in its answer and did not indicate that it intended to produce any responsive documents.
12	35	UEC stated in its answer that it will produce responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
13	36	UEC objected in its answer and did not indicate that it intended to produce any responsive documents.
14	37	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR37, and to several other DRs.
15	37	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR37, and to several other DRs.
16	38	UEC stated in its answer that it will produce responsive documents, but CBEC is not aware that UEC has provided any responsive documents to date.
17	39	UEC provided a narrative response in its answer and did not indicate that it intends to produce any responsive documents.
18	40	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR40, and to several other DRs.
19	40	UEC objected in its answer but stated that it will produce any responsive documents. UEC has stated that an 89-page document it uploaded to Huddle on 4/28 “includes documents responsive to” DR40, and to several other DRs.
20	41	UEC objected in its answer and did not indicate that it intended to produce any responsive documents.
21	42	UEC provided a narrative response in its answer and did not indicate that it intends to produce any responsive documents.
22	43	UEC provided a narrative response in its answer and did not indicate that it intends to produce any responsive documents.

23

24

C. Discovery Issues Involving Wheatridge

25

On April 13, 2017, Columbia Basin sent its first set of DRs to Wheatridge, see Exhibit E,

26

who responded on April 27. See Exhibit F. Wheatridge’s response included (1) general

26

1 objections; (2) specific objections to DRs 1–10, 12, 14, 15, 16–18, and 20A; (3) and narrative
2 responses to DRs 7, 8D, 10B, 12B–14, 15C, 16–18, and 20A. Wheatridge also stated that it
3 would provide responsive documents or a particular set of responsive documents to some DRs.
4 On May 3, Columbia Basin emailed Wheatridge regarding Columbia Basin’s significant
5 concerns with Wheatridge’s responses to the DRs. Columbia Basin informed Wheatridge that it
6 had failed to provide responses within the required 14-day period and also attached a list of 15
7 specific issues with Wheatridge’s production and Columbia Basin’s position as to each issue.
8 Wheatridge requested that the parties confer via phone, but Columbia Basin stated that it
9 required a written response to the issues it had raised. Wheatridge responded that it would like
10 to confer over the phone regarding the scope of discovery and that it would begin uploading
11 responsive documents on May 5. As of the filing of this motion, Columbia Basin has not yet
12 received any responsive documents from Wheatridge.

13 **III. Legal Standard**

14 The Oregon Rules of Civil Procedure (ORCP) apply in Commission proceedings unless
15 they are inconsistent with Commission rules, a Commission order, or an ALJ’s ruling. OAR 860-
16 001-0000(1). Under ORCP 36(B), the scope of discovery extends to any matter relevant to a
17 claim or defense. The Commission’s rules regarding discovery provide that it “must be
18 commensurate with the needs of the case, the resources available to the parties, and the
19 importance of the issues to which the discovery relates.” OAR 860-001-0500(1).

20 The Commission’s rules provide for data requests, which are “written interrogatories or
21 requests for production of documents.” OAR 860-001-0540(1). “Each data request must be
22 answered fully and separately in writing or by production of documents, or objected to in
23 writing.” *Id.* Responses must be received within 14 days. *Id.*

24 “Parties must make every effort to engage in cooperative informal discovery and to
25 resolve disputes themselves. If a party receives a data request that is likely to lead to a
26 discovery dispute, then that party must inform the requesting party of the dispute as soon as

1 practicable and attempt to resolve it informally.” OAR 860-001-0500(5). If the parties are
2 unable to resolve a discovery dispute, a party may file a motion to compel discovery. OAR 860-
3 001-0500(7).

4 **IV. Argument**

5 **A. Delayed Production of Documents**

6 Throughout the course of discovery in this proceeding, neither Umatilla nor Wheatridge
7 has fully responded to Columbia Basin’s DRs within the requisite 14-day period. See OAR 860-
8 001-0540(1). Instead, Umatilla and Wheatridge have provided a document with objections,
9 some narrative responses, and statements that they will produce responsive documents to
10 some DRs. They have not indicated when the production of documents will occur, they have
11 not produced responsive documents within 14 days of receiving the DR, and they have not
12 requested extensions.

13 The procedure followed by Umatilla and Wheatridge plainly does not comport with the
14 requirement in the Commission’s rules to answer each data request fully within 14 days. OAR
15 860-001-0540(1). The parties have stated only that they “will produce” documents, but have not
16 done so within 14 days or contacted Columbia Basin to indicate when it can expect such
17 production to occur. This approach has created significant uncertainty for Columbia Basin and
18 has considerably delayed and extended the process of discovery.

19 Therefore, Columbia Basin requests that Umatilla and Wheatridge be ordered to
20 immediately produce all documents responsive to Columbia Basin’s outstanding DRs and to
21 produce responsive documents to any future DRs within 14 days. If extensions of time are
22 necessary to compile responsive documents, the parties should be required to contact
23 Columbia Basin within the 14-day period to request an extension and to agree upon a time for
24 production. If a party intends not to produce responsive documents to a particular DR, it must
25 inform Columbia Basin of its intent and include the reasons for its decision.

26

1 **B. Failure to Segregate or Designate Responsive Documents**

2 Despite Columbia Basin’s and Staff’s requests that responsive documents be
3 segregated in a way that makes clear to which DR they respond, Umatilla initially produced all
4 responsive documents *en mass*. Without laboriously reviewing all 2300 pages of responsive
5 documents, cataloguing them, and comparing them to the DRs, Columbia Basin was not able to
6 determine what documents it had received and to which DR(s) they responded. Although
7 Umatilla has not begun to upload some DRs to Huddle individually, many DRs still are missing.
8 Further, Umatilla has continued to group some DRs on Huddle. For instance, Umatilla provided
9 a note in Huddle that one 89-page pdf “includes documents that are responsive to each of the
10 following CBEC data requests: #4, #25, #26, #28, #29, #30, #32, #37, and #40.” Within that file,
11 however, there are no divisions between documents or indications of which documents respond
12 to which DR(s).

13 Umatilla’s approach of providing thousands of pages of documents without any
14 segregation or labels has prevented Columbia Basin from efficiently reviewing the documents
15 produced and has delayed the discovery process. Columbia Basin has spent significant time
16 and resources attempting to understand what it has received, and it still has not completed this
17 endeavor. Although Umatilla has begun to upload some DRs individually it still has not done so
18 for all—or even most—DRs. Therefore, Columbia Basin requests that Umatilla be ordered to
19 upload separate files for each and every DR to which it has or will respond and clearly label the
20 files.

21 **C. Other Matters**

22 For many of Columbia Basin’s DRs to both parties, Umatilla and Wheatridge have
23 responded with objections with which Columbia Basin disagrees. However, despite their
24 objections, Umatilla and Wheatridge have indicated that they intend to produce documents
25 responsive to these requests. Because they have not yet done so, Columbia Basin has been
26 unable to determine whether it will receive the documents it needs or whether it will need to

1 elevate disputes about specific DRs to the ALJ for resolution. Therefore, Columbia Basin
2 requests that the ALJ order the other parties to promptly produce the documents they intend to
3 produce, and Columbia Basin reserves the right to file another motion to compel if, after
4 production and review of these documents and consultation between the parties, disputes
5 remain regarding the parties' responses to specific DRs.

6 **V. Conclusion**

7 The delayed, disorganized, and incomplete production of documents thus far, has
8 prevented Columbia Basin from obtaining the information it requires to draft its opening
9 testimony and bring this matter to a speedy, efficient resolution. Columbia Basin has spent
10 significant time and resources on the discovery process with little to show for its efforts. Unless
11 the fundamental discovery issues addressed herein are promptly remedied, Columbia Basin
12 doubts it will be able to keep to the schedule in this case.

13 Therefore, Columbia Basin respectfully requests that Umatilla be ordered to immediately
14 produce documents responsive to all DRs, and especially to those DRs for which it has not yet
15 produced any documents (DRs 8, 9, 11, 14, 15, 17, 27, 31, 33, 35, 36, 38,39, and 41) and to
16 upload the responsive documents for each DR separately. Columbia Basin also requests that
17 Wheatridge be ordered to immediately produce documents responsive to all DRs and to upload
18 responsive documents for each DR separately. Finally, Columbia Basin requests that both
19 Umatilla and Wheatridge be ordered to provide complete responses to future DRs, including
20 attaching responsive documents, within 14 days.

21

22

23

24

25

26

1 DATED: May 5, 2017.

Respectfully submitted

2 By /s/ Raymond S. Kindley
3 Raymond S. Kindley, OSB 964910
4 Kindley Law, PC
5 Email: kindleylaw@comcast.net
6 Tel: (503) 206-1010

7 Of Attorneys for Columbia Basin Electric
8 Cooperative, Inc.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit A Accompanying Motion to Compel

Columbia Basin Electric Cooperative's First Request for
Production of Documents to Umatilla Electric Cooperative

May 2017

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON
UM 1818**

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC. an Oregon cooperative corporation Complainant,)	COLUMBIA BASIN ELECTRIC
vs.)	COOPERATIVE'S FIRST REQUEST FOR
UMATILLA ELECTRIC COOPERATIVE, INC., an Oregon cooperative corporation, Defendant)	PRODUCTION OF DOCUMENTS TO
)	UMATILLA ELECTRIC COOPERATIVE
)	
)	
)	

TO: Umatilla Electric Cooperative and its attorney, Chad Stokes:

Columbia Basin Electric Cooperative, Inc. (hereafter "Columbia Basin") requests that Umatilla Electric Cooperative (hereafter "Umatilla") produce the Documents and information described below for inspection and copying in accordance with OAR 860-001-0540. Columbia Basin's requests extend beyond all Documents and information within Umatilla's possession to include Documents and information within the custody or control of Umatilla or Umatilla's agents, including without limitation, Umatilla's attorneys, accountants, bookkeepers, and accountant and may, therefore, require Umatilla or Umatilla's agents to seek and obtain the specifically requested Documents and information and make it available within fourteen (14)

days at the offices of Columbia Basin's attorney, Raymond S. Kindley, KINDLEY LAW, PC,
PO Box 569 West Linn, OR 97068.

DEFINITIONS AND INSTRUCTIONS

1. "Document or Documents" means any book, pamphlet, periodical, letter, report, memorandum, notation, message, telegram, cable, record, study, working paper, chart, graph, index, tape, minutes, contract, lease, invoice, record of purchase or sale, correspondence, email, electronically stored information, electronic or other transcription or taping of telephone or personal conversations, or conferences, or any and all other written, printed, typed, punched, taped, filmed or graphic matter, however produced or reproduced. The term Documents includes those documents in Umatilla's possession, custody or control, and those Documents to which Umatilla has access and the ability to produce or obtain through a reasonable investigation, or inquiry, or to which Umatilla is in a position to cause its production by Umatilla's directions or orders.

2. "You" or "your" means Umatilla or Umatilla's employer or agents who are or were acting or purporting to act on behalf of the Umatilla.

3. "Person(s)" means natural persons, proprietorships, sole proprietorships, corporations, nonprofit corporations, whether public or private, public corporations, municipal corporations, local, state, federal or foreign governments, or governmental agencies, political subdivisions, general or limited partnerships, limited partnerships, business trusts, trusts, estates, clubs, groups, unincorporated associations, associations, or other business or public organizations.

4. "Oral communication" means any communication or portion thereof between any two or more persons which is not or was not recorded, inclusive, but not limited to, telephone conversations, face to face conversations, meetings and conferences.

5. "Relating to" or "related to" means consisting of, identifying, concerning, referring

to, alluding to, responding to, in connection with, commenting on, in response to, about, regarding, explaining, discussing, showing, describing, studying, reflecting, analyzing, or constituting.

6. Columbia Basin's request is intended to be perpetual throughout the pendency of this action so that any new Documents or information falling within the classification of Documents below should be forwarded to Columbia Basin's attorneys within fourteen (14) days after any such Documents or information come within Umatilla's possession, custody or control, or within the possession, custody or control of Umatilla's agents.

7. Legible copies of the Documents may be substituted for originals if they are complete and correct copies of the originals. All responsive Documents should be segregated and designated as responsive to a particular request or to particular requests, as the case may be.

8. If any response refers to a specific source Document, please identify the source Document, specify the page that is referenced, and provide copies of the source Document.

9. For each response, if not obvious from context, please state (1) the name(s) and title(s) of the person(s) responsible for preparing the response, (2) the name(s) and title(s) of the person(s) who is competent to give testimony (i) concerning the response and (ii) concerning all Documents produced as part of the response.

10. If not all of the information requested is available, provide the information that is available.

11. If the information requested in one part of a request is not available, the information that is available in response to other parts of that request should be provided.

DATA REQUESTS

REQUEST NO. 1: Any and all Documents relating to 2Morrow Energy, LLC's request

to Umatilla for interconnection and point-to-point transmission service beginning in 2010.

RESPONSE:

REQUEST NO. 2: Any and all Documents relating to the Deposit Agreement between 2Morrow Energy, LLC and Umatilla for transmission of electrical power across Umatilla's transmission system.

RESPONSE:

REQUEST NO. 3: Any and all Documents relating to 2Morrow Energy, LLC's assignment to Wheatridge Wind Energy, LLC of 2Morrow Energy, LLC's right, title, and interest in the transmission service 2Morrow Energy, LLC requested from Umatilla.

RESPONSE:

REQUEST NO. 4: Any and all Documents relating to Wheatridge Wind Energy, LLC's request to Umatilla for point-to-point transmission service and deposit for capacity on the transmission line that Umatilla proposes to interconnect with Wheatridge Wind Energy, LLC's wind project.

RESPONSE:

REQUEST NO. 5: Any and all Documents relating to any letters of intent and/or other agreements or understandings between Wheatridge Wind Energy, LLC and Umatilla for the purpose of identifying a route and the Umatilla infrastructure that would be necessary for a 230

kV transmission line to connect the Wheatridge Energy, LLC wind project to a Bonneville Power Administration substation.

RESPONSE:

REQUEST NO. 6: Any and all Documents relating to and/or describing the current proposed route of the transmission line to interconnect Wheatridge Wind Energy, LLC's wind project to a Bonneville Power Administration substation.

RESPONSE:

REQUEST NO. 7: Any and all Documents relating to the Facilities Agreement that obligate Umatilla to identify a primary route corridor, prepare easements and permits and perform a preliminary line design for the transmission line to serve the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 8: Any and all Documents relating to Umatilla's future service of the retail electric loads of the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 9: Any and all Documents relating to Columbia Basin Electric Cooperative future service of the retail electric loads of the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 10: Any and all Documents describing and/or relating to Wheatridge Wind Energy, LLC's future receipt of transmission revenue credits from transmission service revenues received by Umatilla from service provided to third parties using excess capacity on the proposed Umatilla 230 kV line that interconnects with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 11: Any and all Documents describing and/or relating to Umatilla's request to interconnect with the Bonneville Power Administration transmission system for the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 12: Any and all Documents describing and/or relating to Wheatridge Wind Energy, LLC's request for interconnection with the Bonneville Power Administration transmission system for the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 13: Any and all Documents describing and/or relating to Jerry Reitmann's, or any entity owned or controlled by Jerry Reitmann, request for interconnection with the Bonneville Power Administration transmission system for the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 14: Any and all Documents relating to Umatilla's, Wheatridge Wind Energy, LLC's, Jerry Rietmann's and/or other parties's easements, right of ways, and/or other property rights or licenses for the location, construction and operation of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 15: Any and all Documents describing and/or relating to the design, location, size, capacity, number of lines, poles and/or any other characteristic of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project, including without limitation, any planned or proposed extensions of the transmission line beyond the interconnection with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 16: Any and all Documents describing and/or relating to Columbia Basin Electric Cooperative's participation in the development, construction and/or ownership of the proposed transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project to the Bonneville Power Administration transmission system.

RESPONSE:

REQUEST NO. 17: Any and all Documents describing and/or relating to Umatilla Board of Director's discussion and/or decisions, including without limitation Umatilla Board of

Director meeting minutes and resolutions, and information provided to the Umatilla Board of Directors, regarding the construction, ownership, operation and/or maintenance of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 18: Any and all Documents relating to correspondence between Umatilla and Wheatridge Wind Energy, LLC, and between Umatilla and Jerry Reitmann, related to the development, construction, operation or maintenance of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

RESPONSE:

REQUEST NO. 19: Any and all Documents describing and/or relating to Umatilla providing service to the Willow Creek Dairy irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

RESPONSE:

REQUEST NO. 20: Any and all Documents describing and/or relating to Willow Creek Dairy's request for service from Umatilla for the Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

RESPONSE:

REQUEST NO. 21: Any and all Documents describing and/or relating to Umatilla's construction of electric facilities to enable Umatilla to serve Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

RESPONSE:

REQUEST NO. 22: Any and all Documents describing and/or relating to Umatilla Board of Directors' discussion and/or decisions, including without limitation Umatilla Board of Directors' meeting minutes and resolutions, and information provided to the Umatilla Board of Directors, regarding the construction, ownership, operation and/or maintenance of the electric facilities to serve Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

RESPONSE:

REQUEST NO. 23: Any and all Documents describing and/or relating to Umatilla's charges, fees and/or billings to Willow Creek Dairy for construction of any facilities used to serve the Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

RESPONSE:

/

/

/

REQUEST NO. 24: Any and all Documents describing and/or relating to Umatilla's service, charges, fees and/or billings to Willow Creek Dairy for providing retail electric service to Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

RESPONSE:

DATED this 7th day of March, 2017.

By /s/ Raymond S. Kindley
RAYMOND S. KINDLEY, OSB 964910
KINDLEY LAW, PC
Email: kindleylaw@comcast.net
Tel: (503) 206-1010
Of Attorneys for Columbia Basin Electric
Cooperative, Inc.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit B Accompanying Motion to Compel

Umatilla Electric Cooperative 's Answer to
Columbia Basin Electric Cooperative's First Request for
Production of Documents

May 2017

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1818

COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC. an Oregon
cooperative corporation

Complainant,

v.

UMATILLA ELECTRIC
COOPERATIVE, INC., an Oregon
cooperative corporation

Defendant.

UMATILLA ELECTRIC
COOPERATIVE'S ANSWER TO
COLUMBIA BASIN ELECTRIC
COOPERATIVE'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

Defendant Umatilla Electric Cooperative, Inc. ("UEC") answers Columbia Basin Electric Cooperative's Inc. ("CBEC") First Request for Production of Documents ("Requests") as follows:

GENERAL OBJECTIONS

1. UEC objects to the Requests to the extent that they seek to impose obligations and require procedures beyond those set forth in the Oregon Rules of Civil Procedure or in orders or rules of the Public Utility Commission of Oregon ("Commission").

2. UEC objects to the Requests to the extent that the documents and information sought are unreasonably cumulative, duplicative or obtainable from other sources that are more convenient, less burdensome, or less expensive, as provided by the Oregon Rules of Civil Procedure or in orders or rules of the Commission, including OAR 860-001-0500 (2).

3. UEC objects to the Requests to the extent that they are vague, ambiguous, overly broad, unduly burdensome, seek irrelevant information or are not reasonably calculated to lead to the discovery of admissible evidence.

4. UEC objects to the Requests to the extent that they purport to require the production of documents or information protected by the attorney-client privilege, the work product doctrine, common interest privilege or any other applicable privilege, statute, law or rule. UEC hereby claims such privileges and protections to the extent implicated by the Requests and excludes privileged information from its responses. Any disclosure of such protected or privileged information is inadvertent and not intended to waive those privileges or protections. Inadvertent disclosure or production of any privileged or protected documents or information shall not constitute waiver of any privilege, work-product protection, immunity or any other ground for objecting to discovery of the document or information. UEC reserves the right to demand and obtain the return of any privileged documents it may produce and all copies thereof. If the production of any document or information is deemed to be a waiver of any right or privilege, the waiver shall be a limited waiver pertaining to that document or information only.

5. UEC objects to the Requests to the extent that they purport to require the disclosure of information or documents not presently within the possession, custody, or control of UEC.

6. UEC objects to the Requests insofar as they seek documents or information equally accessible to Complainant or are in Complainant's possession, custody, or control.

7. UEC objects to the Requests insofar as they seek "all" documents, where a subset of all documents would be sufficient, and insofar as they do not reasonably limit the scope of the

search to be conducted by UEC. UEC will produce responsive, non-privileged documents identified after a search of reasonable scope.

8. UEC objects to the Requests insofar as they do not identify with reasonable particularity the documents and information Complainant seeks.

9. UEC objects to the Requests insofar as they seek information that is confidential and proprietary.

10. In making these objections, UEC does not in any way waive or intend to waive, but rather preserves and intends to preserve:

A. all rights to object on any ground to the competency, relevancy, materiality and admissibility of any information or document that may be provided in response to the Requests or the subject matter thereof:

B. all rights to object on any ground to the use of any information or document that may be provided in response to the Requests or the subject matter thereof in any subsequent proceeding including the trial of this or any other action: and

C. all rights to object on any ground to any request for further responses to these or any other discovery requests.

11. UEC reserves the right to make any use of, or to introduce at any hearing, documents or information responsive to the Requests but discovered after the date of UEC's responses and initial production, including, but not limited to, any documents obtained during discovery.

12. The discovery and investigation of the facts relevant to this case are ongoing and UEC's responses to the Requests are made to the best of its present knowledge, information and

belief. UEC reserves the right to amend and/or supplement its responses, which are subject to such additional or different information as discovery or further investigation may disclose.

13. As used herein, any statement that UEC “will produce non-privileged responsive documents,” or the substantive equivalent, means that UEC will conduct a reasonable search of documents within its possession, custody or control and, at a mutually agreeable time, produce responsive documents not subject to the attorney-client privilege or the work-product immunity or otherwise immune from discovery, subject to the objections stated herein.

14. UEC objects to the Requests on the grounds and to the extent that they purport to require the disclosure of confidential information (including, but not limited to, confidential business information, trade secrets or information subject to any confidentiality agreement, order and/or obligation) without an appropriate protective order. UEC will not produce any confidential information until such a protective order is signed by the party seeking production of the information.

15. All of the General Objections set forth above in paragraphs 1-14 are incorporated by reference into each of the specific responses set forth below and have the same force and effect as if fully set forth therein.

COLUMBIA BASIN REQUESTS FOR PRODUCTION AND UEC RESPONSES

REQUEST NO. 1:

Any and all Documents relating to 2Morrow Energy, LLC's request to Umatilla for interconnection and point-to-point transmission service beginning in 2010.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 1 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 2:

Any and all Documents relating to the Deposit Agreement between 2Morrow Energy, LLC and Umatilla for transmission of electrical power across Umatilla's transmission system.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 2 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 3:

Any and all Documents relating to 2Morrow Energy, LLC's assignment to Wheatridge Wind Energy, LLC of 2Morrow Energy, LLC's right, title, and interest in the transmission service 2Morrow Energy, LLC requested from Umatilla.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 3 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 4:

Any and all Documents relating to Wheatridge Wind Energy, LLC's request to Umatilla for point-to-point transmission service and deposit for capacity on the transmission line that Umatilla proposes to interconnect with Wheatridge Wind Energy, LLC's wind project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 5:

Any and all Documents relating to any letters of intent and/or other agreements or understandings between Wheatridge Wind Energy, LLC and Umatilla for the purpose of identifying a route and the Umatilla infrastructure that would be necessary for a 230 kV transmission line to connect the Wheatridge Energy, LLC wind project to a Bonneville Power Administration substation.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

///

///

REQUEST NO. 6:

Any and all Documents relating to and/or describing the current proposed route of the transmission line to interconnect Wheatridge Wind Energy, LLC's wind project to a Bonneville Power Administration substation.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 7:

Any and all Documents relating to the Facilities Agreement that obligate Umatilla to identify a primary route corridor, prepare easements and permits and perform a preliminary line design for the transmission line to serve the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 8:

Any and all Documents relating to Umatilla's future service of the retail electric loads of the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 9:

Any and all Documents relating to Columbia Basin Electric Cooperative future service of the retail electric loads of the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 9 on the grounds that it is ambiguous, seeks information in the possession of CBEC, and seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 10:

Any and all Documents describing and/or relating to Wheatridge Wind Energy, LLC's future receipt of transmission revenue credits from transmission service revenues received by Umatilla from service provided to third parties using excess capacity on the proposed Umatilla 230 kV line that interconnects with the Wheatridge Wind Energy, LLC wind project.

///

///

///

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 11:

Any and all Documents describing and/or relating to Umatilla's request to interconnect with the Bonneville Power Administration transmission system for the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 12:

Any and all Documents describing and/or relating to Wheatridge Wind Energy, LLC's request for interconnection with the Bonneville Power Administration transmission system for the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

///

///

///

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 12 on the grounds that it seeks information that is not in the possession of UEC, and/or seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 13:

Any and all Documents describing and/or relating to Jerry Reitmann's, or any entity owned or controlled by Jerry Reitmann, request for interconnection with the Bonneville Power Administration transmission system for the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 13 on the grounds that it seeks information that is not in the possession of UEC, and/or seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 14:

Any and all Documents relating to Umatilla's, Wheatridge Wind Energy, LLC's, Jerry Rietmann's and/or other parties's [sic] easements, right of ways, and/or other property rights or licenses for the location, construction and operation of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 14 on the grounds that it seeks information not in UEC's possession, seeks confidential, proprietary and/or irrelevant information, and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 15:

Any and all Documents describing and/or relating to the design, location, size, capacity, number of lines, poles and/or any other characteristic of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project, including without limitation, any planned or proposed extensions of the transmission line beyond the interconnection with the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 15 on the grounds that it seeks confidential, proprietary and/or irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 16:

Any and all Documents describing and/or relating to Columbia Basin Electric Cooperative's participation in the development, construction and/or ownership of the proposed transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project to the Bonneville Power Administration transmission system.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 16 on the grounds that it seeks information already in the possession of CBEC and/or irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 17:

Any and all Documents describing and/or relating to Umatilla Board of Director's discussion and/or decisions, including without limitation Umatilla Board of Director meeting minutes and resolutions, and information provided to the Umatilla Board of Directors, regarding the construction, ownership, operation and/or maintenance of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 18:

Any and all Documents relating to correspondence between Umatilla and Wheatridge Wind Energy, LLC, and between Umatilla and Jerry Reitmann, related to the development, construction, operation or maintenance of the proposed Umatilla transmission line that would interconnect with the Wheatridge Wind Energy, LLC wind project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 19:

Any and all Documents describing and/or relating to Umatilla providing service to the Willow Creek Dairy irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 20:

Any and all Documents describing and/or relating to Willow Creek Dairy's request for service from Umatilla for the Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

///

///

///

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 21:

Any and all Documents describing and/or relating to Umatilla's construction of electric facilities to enable Umatilla to serve Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 21 on the grounds that it is ambiguous and seeks confidential, proprietary and/or irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to, as limited by, and without waiving the foregoing General Objections and specific objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 22:

Any and all Documents describing and/or relating to Umatilla Board of Directors' discussion and/or decisions, including without limitation Umatilla Board of Directors' meeting minutes and resolutions, and information provided to the Umatilla Board of Directors, regarding the construction, ownership, operation and/or maintenance of the electric facilities to serve Willow

Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 23:

Any and all Documents describing and/or relating to Umatilla's charges, fees and/or billings to Willow Creek Dairy for construction of any facilities used to serve the Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 23 on the grounds that it seeks confidential, proprietary and/or irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 24:

Any and all Documents describing and/or relating to Umatilla's service, charges, fees and/or billings to Willow Creek Dairy for providing retail electric service to Willow Creek Dairy's irrigation facilities located in Columbia Basin Electric Cooperative's service territory.

///

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 24 on the grounds that it seeks confidential, proprietary and/or irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to, as limited by, and without waiving the foregoing General Objections and specific objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

Dated this 20th day of March 2017.

Respectfully submitted,



Chad M. Stokes, OSB No. 004007
Tommy A. Brooks, OSB No. 076071
Cable Huston LLP
1001 SW Fifth Ave., Suite 2000
Portland, OR 97204-1136
Telephone: (503) 224-3092
Facsimile: (503) 224-3176
E-Mail: cstokes@cablehuston.com
tbrooks@cablehuston.com
Of Attorneys for
Umatilla Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing document upon all parties of record (listed below) in this proceeding by electronic mail and by mailing a copy properly addressed with first class postage prepaid.

John A. Cameron
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201
johncameron@dwt.com

Scott Gibbens
Public Utility Commission
201 High Street SE
Salem, OR 97301
Scott.gibbens@state.or.us

Derek D. Green
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201
derekgreen@dwt.com

Raymond S. Kindley
Kindley Law PC
PO Box 569
West Linn, OR 97068
kindleylaw@comcast.net

Johanna Riemenschneider
PUC Staff – Department of Justice
Business Activities Section
1162 Court Street NE
Salem, OR 97301-4796
Johanna.riemenschneider@doj.state.or.us

Jerry Rietmann
Wheatridge Wind Energy, LLC
PO Box 133
Ione, OR 97843
ellaresources@wildblue.net

Paul Rossow
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088
Paul.rossow@state.or.us

Thomas F. Wolff
Columbia Basin Electric
PO Box 398
Heppner, OR 97836
tommy@columbiabasin.cc

Dated in Portland, Oregon this 20th day of March, 2017



Chad M. Stokes, OSB 00400
Tommy A. Brooks, OSB 076071
Cable Huston LLP
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204-1136
Telephone: (503) 224-3092
Facsimile: 503-224-3176
E-mail: cstokes@cablehuston.com
tbrooks@cablehuston.com

Of Attorneys for
Umatilla Electric Cooperative, Inc.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit C Accompanying Motion to Compel

Columbia Basin Electric Cooperative's Second Data
Request to Umatilla Electric Cooperative

May 2017

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON
UM 1823**

COLUMBIA BASIN ELECTRIC)	COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC., an Oregon)	COOPERATIVE'S SECOND DATA
cooperative corporation,)	REQUEST TO UMATILLA ELECTRIC
Complainant,)	COOPERATIVE
vs.)	
)	
UMATILLA ELECTRIC COOPERATIVE,)	
INC., an Oregon cooperative corporation,)	
Defendant)	

TO: Umatilla Electric Cooperative and its attorney, Chad Stokes:

Columbia Basin Electric Cooperative, Inc. (hereafter "Columbia Basin") requests that Umatilla Electric Cooperative (hereafter "Umatilla") produce the Documents and information described below for inspection and copying in accordance with OAR 860-001-0540. Columbia Basin's requests extend beyond all Documents and information within Umatilla's possession to include Documents and information within the custody or control of Umatilla or Umatilla's agents, including without limitation, Umatilla's attorneys, accountants, bookkeepers, and accountant and may, therefore, require Umatilla or Umatilla's agents to seek and obtain the specifically requested Documents and information and make it available within fourteen (14)

days at the offices of Columbia Basin's attorney, Raymond S. Kindley, KINDLEY LAW, PC,
PO Box 569 West Linn, OR 97068.

DEFINITIONS AND INSTRUCTIONS

1. "Document or Documents" means any book, pamphlet, periodical, letter, report, memorandum, notation, message, telegram, cable, record, study, working paper, chart, graph, index, tape, minutes, contract, lease, invoice, record of purchase or sale, correspondence, email, electronically stored information, electronic or other transcription or taping of telephone or personal conversations, or conferences, or any and all other written, printed, typed, punched, taped, filmed or graphic matter, however produced or reproduced. The term Documents includes those Documents in Umatilla's possession, custody or control, and those Documents to which Umatilla has access and the ability to produce or obtain through a reasonable investigation, or inquiry, or to which Umatilla is in a position to cause its production by Umatilla's directions or orders.

2. "You" or "your" means Umatilla or Umatilla's employer or agents who are or were acting or purporting to act on behalf of the Umatilla.

3. "Person(s)" means natural persons, proprietorships, sole proprietorships, corporations, nonprofit corporations, whether public or private, public corporations, municipal corporations, local, state, federal or foreign governments, or governmental agencies, political subdivisions, general or limited partnerships, limited partnerships, business trusts, trusts, estates, clubs, groups, unincorporated associations, associations, or other business or public organizations.

4. "Oral communication" means any communication or portion thereof between any two or more persons which is not or was not recorded, inclusive, but not limited to, telephone conversations, face to face conversations, meetings and conferences.

5. "Relating to" or "related to" means consisting of, identifying, concerning, referring

to, alluding to, responding to, in connection with, commenting on, in response to, about, regarding, explaining, discussing, showing, describing, studying, reflecting, analyzing, or constituting.

6. Columbia Basin's request is intended to be perpetual throughout the pendency of this action so that any new Documents or information falling within the classification of Documents below should be forwarded to Columbia Basin's attorneys within fourteen (14) days after any such Documents or information come within Umatilla's possession, custody or control, or within the possession, custody or control of Umatilla's agents.

7. Legible copies of the Documents may be substituted for originals if they are complete and correct copies of the originals. All responsive Documents should be segregated and designated as responsive to a particular request or to particular requests, as the case may be.

8. If any response refers to a specific source Document, please identify the source Document, specify the page that is referenced, and provide copies of the source Document.

9. For each response, if not obvious from context, please state (1) the name(s) and title(s) of the person(s) responsible for preparing the response, (2) the name(s) and title(s) of the person(s) who is competent to give testimony (i) concerning the response and (ii) concerning all Documents produced as part of the response.

10. If not all of the information requested is available, provide the information that is available.

11. If the information requested in one part of a request is not available, the information that is available in response to other parts of that request should be provided.

DATA REQUESTS

CBEC DR TO UEC NO. 25: Please provide all Documents that support or relate to

Umatilla's admission in paragraphs 26 and 38 of its Answer that "under the Facilities Agreement the UEC Transmission Line would be used exclusively to export wholesale power generated at the Wheatridge Project [to a BPA substation] in interstate commerce."

RESPONSE:

CBEC DR TO UEC NO. 26: Please provide any and all Documents relating to the Wheatridge Project's transmission rights on the proposed Umatilla Transmission Line to be used to export wholesale power generated at the Wheatridge Project.

RESPONSE:

CBEC DR TO UEC NO. 27: Please provide any and all Documents that relate to Umatilla's admission in paragraph 22 of its Answer that "2Morrow Energy, LLC requested 1,012 MW of PTP transmission service from UEC."

RESPONSE:

CBEC DR TO UEC NO. 28: Please provide any and all Document that relate to Umatilla's admission in paragraph 22 of its Answer that "Wheatridge Wind Energy, LLC subsequently submitted a request to UEC for 238 MW of Firm PTP Transmission Service."

RESPONSE:

CBEC DR TO UEC NO. 29: Please provide any and all Documents that relate to the total amount of transmission service that 2Morrow Energy LLC, and Wheatridge Wind Energy, LLC, have requested from Umatilla.

RESPONSE:

CBEC DR TO UEC NO. 30: Please explain in detail, and provide Documents supporting your explanation where available, why Wheatridge Wind Energy, LLC has requested or otherwise obtained approximately 1250 MW of transmission service rights on the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation to export power from a generation facility that will have an approximate nominal generating capacity of 500 MW.

RESPONSE:

CBEC DR TO UEC NO. 31: In Paragraph 42 of Umatilla's Answer, Umatilla claims, "All auxiliary station power to the Wheatridge Project's retail load in CBEC's service territory would be provided by CBEC." Please explain how Umatilla believes Columbia Basin would serve the Wheatridge Wind project's auxiliary station power load. Please identify the electrical facilities, owned by Columbia Basin, Umatilla, or others, which Columbia Basin could use to interconnect and provide the retail electric service to the Wheatridge Wind Energy project as claimed by Umatilla.

RESPONSE:

CBEC DR TO UEC NO. 32: Please provide any and all Documents that reference or in any way relate to the agreement that Umatilla describes in paragraph 23 of its Answer as “an agreement between UEC and Wheatridge Project to construct an approximately 23 mile transmission line (the “UEC Transmission Line”) to provide transmission service from the Wheatridge Wind project to the BPA substation.”

RESPONSE:

CBEC DR TO UEC NO. 33: Please provide any and all Documents relating to communications between Umatilla and agents or representatives of the Mariah Wind Project regarding transmission or interconnection services, including in your answer the dates such communications have taken place.

RESPONSE:

CBEC DR TO UEC NO. 34: In paragraph 44 of Umatilla’s Answer, Umatilla claims, “the irrigation circles located in CBEC’s service territory are part of a unified load, the majority of which is located in UEC’s service territory.” Please list and explain in detail all the facts that support Umatilla’s claim that the irrigation circles located in Columbia Basin’s service territory are part of a “unified load.”

RESPONSE:

CBEC DR TO UEC NO. 35: Please provide any and all Documents that relate to Umatilla’s claim in its Notice of Appearance and Comments in Support of Filing of Umatilla

Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section IV, page 4, that “UEC is capable of constructing the requested facilities.”

RESPONSE:

CBEC DR TO UEC NO. 36: Please identify all transmission facilities that Umatilla has constructed for the transmission of power from a generation facility to the interstate transmission grid. Please provide the capacity, length, and location of such transmission lines. Please identify the generation facilities such lines interconnect with and the nominal generation capacity of such generation projects.

RESPONSE:

CBEC DR TO UEC NO. 37: Please provide any and all Documents relating to Umatilla’s claim in its Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section II, page 2, that Umatilla will provide point-to-point transmission service to the Wheatridge Wind project, “as evidenced in a 2015 Letter of Intent and Facilities Agreement between UEC and Wheatridge.”

RESPONSE:

CBEC DR TO UEC NO. 38: Please provide any and all documents that show if the proposed transmission line from the Wheatridge Wind Energy project to a Bonneville Power Administration substation would be interconnected to any part of Umatilla’s existing distribution

system, existing transmission system, or any other existing Umatilla electrical facilities, that are constructed and operating as of the date of this data request.

RESPONSE:

CBEC DR TO UEC NO. 39: Umatilla claims in its Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section II, page 2 that “Wheatridge proposed to interconnect the collector substation with UEC’s system through facilities to be constructed by UEC” and Umatilla will transmit Project energy to the Bonneville Power Administration Morrow Flats substation. Please identify and provide the location on UEC’s existing system where Wheatridge plans to interconnect as Umatilla claims.

RESPONSE:

CBEC DR TO UEC NO. 40: In Umatilla’s Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section II, page 2, Umatilla claims that “Wheatridge states that it is the mutual understanding and intentions of UEC and Wheatridge that that [sic] UEC will be responsible for designing, constructing, owning and operating a 230 kV transmission line of approximately 23 miles in Morrow County (the “UEC 230 kV Line) which will facilitate Wheatridge’s good faith request for interconnection.” Please provide any and all Documents related to “Wheatridge’s good faith request for interconnection” and the mutual understanding between Wheatridge and Umatilla that Umatilla will be responsible for designing, constructing, owning and operating a 230 kV transmission line of approximately 23 miles in Morrow County.

RESPONSE:

CBEC DR TO UEC NO. 41: In Umatilla’s Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section III, page 3, Umatilla claims that “UEC is, however, a ‘transmitting utility’ as defined under Section 3(23) of the FPA.” Please provide any and all Documents that relate to or support Umatilla’s claim that it is a “transmitting utility.”

RESPONSE:

CBEC DR TO UEC NO. 42: Please identify and list all the people, including without limitation, consultants, Umatilla employees, and others, who have worked on, or participated in, the design, engineering, planning, or study for Umatilla of the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation.

RESPONSE:

CBEC DR TO UEC NO. 43: In Umatilla’s Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section IV, page 4, Umatilla claims that it confirms the representations made by Wheatridge Wind Energy, LLC on Umatilla’s behalf in Wheatridge Wind Energy, LLC’s application to the Federal Energy Regulatory Commission for an Order for interconnection with Umatilla. In Wheatridge Wind Energy, LLC’s “Application for Order

Directing Generator Interconnection and Transmission Service” page 4-5, Wheatridge Wind Energy, LLC claims, “In accordance with Oregon law, UEC could only supply the station power for the Project facilities located within the UEC franchised retail service territory. Station power for the Project facilities to be located in the CBEC franchised retail service territory would be supplied by CBEC under its retail tariff.” Please explain how Umatilla plans to serve the retail load of the Wheatridge Wind Energy project’s facilities located in Umatilla’s service territory, including the identification of the specific transmission or distribution facilities that Umatilla would use to serve such loads.

RESPONSE:

DATED this 11th day of April, 2017.

By */s/ Raymond S. Kindley*
RAYMOND S. KINDLEY, OSB 964910
KINDLEY LAW, PC
Email: kindleylaw@comcast.net
Tel: (503) 206-1010
Of Attorneys for Columbia Basin Electric
Cooperative, Inc.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit D Accompanying Motion to Compel

Umatilla Electric Cooperative 's Answer to
Columbia Basin Electric Cooperative's Second Request for
Production of Documents

May 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1823

COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC. an Oregon
cooperative corporation

Complainant,

v.

UMATILLA ELECTRIC
COOPERATIVE, INC., an Oregon
cooperative corporation

Defendant.

UMATILLA ELECTRIC
COOPERATIVE'S ANSWER TO
COLUMBIA BASIN ELECTRIC
COOPERATIVE'S SECOND
REQUEST FOR PRODUCTION OF
DOCUMENTS

Defendant Umatilla Electric Cooperative, Inc. ("UEC") answers Columbia Basin Electric Cooperative's Inc. ("CBEC") Second Request for Production of Documents ("Requests") as follows:

GENERAL OBJECTIONS

1. UEC objects to the Requests to the extent that they seek to impose obligations and require procedures beyond those set forth in the Oregon Rules of Civil Procedure or in orders or rules of the Public Utility Commission of Oregon ("Commission").

2. UEC objects to the Requests to the extent that the documents and information sought are unreasonably cumulative, duplicative or obtainable from other sources that are more convenient, less burdensome, or less expensive, as provided by the Oregon Rules of Civil Procedure or in orders or rules of the Commission, including OAR 860-001-0500 (2).

3. UEC objects to the Requests to the extent that they are vague, ambiguous, overly broad, unduly burdensome, seek irrelevant information or are not reasonably calculated to lead to the discovery of admissible evidence.

4. UEC objects to the Requests to the extent that they purport to require the production of documents or information protected by the attorney-client privilege, the work product doctrine, common interest privilege or any other applicable privilege, statute, law or rule. UEC hereby claims such privileges and protections to the extent implicated by the Requests and excludes privileged information from its responses. Any disclosure of such protected or privileged information is inadvertent and not intended to waive those privileges or protections. Inadvertent disclosure or production of any privileged or protected documents or information shall not constitute waiver of any privilege, work-product protection, immunity or any other ground for objecting to discovery of the document or information. UEC reserves the right to demand and obtain the return of any privileged documents it may produce and all copies thereof. If the production of any document or information is deemed to be a waiver of any right or privilege, the waiver shall be a limited waiver pertaining to that document or information only.

5. UEC objects to the Requests to the extent that they purport to require the disclosure of information or documents not presently within the possession, custody, or control of UEC.

6. UEC objects to the Requests insofar as they seek documents or information equally accessible to Complainant or are in Complainant's possession, custody, or control.

7. UEC objects to the Requests insofar as they seek “all” documents, where a subset of all documents would be sufficient, and insofar as they do not reasonably limit the scope of the search to be conducted by UEC. UEC will produce responsive, non-privileged documents identified after a search of reasonable scope.

8. UEC objects to the Requests insofar as they do not identify with reasonable particularity the documents and information Complainant seeks.

9. UEC objects to the Requests insofar as they seek information that is confidential and proprietary.

10. In making these objections, UEC does not in any way waive or intend to waive, but rather preserves and intends to preserve:

A. all rights to object on any ground to the competency, relevancy, materiality and admissibility of any information or document that may be provided in response to the Requests or the subject matter thereof:

B. all rights to object on any ground to the use of any information or document that may be provided in response to the Requests or the subject matter thereof in any subsequent proceeding including the trial of this or any other action: and

C. all rights to object on any ground to any request for further responses to these or any other discovery requests.

11. UEC reserves the right to make any use of, or to introduce at any hearing, documents or information responsive to the Requests but discovered after the date of UEC’s responses and initial production, including, but not limited to, any documents obtained during discovery.

12. The discovery and investigation of the facts relevant to this case are ongoing and UEC's responses to the Requests are made to the best of its present knowledge, information and belief. UEC reserves the right to amend and/or supplement its responses, which are subject to such additional or different information as discovery or further investigation may disclose.

13. As used herein, any statement that UEC "will produce non-privileged responsive documents," or the substantive equivalent, means that UEC will conduct a reasonable search of documents within its possession, custody or control and, at a mutually agreeable time, produce responsive documents not subject to the attorney-client privilege or the work-product immunity or otherwise immune from discovery, subject to the objections stated herein.

14. UEC objects to the Requests on the grounds and to the extent that they purport to require the disclosure of confidential information (including, but not limited to, confidential business information, trade secrets or information subject to any confidentiality agreement, order and/or obligation) without an appropriate protective order. UEC will not produce any confidential information until such a protective order is signed by the party seeking production of the information.

15. All of the General Objections set forth above in paragraphs 1-14 are incorporated by reference into each of the specific responses set forth below and have the same force and effect as if fully set forth therein.

///

///

///

COLUMBIA BASIN REQUESTS FOR PRODUCTION AND UEC RESPONSES

REQUEST NO. 25:

Please provide all Documents that support or relate to Umatilla's admission in paragraphs 26 and 38 of its Answer that "under the Facilities Agreement the UEC Transmission Line would be used exclusively to export wholesale power generated at the Wheatridge Project [to a BPA substation] in interstate commerce."

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 26:

Please provide any and all Documents relating to the Wheatridge Project's transmission rights on the proposed Umatilla Transmission Line to be used to export wholesale power generated at the Wheatridge Project.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 27:

Please provide any and all Documents that relate to Umatilla's admission in paragraph 22 of its Answer that "2Morrow Energy, LLC requested 1,012 MW of PTP transmission service from UEC."

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 27 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 28:

Please provide any and all Document that relate to Umatilla's admission in paragraph 22 of its Answer that "Wheatridge Wind Energy, LLC subsequently submitted a request to UEC for 238 MW of Firm PTP Transmission Service."

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 29:

Please provide any and all Documents that relate to the total amount of transmission service that 2Morrow Energy LLC, and Wheatridge Wind Energy, LLC, have requested from Umatilla.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 29 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 30:

Please explain in detail, and provide Documents supporting your explanation where available, why Wheatridge Wind Energy, LLC has requested or otherwise obtained approximately 1250 MW of transmission service rights on the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation to export power from a generation facility that will have an approximate nominal generating capacity of 500 MW.

UEC RESPONSE:

UEC objects to this request because it asks UEC about the intent of another party. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, Defendant,

after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 31:

In Paragraph 42 of Umatilla's Answer, Umatilla claims, "All auxiliary station power to the Wheatridge Project's retail load in CBEC's service territory would be provided by CBEC." Please explain how Umatilla believes Columbia Basin would serve the Wheatridge Wind project's auxiliary station power load. Please identify the electrical facilities, owned by Columbia Basin, Umatilla, or others, which Columbia Basin could use to interconnect and provide the retail electric service to the Wheatridge Wind Energy project as claimed by Umatilla.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 31 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, UEC provides the following response: UEC has not formulated a belief as to the method or means by which CBEC does serve or should serve customers in its own service territory. The information CBEC is seeking from UEC is information that CBEC knows, or should know, because it relates to CBEC's obligation to serve retail customers in its service territory.

REQUEST NO. 32:

Please provide any and all Documents that reference or in any way relate to the agreement that Umatilla describes in paragraph 23 of its Answer as "an agreement between UEC and Wheatridge Project to construct an approximately 23 mile transmission line (the "UEC Transmission Line") to provide transmission service from the Wheatridge Wind project to the BPA substation."

UEC RESPONSE:

UEC objects to this request because it is duplicative in nature. The agreement referenced in paragraph 23 of UEC's Answer is the Facilities Agreement that is the subject of CBEC's earlier requests for production, and documents have already been produced in response to those requests. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, additional non-privileged documents, if any, responsive to this request.

REQUEST NO. 33:

Please provide any and all Documents relating to communications between Umatilla and agents or representatives of the Mariah Wind Project regarding transmission or interconnection services, including in your answer the dates such communications have taken place.

///

///

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 33 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 34:

In paragraph 44 of Umatilla's Answer, Umatilla claims, "the irrigation circles located in CBEC's service territory are part of a unified load, the majority of which is located in UEC's service territory." Please list and explain in detail all the facts that support Umatilla's claim that the irrigation circles located in Columbia Basin's service territory are part of a "unified load."

UEC RESPONSE:

In addition to the foregoing General Objections, defendant objects to Request for Production Number 34 because it relates to matters in UM 1818 and not UM 1823. Further, UEC objects to this request because it requires UEC to draw legal conclusions about which facts do or do not support UEC's claim that the irrigation circles are part of a unified load. Further, this request is overly broad and burdensome to the extent that it seeks all facts that support UEC's defense when a subset of those facts is likely to be sufficient for that purpose. Further, as the complainant in docket UM 1818, it is CBEC's burden to show that the irrigation circles are not part of a unified load and this request improperly attempts to shift that burden to UEC.

///

///

REQUEST NO. 35:

Please provide any and all Documents that relate to Umatilla's claim in its Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section IV, page 4, that "UEC is capable of constructing the requested facilities."

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 36:

Please identify all transmission facilities that Umatilla has constructed for the transmission of power from a generation facility to the interstate transmission grid. Please provide the capacity, length, and location of such transmission lines. Please identify the generation facilities such lines interconnect with and the nominal generation capacity of such generation projects.

UEC RESPONSE:

In addition to the foregoing General Objections, Defendant objects to Request for Production No. 36 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 37:

Please provide any and all Documents relating to Umatilla's claim in its Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section II, page 2, that Umatilla will provide point-to-point transmission service to the Wheatridge Wind project, "as evidenced in a 2015 Letter of Intent and Facilities Agreement between UEC and Wheatridge."

UEC RESPONSE:

UEC objects to this request because it is duplicative in nature. The letter of intent and Facilities Agreement referenced in Request for Production 37 are the subject of CBEC's earlier requests for production, and documents have already been produced in response to those requests. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, additional non-privileged documents, if any, responsive to this request.

REQUEST NO. 38:

Please provide any and all documents that show if the proposed transmission line from the Wheatridge Wind Energy project to a Bonneville Power Administration substation would be interconnected to any part of Umatilla's existing distribution system, existing transmission system, or any other existing Umatilla electrical facilities, that are constructed and operating as of the date of this data request.

///

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, non-privileged documents, if any, responsive to this request.

REQUEST NO. 39:

Umatilla claims in its Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section II, page 2 that "Wheatridge proposed to interconnect the collector substation with UEC's system through facilities to be constructed by UEC" and Umatilla will transmit Project energy to the Bonneville Power Administration Morrow Flats substation. Please identify and provide the location on UEC's existing system where Wheatridge plans to interconnect as Umatilla claims.

UEC RESPONSE:

The point of interconnection will be the proposed 230kV transmission line, which does not yet exist. There is, therefore, no location on UEC's existing system where Wheatridge plans to interconnect.

REQUEST NO. 40:

In Umatilla's Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section II, page

2, Umatilla claims that "Wheatridge states that it is the mutual understanding and intentions of UEC and Wheatridge that that [sic] UEC will be responsible for designing, constructing, owning and operating a 230 kV transmission line of approximately 23 miles in Morrow County (the "UEC 230 kV Line) which will facilitate Wheatridge's good faith request for interconnection." Please provide any and all Documents related to "Wheatridge's good faith request for interconnection" and the mutual understanding between Wheatridge and Umatilla that Umatilla will be responsible for designing, constructing, owning and operating a 230 kV transmission line of approximately 23 miles in Morrow County.

UEC RESPONSE:

UEC objects to this request because it is duplicative in nature. The request for interconnection referenced in Request for Production 40 is the subject of CBEC's earlier requests for production, and documents have already been produced in response to those requests. Subject to, as limited by, and without waiving the foregoing objection and the General Objections, Defendant, after a search of reasonable scope, will produce for inspection and copying, additional non-privileged documents, if any, responsive to this request.

REQUEST NO. 41:

In Umatilla's Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section III, page 3, Umatilla claims that "UEC is, however, a 'transmitting utility' as defined under Section 3(23) of the FPA." Please provide any and all Documents that relate to or support

Umatilla's claim that it is a "transmitting utility."

UEC RESPONSE:

UEC objects to this request because it requires UEC to draw legal conclusions about which facts do or do not support UEC's claim that it is a transmitting utility. Further, this request is overly broad and burdensome to the extent that it seeks all facts that support UEC's claim when a subset of those facts is likely to be sufficient for that purpose. Further, this request seeks information that is irrelevant and not likely to lead to admissible evidence.

REQUEST NO. 42:

Please identify and list all the people, including without limitation, consultants, Umatilla employees, and others, who have worked on, or participated in, the design, engineering, planning, or study for Umatilla of the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation.

UEC RESPONSE:

Subject to, as limited by, and without waiving the foregoing General Objections, UEC identifies the individuals below and provides the following list:

Robert Echenrode	Josh Lankford	Kevin Meenaghan	Andrew O'Connell
Aleka Scott	Michael Vaughn	Jon Boessen	Jeffrey Maffuccio
Anders Johnson	Louis Toth	Mike Priest	Charles Sweeney
Mitch Colburn	James Lucas	Nancy Lang	Jerry Rietmann
Lewis Wiles	Bill Frisbie	Brian Salois	
Isaac Keene	Steve Eldrige	Kelly Johnson	

REQUEST NO. 43:

In Umatilla's Notice of Appearance and Comments in Support of Filing of Umatilla Electric Cooperative, Federal Energy Regulatory Commission Docket No. TX17-1-000, Section IV, page 4, Umatilla claims that it confirms the representations made by Wheatridge Wind Energy, LLC on Umatilla's behalf in Wheatridge Wind Energy, LLC's application to the Federal Energy Regulatory Commission for an Order for interconnection with Umatilla. In Wheatridge Wind Energy, LLC's "Application for Order Directing Generator Interconnection and Transmission Service" page 4-5, Wheatridge Wind Energy, LLC claims, "In accordance with Oregon law, UEC could only supply the station power for the Project facilities located within the UEC franchised retail service territory. Station power for the Project facilities to be located in the CBEC franchised retail service territory would be supplied by CBEC under its retail tariff." Please explain how Umatilla plans to serve the retail load of the Wheatridge Wind Energy project's facilities located in Umatilla's service territory, including the identification of the specific transmission or distribution facilities that Umatilla would use to serve such loads.

UEC RESPONSE:

This request presumes that UEC plans to serve the retail load of the Wheatridge facility in UEC's service territory. UEC currently has no plans to serve the retail load of Wheatridge Wind Energy's project facilities in UEC's service territory, and has not been asked by Wheatridge to provide such retail service. In the event Wheatridge does request retail service for project facilities in UEC's service territory, UEC would evaluate the request consistent with its normal practices, which would include analyzing the retail service needs of those project facilities located in UEC's service territory and any potential limits of providing service under Oregon's

territory allocation law. The project could also self-supply its internal loads through solar, battery or generation without needing any retail service from UEC or any other utility.

Dated this 20th day of April 2017.

Respectfully submitted,



Chad M. Stokes, OSB No. 004007
Tommy A. Brooks, OSB No. 076071
Cable Huston LLP
1001 SW Fifth Ave., Suite 2000
Portland, OR 97204-1136
Telephone: (503) 224-3092
Facsimile: (503) 224-3176
E-Mail: cstokes@cablehuston.com
tbrooks@cablehuston.com

Of Attorneys for
Umatilla Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing document upon all parties of record (listed below) in this proceeding by electronic mail and by mailing a copy properly addressed with first class postage prepaid.

John A. Cameron
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201
johncameron@dwt.com

Scott Gibbens
Public Utility Commission
201 High Street SE
Salem, OR 97301
Scott.gibbens@state.or.us

Derek D. Green
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201
derekgreen@dwt.com

Raymond S. Kindley
Kindley Law PC
PO Box 569
West Linn, OR 97068
kindleylaw@comcast.net

Johanna Riemenschneider
PUC Staff – Department of Justice
Business Activities Section
1162 Court Street NE
Salem, OR 97301-4796
Johanna.riemenschneider@doj.state.or.us

Jerry Rietmann
Wheatridge Wind Energy, LLC
PO Box 133
Ione, OR 97843
ellaresources@wildblue.net

Paul Rossow
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088
Paul.rossow@state.or.us

Thomas F. Wolff
Columbia Basin Electric
PO Box 398
Heppner, OR 97836
tommy@columbiabasin.cc

///

///

///

///

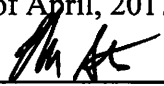
///

///

///

Kirk Gibson
McDowell Rackner Gibson PC
419 SW 11th Ave, Suite 400
Portland, OR 97205

Dated in Portland, Oregon this 20th day of April, 2017



Chad M. Stokes, OSB 00400
Tommy A. Brooks, OSB 076071
Cable Huston LLP
1001 SW Fifth Avenue, Suite 2000
Portland, OR 97204-1136
Telephone: (503) 224-3092
Facsimile: 503-224-3176
E-mail: cstokes@cablehuston.com
tbrooks@cablehuston.com

Of Attorneys for
Umatilla Electric Cooperative, Inc.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit E Accompanying Motion to Compel

Columbia Basin Electric Cooperative's First Data Request
to Wheatridge Wind Energy, LLC

May 2017

KINDLEY LAW, PC

RAYMOND S. KINDLEY

ADMITTED IN OREGON AND WASHINGTON

April 13, 2017

Via Electronic Mail

Mr. Derek Green
Mr. John Cameron
Davis Wright Tremaine, LLP
1300 SW Fifth Ave., Suite 2400
Portland, OR 97201-5610

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

Dear Mr. Green and Mr. Cameron:

Please find attached Columbia Basin Electric Cooperative's First Data Request to Wheatridge Wind Energy, LLC in UM 1823 and the Certificate of Service.

If you have any questions, please contact me.

Sincerely,

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

Attachments

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2017, on behalf of Columbia Basin Electric Cooperative, Inc. I served the foregoing COLUMBIA BASIN ELECTRIC COOPERATIVE'S FIRST DATA REQUEST TO WHEATRIDGE WIND ENERGY, LLC via email on the parties listed by the Oregon Public Utility Commission's website for UM 1823.

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.

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON
UM 1823**

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC., an Oregon cooperative corporation, Complainant,)	COLUMBIA BASIN ELECTRIC COOPERATIVE'S FIRST DATA REQUEST TO WHEATRIDGE WIND ENERGY, LLC
vs.)	
UMATILLA ELECTRIC COOPERATIVE, INC., an Oregon cooperative corporation, Defendant)	

TO: Wheatridge Wind Energy, LLC and its attorney, Derek Green:

Columbia Basin Electric Cooperative, Inc. (hereinafter "Columbia Basin") requests that Wheatridge Wind Energy, LLC (hereinafter "Wheatridge Wind") produce the Documents and information described below for inspection and copying in accordance with OAR 860-001-0540. Columbia Basin's requests extend beyond all Documents and information within Wheatridge Wind's possession to include Documents and information within the custody or control of Wheatridge Wind or Wheatridge Wind's agents, including without limitation, Wheatridge Wind's attorneys, accountants, bookkeepers, and may therefore, require Wheatridge Wind or Wheatridge Wind's agents to seek and obtain the specifically requested Documents and

information and make it available within fourteen (14) days at the offices of Columbia Basin's attorney, Raymond S. Kindley, KINDLEY LAW, PC, PO Box 569 West Linn, OR 97068.

DEFINITIONS AND INSTRUCTIONS

1. "Document or Documents" means any book, pamphlet, periodical, letter, report, memorandum, notation, message, telegram, cable, record, study, working paper, chart, graph, index, tape, minutes, contract, lease, invoice, record of purchase or sale, correspondence, email, electronically stored information, electronic or other transcription or taping of telephone or personal conversations, or conferences, or any and all other written, printed, typed, punched, taped, filmed or graphic matter, however produced or reproduced. The term Documents includes those Documents in Wheatridge Wind's possession, custody or control, and those Documents to which Wheatridge Wind has access and the ability to produce or obtain through a reasonable investigation, or inquiry, or to which Wheatridge Wind is in a position to cause its production by Wheatridge Wind's directions or orders.

2. "You" or "your" means Wheatridge Wind or Wheatridge Wind's employees or agents who are or were acting or purporting to act on behalf of the Wheatridge Wind.

3. "Person(s)" means natural persons, proprietorships, sole proprietorships, corporations, nonprofit corporations, whether public or private, public corporations, municipal corporations, local, state, federal or foreign governments, or governmental agencies, political subdivisions, general or limited partnerships, limited partnerships, business trusts, trusts, estates, clubs, groups, unincorporated associations, associations, or other business or public organizations.

4. "Oral communication" means any communication or portion thereof between any two or more persons which is not or was not recorded, inclusive, but not limited to, telephone conversations, face to face conversations, meetings and conferences.

5. “Relating to”, “Related to” or “Relate to” means consisting of, identifying, concerning, referring to, alluding to, responding to, in connection with, commenting on, in response to, about, regarding, explaining, discussing, showing, describing, studying, reflecting, analyzing, or constituting.

6. Columbia Basin’s request is intended to be perpetual throughout the pendency of this action so that any new Documents or information falling within the classification of Documents below should be forwarded to Columbia Basin’s attorneys within fourteen (14) days after any such Documents or information come within Wheatridge Wind’s possession, custody or control, or within the possession, custody or control of Wheatridge Wind’s agents.

7. Legible copies of the Documents may be substituted for originals if they are complete and correct copies of the originals. All responsive Documents should be segregated and designated as responsive to a particular request or to particular requests, as the case may be.

8. If any response refers to a specific source Document, please identify the source Document, specify the page that is referenced, and provide copies of the source Document.

9. For each response, if not obvious from context, please state (1) the name(s) and title(s) of the person(s) responsible for preparing the response, (2) the name(s) and title(s) of the person(s) who is competent to give testimony (i) concerning the response and (ii) concerning all Documents produced as part of the response.

10. If not all of the information requested is available, provide the information that is available.

11. If the information requested in one part of a request is not available, the information that is available in response to other parts of that request should be provided.

DATA REQUESTS

CBEC DR TO WHEATRIDGE NO. 1: Please provide any and all Documents that Relate to the Wheatridge Project's transmission rights on the proposed Umatilla Transmission Line to be used to export wholesale power generated at the Wheatridge Project.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 2: Please provide any and all Documents that Relate to the Wheatridge Project's transmission rights on the proposed Umatilla Transmission Line to be used to transmit power *not* generated at the Wheatridge Project.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 3: Wheatridge Wind's Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states that 2Morrow Energy, LLC requested interconnection and 1,012 MW of PTP transmission service from UEC on July 29, 2010, and 2Morrow Energy and Umatilla Electric Cooperative entered into a "Deposit Agreement." Please provide any and all Documents that Relate to 2Morrow Energy's request for interconnection and PTP transmission service, and the Deposit Agreement referenced above. In addition to other Documents, please provide a copy of the interconnection and transmission requests and a copy of the Deposit Agreement.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 4: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states that 2Morrow Energy, LLC “subsequently assigned to Wheatridge all of 2Morrow’s rights, title and interest in the 1,012 MW of transmission service it had requested.” Please provide any and all Documents that Relate to the assignment of transmission rights reference above, including without limitation any assignment agreement. Please also provide any and all Documents that Relate to 2Morrow Energy’s assignment of interconnection rights and queue position with Umatilla Electric Cooperative to Wheatridge Wind.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 5: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states, “On August 5, 2011, Wheatridge also submitted to UEC a point-to-point transmission service request and deposit for an additional 238 MW of capacity on the UEC transmission system.” Please provide any and all Documents that Relate to Wheatridge Wind’s transmission requested referenced above.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 6: Please provide any and all Documents that relate to the total amount of transmission service that 2Morrow Energy LLC, and Wheatridge Wind Energy, LLC, have requested from Umatilla Electric Cooperative.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 7: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 1, states, “Wheatridge is developing a wind powered generation facility that will have a maximum nominal generating capacity of 500 MW. On page 2 of that same document, Wheatridge provides it has obtained through assignment or transmission requests, approximately 1250 MW of transmission capacity from Umatilla Electric Cooperative. Please explain in detail, and provide Documents supporting your explanation where available, why Wheatridge Wind has requested or otherwise obtained approximately 1250 MW of transmission service rights on the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation to export power from the Wheatridge Wind Energy project that will have a maximum nominal generating capacity of 500 MW.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 8: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, footnote 1, states, “The two transmission requests are to accommodate the current Project and future development by Wheatridge.”

- A. Please provide the name and proposed capacity of the future project referenced above in the quotation.

- B. Please identify the proposed owner of the “future project” referenced above in the quotation.
- C. Please identify in detail the proposed location of the “future project” referenced above in the quotation.
- D. Please describe in detail any transmission facilities, in addition to the currently proposed Umatilla 230 kV line between the currently proposed Wheatridge Wind project and the Bonneville Power Administration transmission system, that would be constructed to export power from the “future project” referenced above in the quotation to the Bonneville Power Administration’s transmission system. The Description should include, without limitation, the location, capacity and ownership of any such transmission facilities.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 9: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states “Wheatridge and UEC have entered into several letters of intent and other agreements for the purpose of identifying a route and the UEC infrastructure that would be necessary for a 230 kV transmission line to connect the [Wheatridge Wind] Project’s facilities to a BPA substation.” Please provide any and all Documents that Relate to the “several letters of intent and other agreements”

referenced above. Please include, without limitation, copies of any and all such “letters of intent and other agreements.”

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 10: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states, “The current proposed route [of Umatilla Electric’s Transmission line to interconnect the Wheatridge Wind project with the Bonneville Power Administration’s transmission system] is addressed in a Letter of Intent dated April 15, 2015 (the “2015 LOI”).

- A. Please provide a copy of that “2015 LOI” and any and all Documents Related to the terms and conditions set forth in that Document.
- B. Is the “2015 LOI” binding on both Wheatridge Wind and Umatilla Electric Cooperative?

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 11: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, pages 2-3, states, the 2015 LOI sets forth the mutual understandings and intentions of UEC and Wheatridge relating to multiple agreements under which UEC will design, construct and own a 230 kV transmission line of approximately 23 miles in length in Morrow County connecting the Project to a BPA substation

near Boardman, Oregon (the “UEC 230 kV Line”). Please provide copies of all the “multiple agreements” referenced above in the quotation.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 12: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, pages 3, states that “It is currently contemplated that while UEC will design, construct, own and operate the necessary generator interconnection and transmission facilities, Wheatridge, as the first party to use the UEC 230 kV Line, will pay all capital costs of the construction of the UEC 230 kV Line and interconnection facilities and thereafter will receive transmission revenue credits (up to the amount of capital contribution) from wholesale transmission service revenues received by UEC from service provided to third parties using excess capacity of the UEC 230 kV Line, should any such revenues ever be collected by UEC.”

- A. Please identify and provide any and all Documents that Relate to the “contemplated” arrangement set forth above whereby Wheatridge Wind pays for the construction of the “UEC 230 kV Line” and would “receive transmission revenue credits received by UEC from service provided to third parties” using “excess capacity.”
- B. What is the expected capacity, in MWs of transmission capacity, of the UEC 230 kV Line discussed above?
- C. What is the amount, in MWs of transmission capacity, of expected “excess capacity of the UEC 230 kV Line” discussed above?

D. What other Persons, i.e., the third parties referenced above, does Wheatridge expect to use the UEC 230 kV Line?

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 13: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section I, pages 3, states that “The Project turbines will fall within the franchised retail service territories of both UEC and a neighboring electric distribution cooperative, Columbia Basin Electric Cooperative . . .” Please identify the number of Project turbines that will be located within the retail service territory of UEC and the number of Project turbines that will be located within the retail service territory of Columbia Basin Electric Cooperative.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 14: Wheatridge Wind Energy, LLC’s “Application for Order Directing Generator Interconnection and Transmission Service” filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section I, pages 3-4, claims, “In accordance with Oregon law, UEC could only supply the station power for the Project facilities located within the UEC franchised retail service territory. Station power for the Project facilities to be located in the CBEC franchised retail service territory would be supplied by CBEC under its retail tariff.”

A. In relation to Wheatridge Wind's statement above, please explain Wheatridge Wind's understanding of how Umatilla Electric Cooperative would serve the retail load of the Wheatridge Wind Energy project's facilities located in Umatilla Electric Cooperative's service territory. Please include in the response the identification of the specific transmission, distribution and/or interconnection facilities that Umatilla Electric Cooperative would use to serve such retail loads. Please provide any and all Documents that relate to or support Wheatridge Wind's response.

B. In relation to Wheatridge Wind's statements above, please explain Wheatridge Wind's understanding of how Columbia Basin Electric Cooperative would serve the retail load of the Wheatridge Wind Energy project's facilities located in Columbia Basin Electric Cooperative's service territory. Please identify the existing or future electrical facilities, owned by Columbia Basin, Wheatridge Wind, or other Persons, which Columbia Basin could use to interconnect and provide the retail electric service to the Wheatridge Wind Energy project. Please provide any and all Documents that relate to or support Wheatridge Wind's response.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 15: Wheatridge Wind Energy, LLC's

"Application for Order Directing Generator Interconnection and Transmission Service" filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section III, D., page 8, states that the effects of the Project's interconnection have been studied by BPA with System Impact Studies and Facilities Studies.

- A. Please provide a copy of the interconnection request to the Bonneville Power Administration for the interconnection addressed in the System Impact Study and Facilities Study referenced above.
- B. Please provide a copy of the results of Feasibility Study, the System Impact Study and the Feasibility Study associated with the above referenced interconnection request.
- C. Please identify the Person(s) who currently holds, controls or owns the interconnection rights, and the magnitude of the interconnection rights in MWs, associated with the interconnection request referenced above.

CBEC DR TO WHEATRIDGE NO. 16: Wheatridge Wind Energy, LLC's

“Application for Order Directing Generator Interconnection and Transmission Service” filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section III, G., pages 9-10, states, “The interconnection and transmission service that UEC would be directed to provide will be solely for the purpose of providing Wheatridge a reliable high voltage transmission path to the BPA transmission system to enable Wheatridge to make sales for resale of the energy generated by its 500 MW project.”

- A. Is Wheatridge Wind's Application to FERC seeking an order directing UEC to provide only 500 MW of transmission service to export power generated at the Wheatridge Wind project to the Bonneville Administration Transmission system?
- B. Is Wheatridge Wind's Application to FERC seeking an order directing UEC to provide more than 500 MW of transmission service on the proposed UEC 230 kV transmission line?

C. Is a 230 kV transmission line necessary to export the proposed 500 MW of generation from the Wheatridge Wind project or can a power line with less capacity adequately transmit 500 MW of power?

CBEC DR TO WHEATRIDGE NO. 17: Please identify and list all the Persons, including without limitation, consultants, Wheatridge Wind employees, Umatilla Electric Cooperative employees or agents, and others, who have worked on, or participated in, the design, engineering, planning, or study for Wheatridge Wind of the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation.

RESPONSE:

CBEC DR TO WHEATRIDGE NO.18: Please provide any and all Documents that Relate to any and all expansion of the proposed Umatilla 230 kV transmission line, where such expansion would interconnect the proposed Umatilla 230 kV transmission line to other generation facilities or transmission facilities. Please identify any such other generation or transmission facilities by name, location and capacity.

RESPONSE:

CBEC DR TO WHEATRIDGE NO. 19: Please provide a copy of Wheatridge Wind's response to Umatilla County Commission Order No. BCC2015-075 and the Special Advisory Group Findings as set forth in a memorandum prepared by David J. Petersen dated October 7, 2015.

CBEC DR TO WHEATRIDGE NO. 20: In Umatilla Electric Cooperative's Answer in this proceeding, Umatilla Electric Cooperative states in paragraphs 26 and 38 that the proposed 230 kV transmission line between the Wheatridge Wind project and the Bonneville Power Administration substation would be used exclusively to export wholesale power generated at the Wheatridge Project.

- A. Are these statements in Umatilla Electric Cooperative's Answer incorrect?
- B. If Umatilla Electric Cooperative's statements are incorrect please explain and include Wheatridge Wind's understanding of other Person's use of the proposed 230 kV transmission line.

DATED this 13th day of April, 2017.

By /s/ Raymond S. Kindley
RAYMOND S. KINDLEY, OSB 964910
KINDLEY LAW, PC
Email: kindleylaw@comcast.net
Tel: (503) 206-1010
Of Attorneys for Columbia Basin Electric
Cooperative, Inc.

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit F Accompanying Motion to Compel

Wheatridge Wind Energy, LLC's Response to
Columbia Basin Electric Cooperative's First Data Request
to

May 2017

UM 1823

COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC.,

Complainant,

vs.

UMATILLA ELECTRIC COOPERATIVE,

Defendant;

Regarding Wheatridge Wind Project.

WHEATRIDGE WIND ENERGY, LLC'S
RESPONSE TO COLUMBIA BASIN ELECTRIC
COOPERATIVE'S FIRST DATA REQUEST

Wheatridge Wind Energy, LLC ("Wheatridge") responds to Complainant's First Data Requests as follows:

GENERAL RESPONSES AND OBJECTIONS

1. Wheatridge responds to Complainant's requests on its own behalf, and objects to Complainant's requests to the extent it seeks documents held or in the control of Defendant Umatilla Electric Cooperative ("Umatilla").

2. Wheatridge objects to each request to the extent that it calls for discovery of information that is protected by the attorney-client privilege, the work product doctrine or any other privilege (collectively referred to as "privileged"). Wheatridge's responses exclude all privileged documents or information.

3. Wheatridge objects to each request to the extent that it calls for discovery of information not subject to discovery under the Public Utility Commission's administrative procedures, *see* OAR 860-001-0500 *et seq.*, and the Oregon Rules of Civil Procedure incorporated therein, including without limitation each request to the extent it seeks documents regarding subject matters not relevant to this dispute, not reasonably calculated to lead to the

discovery of admissible evidence, and not commensurate with the needs of the case, the resources available to the parties, and the importance of the issues to which the discovery relates.

4. Wheatridge objects to each request to the extent that it seeks information already in Complainant's possession or control, or in the possession or control of Complainant's agents or attorneys. Wheatridge further objects to each request to the extent that it seeks information in the possession or control of defendant or other third parties and from whom Complainant may obtain the information at no more cost or effort than Wheatridge.

5. Wheatridge objects to each request to the extent that it seeks documents outside a reasonably defined time period and is, therefore, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

6. Wheatridge objects to each request to the extent it calls for discovery of confidential or proprietary information. Wheatridge will not produce any confidential or proprietary information except subject to suitable protection through a protective order.

7. Wheatridge reserves all rights to object to the admissibility, relevancy or other use of information or documents provided pursuant to these requests.

9. This matter remains in the discovery stage, and Wheatridge reserves the right to supplement or correct its responses to these data requests.

10. Wheatridge objects to each request to the extent it seeks information that is not obtainable through a reasonably diligent search. Wheatridge's responses are limited to providing an answer based on information and documents that are available through a reasonably diligent search.

11. Wheatridge objects to each request to the extent it refers to the term "Wheatridge Project" without defining that term. Wheatridge interprets "Wheatridge Project" to mean Wheatridge's proposed 500 MW (nameplate) capacity wind-generation project under consideration by the Oregon Energy Facility Siting Council.

Each of the foregoing objections is incorporated in each and every response set forth below and the response given is made without waiving either these general objections or the specific objections stated in the individual responses. At times, in response to a specific request, Wheatridge may restate for emphasis one or more of these general objections. However, these general objections apply to each and every individual request, and Wheatridge's failure to restate the objection in response to an individual request must not be interpreted as a waiver of these objections as to that request.

DATA REQUESTS

CBEC DR TO WHEATRIDGE NO. 1: Please provide any and all Documents that Relate to the Wheatridge Project's transmission rights on the proposed Umatilla Transmission Line to be used to export wholesale power generated at the Wheatridge Project.

RESPONSE:

Wheatridge objects that this request for "any and all documents that Relate to" the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge shall provide the following documents:

- System Impact Study Agreement (SISA) dated March 19, 2010
- UEC OATT Request acknowledgment letter of 7/30/2010 & related documentation
- UEC OATT effective 6/1/2010
- UEC OATT Request acknowledgment letter of 9/9/2011 and related documentation

CBEC DR TO WHEATRIDGE NO. 2: Please provide any and all Documents that Relate to the Wheatridge Project's transmission rights on the proposed Umatilla Transmission Line to be used to transmit power *not* generated at the Wheatridge Project.

RESPONSE:

Wheatridge objects that this request for "any and all documents that Relate to" the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge responds as follows: Wheatridge refers to the documents referenced in response to CBEC DR to Wheatridge No. 1.

CBEC DR TO WHEATRIDGE NO. 3: Wheatridge Wind's Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section 1, page 2, states that 2Morrow Energy, LLC requested interconnection and 1,012 MW of PTP transmission service from UEC

on July 29, 2010, and 2Morrow Energy and Umatilla Electric Cooperative entered into a “Deposit Agreement.” Please provide any and all Documents that Relate to 2Morrow Energy’s request for interconnection and PTP transmission service, and the Deposit Agreement referenced above. In addition to other Documents, please provide a copy of the interconnection and transmission requests and a copy of the Deposit Agreement.

RESPONSE:

Wheatridge objects that this request for “any and all documents that Relate to” the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. To the extent that this request seeks any material related to 2Morrow assets and rights that were not transferred to Wheatridge, Wheatridge further objects that such material is not relevant to this dispute. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge shall provide the following documents:

- System Impact Study Agreement (SISA) dated March 19, 2010
- UEC OATT Request acknowledgment letter of 7/30/2010 & related documentation
- UEC OATT effective 6/1/2010

CBEC DR TO WHEATRIDGE NO. 4: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section 1, page 2, states that 2Morrow Energy, LLC “subsequently assigned to Wheatridge all of 2Morrow’s rights, title and interest in the 1,012 MW of transmission service it had requested.” Please provide any and all Documents that Relate to the assignment of transmission rights reference above, including without limitation any assignment agreement. Please also provide any and all Documents that Relate to 2Morrow Energy’s assignment of interconnection rights and queue position with Umatilla Electric Cooperative to Wheatridge Wind.

RESPONSE: Wheatridge objects that this request for “any and all documents that Relate to” the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. To the extent that this request seeks any material related to 2Morrow assets and rights that were not transferred to Wheatridge, Wheatridge further objects that such material is not relevant to this dispute. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge shall provide the following documents:

- Assignment & Assumption Agreement dated March 25, 2016 & transmittal email dated 6/15/2016.
- Assignment & Assumption Agreement dated March 30, 2015 & transmittal email dated 11/20/2015.

CBEC DR TO WHEATRIDGE NO. 5: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section 1, page 2, states, “On August 5, 2011, Wheatridge also submitted to UEC a point-to-point transmission service request and deposit for an additional 238 MW of capacity on the UEC transmission system.” Please provide any and all Documents that Relate to Wheatridge Wind’s transmission requested referenced above.

RESPONSE: Wheatridge objects that this request for “any and all documents that Relate to” the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge shall provide the following documents:

- UEC OATT Request acknowledgment letter of 9/9/2011 and related documentation

CBEC DR TO WHEATRIDGE NO. 6: Please provide any and all Documents that relate to the total amount of transmission service that 2Morrow Energy LLC, and Wheatridge Wind Energy, LLC, have requested from Umatilla Electric Cooperative.

RESPONSE: Wheatridge objects that this request for “any and all documents that relate to” the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge responds as follows: Wheatridge refers to the documents referenced in response to CBEC DR to Wheatridge No. 1.

CBEC DR TO WHEATRIDGE NO. 7: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section 1, page 1, states, “Wheatridge is developing a wind powered generation facility that will have a maximum nominal generating capacity of 500 MW.” On page 2 of that same document, Wheatridge provides it has obtained through assignment or transmission requests, approximately 1250 MW of transmission capacity from Umatilla Electric Cooperative. Please explain in detail, and provide Documents supporting your explanation where available, why Wheatridge Wind has requested or otherwise obtained approximately 1250 MW of transmission service rights on the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation to export power from the Wheatridge Wind Energy project that will have a maximum nominal generating capacity of 500 MW.

RESPONSE: Wheatridge objects that this request is not commensurate to the needs of this dispute, seeks information that is not relevant to the needs of this dispute, and is unduly burdensome. Wheatridge further objects to the extent this request seeks access to confidential or sensitive business data, the disclosure of which would place Wheatridge at a competitive

disadvantage. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge responds as follows:

Wheatridge is a project developer. As such, it continues to investigate opportunities to develop additional renewable projects beyond the 500 MW EFSC project. No projects beyond the 500MW project currently under application with the Energy Facility Siting Council (EFSC) have yet been identified.

A transmission path is a critical early stage development item. Having the rights beyond the current 500MW is a logical step toward development of additional resources.

Subject to the protective order, Wheatridge shall provide a map showing the EFSC project and land leased by Wheatridge that is possible land for future development.

CBEC DR TO WHEATRIDGE NO. 8: Wheatridge Wind's Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, footnote 1, states, "The two transmission requests are to accommodate the current Project and future development by Wheatridge."

- A. Please provide the name and proposed capacity of the future project referenced above in the quotation.
- B. Please identify the proposed owner of the "future project" referenced above in the quotation.
- C. Please identify in detail the proposed location of the "future project" referenced above in the quotation.
- D. Please describe in detail any transmission facilities, in addition to the currently proposed Umatilla 230 kV line between the currently proposed Wheatridge Wind project and the Bonneville Power Administration transmission system, that would be constructed to export power from the "future project" referenced above in the quotation to the Bonneville Power Administration's transmission system. The Description should include,

without limitation, the location, capacity and ownership of any such transmission facilities.

RESPONSE: Wheatridge objects that this request, and each subpart, is not commensurate to the needs of this dispute and seeks information that is not relevant to the needs of this dispute. Wheatridge further objects to the extent this request seeks access to confidential or sensitive business data, the disclosure of which would place Wheatridge at a competitive disadvantage. Subject to the foregoing as well as the General Objections, Wheatridge responds as follows:

- A. See response to CBEC DR to Wheatridge No. 7.
- B. See response to CBEC DR to Wheatridge No. 7.
- C. See response to CBEC DR to Wheatridge No. 7.
- D. See response to CBEC DR to Wheatridge No. 7. Wheatridge has no proposed transmission facilities beyond what is proposed related to the 500MW EFSC project.

CBEC DR TO WHEATRIDGE NO. 9: Wheatridge Wind's Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states "Wheatridge and UEC have entered into several letters of intent and other agreements for the purpose of identifying a route and the UEC infrastructure that would be necessary for a 230 kV transmission line to connect the [Wheatridge Wind] Project's facilities to a BPA substation." Please provide any and all Documents that Relate to the "several letters of intent and other agreements" referenced above. Please include, without limitation, copies of any and all such "letters of intent and other agreements."

RESPONSE: Wheatridge objects that this request for "any and all Documents that Relate to" the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Subject to the

foregoing as well as the General Objections, and subject to the protective order, Wheatridge shall provide the following documents related to the proposed transmission line at issue in the complaint:

- Letter of Intent dated 4/13/2015
- Facilities Agreement dated 1/11/2016
- Facilities Agreement - First Extension of Term dated 11/3/2016

CBEC DR TO WHEATRIDGE NO. 10: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section 1, page 2, states, “The current proposed route [of Umatilla Electric’s Transmission line to interconnect the Wheatridge Wind project with the Bonneville Power Administration’s transmission system] is addressed in a Letter of Intent dated April 15, 2015 (the ‘2015 LOI’).”

- A. Please provide a copy of that “2015 LOI” and any and all Documents Related to the terms and conditions set forth in that Document.
- B. Is the “2015 LOI” binding on both Wheatridge Wind and Umatilla Electric Cooperative?

RESPONSE:

A. Wheatridge objects that this request for “any and all Documents that Relate to” the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge responds as follows: see Response to CBEC DR to Wheatridge No. 9.

B. Wheatridge objects that this request calls for a legal conclusion and that the terms of the 2015 LOI speak for themselves.

CBEC DR TO WHEATRIDGE N0.11: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section 1, pages 2-3, states, the 2015 LOI sets forth the mutual understandings and intentions of UEC and Wheatridge relating to multiple agreements under which UEC will design, construct and own a 230 kV transmission line of approximately 23 miles in length in Morrow County connecting the Project to a BPA substation near Boardman, Oregon (the “UEC 230 kV Line”). Please provide copies of all the “multiple agreements” referenced above in the quotation.

RESPONSE: Subject to its general objections and suitable protective order, Wheatridge responds as follows: see Response to CBEC DR to Wheatridge No. 9.

CBEC DR TO WHEATRIDGE NO. 12: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section 1, pages 3, states that “It is currently contemplated that while UEC will design, construct, own and operate the necessary generator interconnection and transmission facilities, Wheatridge, as the first party to use the UEC 230 kV Line, will pay all capital costs of the construction of the UEC 230 kV Line and interconnection facilities and thereafter will receive transmission revenue credits (up to the amount of capital contribution) from wholesale transmission service revenues received by UEC from service provided to third parties using excess capacity of the UEC 230 kV Line, should any such revenues ever be collected by UEC.”

- A. Please identify and provide any and all Documents that Relate to the “contemplated” arrangement set forth above whereby Wheatridge Wind pays for the construction of the “UEC 230 kV Line” and would “receive transmission revenue credits received by UEC from service provided to third parties” using “excess capacity.”
- B. What is the expected capacity, in MWs of transmission capacity, of the UEC 230 kV Line discussed above?

C. What is the amount, in MWs of transmission capacity, of expected “excess capacity of the UEC 230 kV Line” discussed above?

D. What other Persons, i.e., the third parties referenced above, does Wheatridge expect to use the UEC 230 kV Line?

RESPONSE:

A. Wheatridge objects that this request for “any and all documents that Relate to” the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Subject to the foregoing as well as the General Objections, and subject to the protective order, Wheatridge shall provide the 2015 LOI that is as referenced in Response to CBEC DR to Wheatridge No. 9 and relevant correspondence with UEC.

B. Subject to the foregoing as well as the General Objections, Wheatridge responds that the expected capacity has not been definitively agreed upon.

C. Subject to the foregoing as well as the General Objections, Wheatridge responds that the excess capacity will be determined by the final design.

D. Wheatridge objects that this request calls for speculation. No third parties, including but not limited to any potential future projects owned or developed by Wheatridge, have been definitively identified.

CBEC DR TO WHEATRIDGE NO. 13: Wheatridge Wind’s Application for Order Directing Generator Interconnection and Transmission Service filed at the Federal Energy Regulatory Commission Docket No. TX17-01-000, section I, pages 3, states that “The Project turbines will fall within the franchised retail service territories of both UEC and a neighboring electric distribution cooperative, Columbia Basin Electric Cooperative . . .” Please identify the number of Project turbines that will be located within the retail service territory of UEC and the

number of Project turbines that will be located within the retail service territory of Columbia Basin Electric Cooperative.

RESPONSE: Subject to the General Objections above, Wheatridge responds as follows:

The specific number of Project turbines to be located within each retail service territory has not been definitively determined. The Project's application to EFSC, which remains pending, provides for the siting of turbines within two corridors, with different layouts of turbines and other facilities possible within those corridors. The exact locations of each specific turbine and other facilities within those corridors is expected to occur at a later date, as provided for and within the constraints specified within an EFSC site certificate, once obtained.

Wheatridge further responds that maps of the proposed corridors and facilities, based on two different turbine sizes and layouts, are publicly available as part of the Wheatridge Wind Energy Facility's Application for Site Certificate, Exhibit C at the following website:

<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/WRW.aspx>

CBEC DR TO WHEATRIDGE NO. 14: Wheatridge Wind Energy, LLC's "Application for Order Directing Generator Interconnection and Transmission Service" filed at the Federal Energy Regulatory Commission Docket No. TXI 7-01-000, section I, pages 3-4, claims, "In accordance with Oregon law, UEC could only supply the station power for the Project facilities located within the UEC franchised retail service territory. Station power for the Project facilities to be located in the CBEC franchised retail service territory would be supplied by CBEC under its retail tariff."

A. In relation to Wheatridge Wind's statement above, please explain Wheatridge Wind's understanding of how Umatilla Electric Cooperative would serve the retail load of the Wheatridge Wind Energy project's facilities located in Umatilla Electric Cooperative's service territory. Please include in the response the identification of the specific transmission, distribution and/or interconnection facilities that Umatilla Electric

Cooperative would use to serve such retail loads. Please provide any and all Documents that relate to or support Wheatridge Wind's response.

B. In relation to Wheatridge Wind's statements above, please explain Wheatridge Wind's understanding of how Columbia Basin Electric Cooperative would serve the retail load of the Wheatridge Wind Energy project's facilities located in Columbia Basin Electric Cooperative's service territory. Please identify the existing or future electrical facilities, owned by Columbia Basin, Wheatridge Wind, or other Persons, which Columbia Basin could use to interconnect and provide the retail electric service to the Wheatridge Wind Energy project. Please provide any and all Documents that relate to or support Wheatridge Wind's response.

RESPONSE:

A. Wheatridge objects that this request for "any and all documents that Relate to or support" the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Wheatridge further objects that this request calls for speculation and for information that is not within Wheatridge's control. While Wheatridge presumes Umatilla would have multiple options for providing Wheatridge with station power, at this time Wheatridge has not made a request to Umatilla for station power and has not determined how Umatilla would provide station service.

B. Wheatridge objects that this request for "any and all documents that Relate to or support" the referenced subject matter is overly broad, unduly burdensome, and not commensurate to the needs of this dispute. Wheatridge further objects to this request to the extent it seeks documents within the possession and control of any party other than Wheatridge. Wheatridge further objects that this request calls for speculation and for information that is not within Wheatridge's control. While Wheatridge presumes CBEC would have multiple options

for providing Wheatridge with station power, at this point Wheatridge has not made a request to CBEC for station power and has not determined how CBEC would provide station service.

CBEC DR TO WHEATRIDGE NO.15: Wheatridge Wind Energy, LLC's "Application for Order Directing Generator Interconnection and Transmission Service" filed at the Federal Energy Regulatory Commission Docket No. TX1 7-01-000, section III, D., page 8, states that the effects of the Project's interconnection have been studied by BPA with System Impact Studies and Facilities Studies.

A. Please provide a copy of the interconnection request to the Bonneville Power Administration for the interconnection addressed in the System Impact Study and Facilities Study referenced above.

B. Please provide a copy of the results of Feasibility Study, the System Impact Study and the ^{Facility} Feasibility Study associated with the above referenced interconnection request.

C. Please identify the Person(s) who currently holds, controls or owns the interconnection rights, and the magnitude of the interconnection rights in MWs, associated with the interconnection request referenced above.

RESPONSE:

A. Wheatridge objects that this data request seeks information that is not relevant to the needs of this dispute, is unduly burdensome and not commensurate to the needs of this case, and not reasonably calculated to lead to the discovery of admissible evidence.

B. Wheatridge objects that this data request is overly broad, unduly burdensome and not commensurate to the needs of this case, vague, and not reasonably calculated to lead to the discovery of admissible evidence. The data request is further objectionable because it seeks access to confidential and sensitive business data, the disclosure of which to CBEC or other parties to this proceeding, even under a protective order, could unfairly place Wheatridge at a competitive business disadvantage. The data request is further objectionable because it seeks

access to information deemed by the BPA to be Critical Infrastructure Information the disclosure of which requires BPA authorization.

C. Subject to the General Objections above, Wheatridge responds that it holds a total of 2,768 MW of interconnection requests with the BPA.

CBEC DR TO WHEATRIDGE NO. 16: Wheatridge Wind Energy, LLC's "Application for Order Directing Generator Interconnection and Transmission Service" filed at the Federal Energy Regulatory Commission Docket No. TXI 7-01-000, section III, G., pages 9-10, states, "The interconnection and transmission service that UEC would be directed to provide will be solely for the purpose of providing Wheatridge a reliable high voltage transmission path to the BPA transmission system to enable Wheatridge to make sales for resale of the energy generated by its 500 MW project."

A. Is Wheatridge Wind's Application to FERC seeking an order directing UEC to provide only 500 MW of transmission service to export power generated at the Wheatridge Wind project to the Bonneville Administration Transmission system?

B. Is Wheatridge Wind's Application to FERC seeking an order directing UEC to provide more than 500 MW of transmission service on the proposed UEC 230 kV transmission line?

C. Is a 230 kV transmission line necessary to export the proposed 500 MW of generation from the Wheatridge Wind project or can a power line with less capacity adequately transmit 500 MW of power?

RESPONSE:

A. Subject to the General Objections above, Wheatridge responds that the Application speaks for itself.

B. Subject to the General Objections above, Wheatridge responds that the Application speaks for itself.

C. Wheatridge objects that this request is vague. Subject to the foregoing as well as the General Objections above, Wheatridge responds that it is not relevant whether a “power line with less capacity [can] adequately transmit 500 MW of power.” Consistent with federal law, Wheatridge’s application to FERC appropriately concerns a 230 kV transmission line, which can adequately transmit 500MW of power, and such a line would benefit any future development of power exports while reducing the need for additional lines.

CBEC DR TO WHEATRIDGE NO.17: Please identify and list all the Persons, including without limitation, consultants, Wheatridge Wind employees, Umatilla Electric Cooperative employees or agents, and others, who have worked on, or participated in, the design, engineering, planning, or study for Wheatridge Wind of the proposed transmission line between the Wheatridge Wind Energy project and a Bonneville Power Administration substation.

RESPONSE: Wheatridge objects that this data request is overly broad, unduly burdensome and not commensurate to the needs of this case, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing as well as the General Objections, Wheatridge responds as follows:

Steve Eldridge, David Gottula, Robert Echenrode, Louis Toth, Lewis Wiles
Jonathan Boessen, Mike Priest, Mitch Colburn, Michael Vaughn, Joshua
Lankford, Nancy Lang, Isaac Keene, Andrew O’Connell, Jerry Rietmann, Eric
Stoutenburg, Kevin Meenaghan

CBEC DR TO WHEATRIDGE NO.18: Please provide any and all Documents that Relate to any and all expansion of the proposed Umatilla 230 kV transmission line, where such expansion would interconnect the proposed Umatilla 230 kV transmission line to other generation facilities or transmission facilities. Please identify any such other generation or transmission facilities by name, location and capacity.

RESPONSE: Wheatridge objects that this data request is vague, overly broad, unduly burdensome and not commensurate to the needs of this case, and not reasonably calculated to

lead to the discovery of admissible evidence. Wheatridge further objects to the extent this data request seeks documents within the custody or control of other parties.

The data request is further objectionable to the extent it seeks access to confidential and sensitive business data, the disclosure of which to CBEC or other parties to this proceeding, even under a protective order, could unfairly place Wheatridge at a competitive business disadvantage.

Subject to the foregoing and the General Objections, Wheatridge responds that it is not aware of any documents in its possession that identify any other generation or transmission facilities that would interconnect to the “expansion” of the proposed transmission line.

CBEC DR TO WHEATRIDGE NO. 19: Please provide a copy of Wheatridge Wind’s response to Umatilla County Commission Order No. BCC2015-075 and the Special Advisory Group Findings as set forth in a memorandum prepared by David J. Petersen dated October 7, 2015.

RESPONSE: Subject to the General Objections, Wheatridge shall provide the document.

CBEC DR TO WHEATRIDGE NO. 20: In Umatilla Electric Cooperative’s Answer in this proceeding, Umatilla Electric Cooperative states in paragraphs 26 and 38 that the proposed 230 kV transmission line between the Wheatridge Wind project and the Bonneville Power Administration substation would be used exclusively to export wholesale power generated at the Wheatridge Project.

- A. Are these statements in Umatilla Electric Cooperative’s Answer incorrect?
- B. If Umatilla Electric Cooperative’s statements are incorrect please explain and include Wheatridge Wind’s understanding of other Person’s use of the proposed 230 kV transmission line.

RESPONSE:

A. Wheatridge objects to the extent this request misstates the answers provided by Umatilla Electric Cooperative provided in the referenced paragraphs. Subject to the foregoing and the General Objections above, Wheatridge responds that it is without sufficient knowledge to provide a definitive answer to this request. Wheatridge has made an OATT request and entered into a letter of intent related to the transmission of wholesale power generated by the current 500MW EFSC Wheatridge project and any future projects proposed by Wheatridge to connect that wholesale power to the BPA. Wheatridge intends to reserve the transmission rights for export of wholesale power to the interstate transmission substation owned by the BPA. Wheatridge is not aware of any other Persons who have entered into an agreement with UEC for any other use of the proposed 230 kV transmission line.

B. Subject to the General Objections above, Wheatridge responds as follows: see answer to A.

Dated this 27th day of April, 2017.

DAVIS WRIGHT TREMAINE LLP

By: /s/ Derek D. Green

Derek D. Green, OSB #042960
Email: derekgreen@dwt.com
Telephone: (503) 778-5264
Facsimile: (503) 778-5299
Of Attorneys for Intervenor
Wheatridge Wind Energy, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2017, I served the foregoing
WHEATRIDGE WIND ENERGY, LLC'S RESPONSE TO COLUMBIA BASIN ELECTRIC
COOPERATIVE'S FIRST DATA REQUEST by electronic mail upon the parties listed on the
Oregon Public Utility Commission's website for UM 1823.

Dated this 27th day of April, 2017.

DAVIS WRIGHT TREMAINE LLP

By: /s/ Derek D. Green

Derek D. Green, OSB #042960
Email: derekgreen@dwt.com
Telephone: (503) 778-5264
Facsimile: (503) 778-5299
Of Attorneys for Intervenor
Wheatridge Wind Energy, LLC

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC.

UM 1823

Exhibit G Accompanying Motion to Compel

Conferral Emails

May 2017

Kirk Gibson

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Friday, April 07, 2017 1:44 PM
To: tbrooks@cablehouston.com; cstokes@cablehouston.com
Cc: kindleylaw@comcast.net; Kirk Gibson
Subject: Discovery Issues

Tommy and Chad,

At appears from UEC's response on CBEC's discovery requests, that UEC is not going to provide the information requested in Requests Nos. 1, 2 and 3 on the grounds that UEC claims those requests concern irrelevant information. Please note each of those requests ask for information that directly relate to statements made in UEC's Answer, paragraph 22, that 2Morrow Energy and Wheatridge Wind made transmission requests to UEC, and 2Morrow Energy assigned its rights to Wheatridge Wind. CBEC wants those documents to substantiate UEC's statements. CBEC also reasonably believes those documents will lead to additional admissible evidence.

CBEC data request No. 9 asks for documents relating to CBEC's future service of the retail electric loads of the Wheatridge Wind project. This request is responding to UEC's claim in paragraph 42 of UEC's Answer, which states, "All auxiliary power to the Wheatridge Project's retail load in CBEC's service territory would be provided by CBEC." UEC's Response to CBEC data requests claims this data request is ambiguous and seeks irrelevant information. CBEC disagrees as the information requested directly relates to a claim that UEC made in its Answer.

CBEC data requests Nos. 12 and 13 asks for information regarding Wheatridge Wind's or Jerry Rietmann's interconnection request to BPA for the proposed transmission line from the Wheatridge Wind project to the BPA substation. In UEC's Notice of Appearance to FERC regarding Wheatridge Wind's request for an Order for transmission and interconnection service from UEC at FERC, UEC claims it is capable of building the proposed transmission line. Wheatridge Wind's request for the FERC Order implies that Wheatridge made the interconnection request to BPA to interconnect the power line at the Morrow Flat substation. The issue as to who holds the interconnection rights at the Morrow Flat substation for the proposed transmission line and whether UEC has secured the necessary contract rights to interconnect the transmission line to BPA's substation is relevant to this case.

CBEC data request No. 14 requests Document related to Wheatridge's, Jerry Rietmann's or other parties' easement, right-of-way or other property rights for the location, construction and operation of the proposed transmission line. Again, UEC has alleged that it has the capability to construct the proposed transmission line, which raises the issue of who holds the property rights necessary for the transmission line. The property rights also would also indicate the proposed location of the transmission line and other factors such as capacity and whether the easements can be used for other utility services aside from just transmission. UEC claims the request is not relevant and seeks confidential, proprietary information. CBEC believes the information is relevant and/or may lead to admissible evidence and to the extent it is confidential, a protective order is in already in place to protect its confidentiality.

CBEC data request No. 15 requests Documents related to the size, location, capacity and other characteristics of the proposed transmission line and any proposed extension of the transmission line beyond interconnection with the Wheatridge Wind project. UEC claims that this data request asks for information that is irrelevant and confidential. The location, size, capacity and other physical characteristics of the line goes to the heart of UEC's defense that the line is a transmission line instead of a distribution line and not subject to PUC jurisdiction. UEC also claims in its Answer that the transmission line will only be used to export power from the Wheatridge Wind project to the BPA substation. If UEC has information that demonstrates the line would extend beyond the Wheatridge Wind project, then that information is relevant to UEC's claim in its Answer.

CBEC data request No. 16 requests Documents related to CBEC's potential involvement in the participation in the development, construction, and ownership of the proposed transmission line. UEC responds that the information is irrelevant and would not lead to admissible evidence. Contrary to UEC's position, UEC's documents concerning whether or not CBEC would participate in the construction, ownership and operation of the line is very relevant to the issue of UEC plans to invade CBEC territory with or without CBEC's consent or agreement.

CBEC data request No. 23 asks for UEC billings for the construction of UEC's facilities to connect the Willow Creek dairy's circles located in CBEC service territory to UEC's system. The information is relevant because it would list the facilities constructed and costs associate with that. Willow Creek Dairy has alleged in correspondence with CBEC that it asked UEC for service because it was more economical than connecting with CBEC's existing facilities next to the circles. If the information is confidential, a protective order is in place.

If UEC is not going to provide responses to the above requested information, please respond in writing with UEC's position and specific reasons for not providing the requested data for each request by close of business Monday, April 10. If UEC is going to provide the information, please let me know in writing when UEC will provide the data next week.

Also, please send a new disk with the responses to CBEC's first set of data requests. The disk that Cable Huston provides is corrupted and cannot be opened.

If you have any questions, please contact me.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Kirk Gibson

From: Chad Stokes <cstokes@cablehouston.com>
Sent: Friday, April 07, 2017 5:45 PM
To: Ray Kindley; Tommy Brooks
Cc: Kirk Gibson; Tom Grim
Subject: RE: Discovery Issues

Ray –

Thanks for reaching out. Today we sent you a second disk with another round of production responsive to your first request. We also included another version of the first disk. I'm not sure why you cannot open it; we checked it on our end to confirm that the disk can be opened and the documents loaded properly before we mailed it out. If the second attempt does not work, we will need to find an alternative means of sharing the documents.

Below we respond to your follow up questions from your email today.

1 – For CBEC requests 1, 2, and 3, UEC maintains the objections it presented in its initial response. The 2Morrow and Wheatridge projects are separate and distinct. Your data requests do little to narrow the scope of the request and acknowledge the difference in the two projects. Without waiving those objections, however, UEC will provide some documents responsive to those requests.

2 – For CBEC request 9, the request is very broad and asks about future service of Wheatridge's retail electric loads. Your email does not provide any clarification about the scope of this question. Similarly, any information about future service provided by CBEC would be the knowledge of, and in the possession of, CBEC. You are correct that UEC refers to CBEC's future retail service in its Answer. However, this is based on CBEC's own claim in the Complaint that it has the sole right to provide such retail service within its territory. This is not a point UEC disputes, nor does UEC plan to provide electric retail service to Wheatridge in CBEC's territory. The documents provided today and in the future, to the extent they address retail service at all, are the only documents that UEC has to provide.

3 - For CBEC requests 12 and 13, UEC maintains the objections it presented in its initial response. Without waiving those objections, however, UEC will provide documents responsive to those requests.

4 – For CBEC request 14, UEC maintains its objections, including the objection to the overbroad nature of the request. Easements and other property rights do not bear on whether UEC is unlawfully providing utility service in CBEC's territory. To the extent such property interest demonstrate the location of the Wheatridge line, as you note in your email, the location of the line is not in dispute and UEC is providing a significant number of documents that show the planned location and alternative locations considered.

5 – For CBEC request 15, UEC maintains its objections, including over the relevancy of this request. We disagree with your characterization that the components you describe in the request bear on whether the planned line is a transmission line or a distribution line. For example, the number of poles is irrelevant. Further, this request is overbroad and onerous. At heart, the request asks for any and all documents describing any characteristic of the proposed line. UEC insists that any requests about the function of the line as evidenced by its physical characteristics be narrowed so that we can conduct a reasonable search.

6 - For CBEC request 16, UEC maintains the objections it presented in its initial response. Without waiving those objections, however, UEC will provide documents responsive to this request.

7 – For CBEC request 23, UEC maintains the objections it presented in its initial response, including the objection regarding relevance of the request. UEC disagrees with your characterization of the relevance in your

email. Without waiving those objections, some of the documents UEC produces will be responsive to this request.

8 – For several of your arguments below, you have noted that there is a protective order in place. As noted in UEC’s response, we have documents we will provide as soon as you actually sign and become bound by the protective order.

Chad Stokes
Cable Huston LLP
1001 SW 5th Ave., Suite 2000
Portland, Or 97204-1136
503-224-3092
503-224-3176(fax)
cstokes@cablehuston.com

From: Ray Kindley [mailto:kindleylaw@comcast.net]
Sent: Friday, April 07, 2017 1:44 PM
To: Tommy Brooks <tbrooks@cablehuston.com>; Chad Stokes <cstokes@cablehuston.com>
Cc: kindleylaw@comcast.net; Kirk Gibson <kirk@mrg-law.com>
Subject: Discovery Issues

Tommy and Chad,

At appears from UEC’s response on CBEC’s discovery requests, that UEC is not going to provide the information requested in Requests Nos. 1, 2 and 3 on the grounds that UEC claims those requests concern irrelevant information. Please note each of those requests ask for information that directly relate to statements made in UEC’s Answer, paragraph 22, that 2Morrow Energy and Wheatridge Wind made transmission requests to UEC, and 2Morrow Energy assigned its rights to Wheatridge Wind. CBEC wants those documents to substantiate UEC’s statements. CBEC also reasonably believes those documents will lead to additional admissible evidence.

CBEC data request No. 9 asks for documents relating to CBEC’s future service of the retail electric loads of the Wheatridge Wind project. This request is responding to UEC’s claim in paragraph 42 of UEC’s Answer, which states, “All auxiliary power to the Wheatridge Project’s retail load in CBEC’s service territory would be provided by CBEC.” UEC’s Response to CBEC data requests claims this data request is ambiguous and seeks irrelevant information. CBEC disagrees as the information requested directly relates to a claim that UEC made in its Answer.

CBEC data requests Nos. 12 and 13 asks for information regarding Wheatridge Wind’s or Jerry Rietmann’s interconnection request to BPA for the proposed transmission line from the Wheatridge Wind project to the BPA substation. In UEC’s Notice of Appearance to FERC regarding Wheatridge Wind’s request for an Order for transmission and interconnection service from UEC at FERC, UEC claims it is capable of building the proposed transmission line. Wheatridge Wind’s request for the FERC Order implies that Wheatridge made the interconnection request to BPA to interconnect the power line at the Morrow Flat substation. The issue as to who holds the interconnection rights at the Morrow Flat substation for the proposed transmission line and whether UEC has secured the necessary contract rights to interconnect the transmission line to BPA’s substation is relevant to this case.

CBEC data request No. 14 requests Document related to Wheatridge’s, Jerry Rietmann’s or other parties’ easement, right-of-way or other property rights for the location, construction and operation of the proposed transmission line. Again, UEC has alleged that it has the capability to construct the proposed transmission line, which raises the issue of who holds the property rights necessary for the transmission line. The property rights also would also indicate the

proposed location of the transmission line and other factors such as capacity and whether the ease of use of the line is used for other utility services aside from just transmission. UEC claims the request is not relevant and seeks confidential, proprietary information. CBEC believes the information is relevant and/or may lead to admissible evidence and to the extent it is confidential, a protective order is in already in place to protect its confidentiality.

CBEC data request No. 15 requests Documents related to the size, location, capacity and other characteristics of the proposed transmission line and any proposed extension of the transmission line beyond interconnection with the Wheatridge Wind project. UEC claims that this data request asks for information that is irrelevant and confidential. The location, size, capacity and other physical characteristics of the line goes to the heart of UEC's defense that the line is a transmission line instead of a distribution line and not subject to PUC jurisdiction. UEC also claims in its Answer that the transmission line will only be used to export power from the Wheatridge Wind project to the BPA substation. If UEC has information that demonstrates the line would extend beyond the Wheatridge Wind project, then that information is relevant to UEC's claim in its Answer.

CBEC data request No. 16 requests Documents related to CBEC's potential involvement in the participation in the development, construction, and ownership of the proposed transmission line. UEC responds that the information is irrelevant and would not lead to admissible evidence. Contrary to UEC's position, UEC's documents concerning whether or not CBEC would participate in the construction, ownership and operation of the line is very relevant to the issue of UEC plans to invade CBEC territory with or without CBEC's consent or agreement.

CBEC data request No. 23 asks for UEC billings for the construction of UEC's facilities to connect the Willow Creek dairy's circles located in CBEC service territory to UEC's system. The information is relevant because it would list the facilities constructed and costs associate with that. Willow Creek Dairy has alleged in correspondence with CBEC that it asked UEC for service because it was more economical than connecting with CBEC's existing facilities next to the circles. If the information is confidential, a protective order is in place.

If UEC is not going to provide responses to the above requested information, please respond in writing with UEC's position and specific reasons for not providing the requested data for each request by close of business Monday, April 10. If UEC is going to provide the information, please let me know in writing when UEC will provide the data next week.

Also, please send a new disk with the responses to CBEC's first set of data requests. The disk that Cable Huston provides is corrupted and cannot be opened.

If you have any questions, please contact me.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Monday, May 01, 2017 3:57 PM
To: cstokes@cablehouston.com; tbrooks@cablehouston.com;
johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; Green, Derek; Cameron, John;
Tommy Wolff; Kirk Gibson; Jordan Schoonover
Cc: kindleylaw@comcast.net
Subject: Discovery Issues

Chad and Tommy,

As of today, CBEC has not received any data responses to CBEC Second Data Requests to UEC, which CBEC submitted to UEC on April 11, 2017. As you know, UEC provided an Answer, without any responsive documents attached, on April 24, 2017. Pursuant to PUC rules, UEC has 14 days to provide data responses. Please provide all documents responsive to these requests to Huddle by tomorrow at noon.

In CBEC's data requests to UEC, CBEC has asked that all responsive documents be segregated and designated as responsive to a particular request or requests. The Commission Staff's request to UEC concerning its responses also requires UEC to designate which files uploaded on Huddle are responsive to a particular data request. The responses the UEC has provided in answering CBEC first set of data requests, and the few files that UEC has uploaded to Huddle, contain multiple documents that have no designation or other indication of which data request the documents respond to. For the data responses that UEC has already provided and for any future data requests, please separate the files responsive to each data request and designate on the files or documents what data request(s) the information is responding to.

UEC's failure to provide data responses on time and without any reference to the originating data request is harming CBEC's ability to complete discovery in this case.

Please let me know if you have any questions.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Monday, May 01, 2017 5:15 PM
To: Ray Kindley; Tommy Brooks; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; Green, Derek; Cameron, John; Tommy Wolff; Kirk Gibson; Jordan Schoonover
Subject: RE: Discovery Issues

Ray,

As we noted in our response to CBEC's second set of data requests, many of CBEC's new requests were duplicative and some requested a narrative response. We objected to the extent the requests were duplicative, provided narrative responses where appropriate, and produced some responsive documents on Friday. Contrary to your email, the documents uploaded to huddle did segregate the documents and noted the relevant data request. We acknowledge, however, that one of the notes describing which DR were being responded to was incomplete and we have updated that.

As far as the CBEC data requests to date, they are overly broad and duplicative. For example, we have already produced the facilities agreement and letter of intent in our first production, but you continue to make requests that would require those documents to be produced. We are in the process of uploading and segregating documents to Huddle, but because of the volume of material you have requested, this will take time. As of today, UEC has provided documents in response to both CBEC's first and second request for production. You have had access to the documents for some time now and so you should have a good idea of the universe of documents we provided. I suggest we jump on a call later this week to discuss the status of the production.

Chad Stokes

Cable Huston
1001 SW 5th Ave., Suite 2000
Portland, Or 97204-1136
503-224-3092
503-224-3176(fax)
cstokes@cablehuston.com<mailto:cstokes@cablehuston.com>

From: Ray Kindley [kindleylaw@comcast.net]
Sent: Monday, May 01, 2017 3:56 PM
To: Chad Stokes; Tommy Brooks; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; Green, Derek; Cameron, John; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net

Subject: Discovery Issues

Chad and Tommy,

As of today, CBEC has not received any data responses to CBEC Second Data Requests to UEC, which CBEC submitted to UEC on April 11, 2017. As you know, UEC provided an Answer, without any responsive documents attached, on April 24, 2017. Pursuant to PUC rules, UEC has 14 days to provide data responses. Please provide all documents responsive to these requests to Huddle by tomorrow at noon.

In CBEC's data requests to UEC, CBEC has asked that all responsive documents be segregated and designated as responsive to a particular request or requests. The Commission Staff's request to UEC concerning its responses also requires UEC to designate which files uploaded on Huddle are responsive to a particular data request. The responses the UEC has provided in answering CBEC first set of data requests, and the few files that UEC has uploaded to Huddle, contain multiple documents that have no designation or other indication of which data request the documents respond to. For the data responses that UEC has already provided and for any future data requests, please separate the files responsive to each data request and designate on the files or documents what data request(s) the information is responding to.

UEC's failure to provide data responses on time and without any reference to the originating data request is harming CBEC's ability to complete discovery in this case.

Please let me know if you have any questions.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net<<mailto:kindleylaw@comcast.net>>

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net<<mailto:kindleylaw@comcast.net>>.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Tuesday, May 02, 2017 4:52 PM
To: Ray Kindley; Tommy Brooks; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; Green, Derek; Cameron, John; Tommy Wolff; Kirk Gibson; Jordan Schoonover
Subject: RE: Discovery Issues

Ray, so that we can upload documents that have already been produced, the PUC is in the process of creating folders in Huddle that will allow us to distinguish between what's been produced and what is new. As soon as the folders have been created, we will upload the previously produced documents and the new documents, both of which will be grouped in categories to note which DR they are responsive to. Please let me know if you have any questions.

From: Chad Stokes
Sent: Monday, May 01, 2017 5:15 PM
To: Ray Kindley <kindleylaw@comcast.net>; Tommy Brooks <tbrooks@cablehuston.com>; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul <paul.rossow@state.or.us>; Green, Derek <DerekGreen@dwt.com>; Cameron, John <johncameron@DWT.COM>; Tommy Wolff <tommyw@columbiabasin.cc>; Kirk Gibson <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>
Subject: RE: Discovery Issues

Ray,

As we noted in our response to CBEC's second set of data requests, many of CBEC's new requests were duplicative and some requested a narrative response. We objected to the extent the requests were duplicative, provided narrative responses where appropriate, and produced some responsive documents on Friday. Contrary to your email, the documents uploaded to huddle did segregate the documents and noted the relevant data request. We acknowledge, however, that one of the notes describing which DR were being responded to was incomplete and we have updated that.

As far as the CBEC data requests to date, they are overly broad and duplicative. For example, we have already produced the facilities agreement and letter of intent in our first production, but you continue to make requests that would require those documents to be produced. We are in the process of uploading and segregating documents to Huddle, but because of the volume of material you have requested, this will take time. As of today, UEC has provided documents in response to both CBEC's first and second request for production. You have had access to the documents for some time now and so you should have a good idea of the universe of documents we provided. I suggest we jump on a call later this week to discuss the status of the production.

Chad Stokes

Cable Huston
1001 SW 5th Ave., Suite 2000

Portland, Or 97204-1136
503-224-3092
503-224-3176(fax)
cstokes@cablehuston.com

From: Ray Kindley [kindleylaw@comcast.net]
Sent: Monday, May 01, 2017 3:56 PM
To: Chad Stokes; Tommy Brooks; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; Green, Derek; Cameron, John; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues

Chad and Tommy,

As of today, CBEC has not received any data responses to CBEC Second Data Requests to UEC, which CBEC submitted to UEC on April 11, 2017. As you know, UEC provided an Answer, without any responsive documents attached, on April 24, 2017. Pursuant to PUC rules, UEC has 14 days to provide data responses. Please provide all documents responsive to these requests to Huddle by tomorrow at noon.

In CBEC's data requests to UEC, CBEC has asked that all responsive documents be segregated and designated as responsive to a particular request or requests. The Commission Staff's request to UEC concerning its responses also requires UEC to designate which files uploaded on Huddle are responsive to a particular data request. The responses the UEC has provided in answering CBEC first set of data requests, and the few files that UEC has uploaded to Huddle, contain multiple documents that have no designation or other indication of which data request the documents respond to. For the data responses that UEC has already provided and for any future data requests, please separate the files responsive to each data request and designate on the files or documents what data request(s) the information is responding to.

UEC's failure to provide data responses on time and without any reference to the originating data request is harming CBEC's ability to complete discovery in this case.

Please let me know if you have any questions.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that

conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Wednesday, May 03, 2017 12:26 PM
To: cstokes@cablehouston.com; tbrooks@cablehouston.com; Kirk Gibson; Jordan Schoonover; ROSSOW Paul; johanna.riemenschneider@doj.state.or.us; Green, Derek; Cameron, John; kindleylaw@comcast.net; Tommy Wolff
Subject: Discovery Issues in UM 1823
Attachments: CBEC Um 1823 Discovery Issues UEC.docx

Chad and Tommy,

I appreciate your recent effort to comply with CBEC's discovery requests. Unfortunately, the responses are severely lacking and a significant amount of time has been wasted by UEC's refusal to previously comply with CBEC's and Commission Staff's request for UEC to designate, on the produced documents, which data request they are responding to. Your email today appears to indicate that UEC still is not going to do that; instead it will only group responses in categories indicating what the information is responding to. That is unacceptable to CBEC.

Tommy Brooks has already uploaded some documents to Huddle and stated that the 90 some documents are responsive to a long list of data requests. That practice of referencing a group of documents still does not respond to CBEC's or, I believe, the Commission Staff specific requests. We are in the process of sorting through scores of documents attempting to determine if a particular document is responding to a particular data request. Much time is wasted because of the manner in which UEC has chosen to comply with CBEC's data requests.

It is also a significant concern that UEC is not providing the data/documents associated with its responses to CBEC's data requests within the required 14 day period. Perhaps, most important, CBEC has still not received responses to its data requests made at the beginning of April. Unless UEC immediately and substantially remedies this situation CBEC will be filing a motion to compel to get these issues resolved. Other motions may need to be filed to protect CBEC's interests.

UEC has also refused to respond, or only partial respond, to several CBEC data requests. I have attached a list of the issues and CBEC's comments. It appears that CBEC is taking a very narrow definition of what is relevant in this case. As you know, what is relevant under discovery standards is very broad. Please respond to this email immediately if UEC has any further comments.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that

conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Wednesday, May 03, 2017 12:55 PM
To: Ray Kindley; Tommy Brooks; Kirk Gibson; Jordan Schoonover; ROSSOW Paul; johanna.riemenschneider@doj.state.or.us; Green, Derek; Cameron, John; Tommy Wolff
Subject: RE: Discovery Issues in UM 1823

Ray, lets schedule a discovery conference with the ALJ. Are you available tomorrow?

From: Ray Kindley [mailto:kindleylaw@comcast.net]
Sent: Wednesday, May 03, 2017 12:26 PM
To: Chad Stokes <cstokes@cablehuston.com>; Tommy Brooks <tbrooks@cablehuston.com>; Kirk Gibson <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>; ROSSOW Paul <paul.rossow@state.or.us>; johanna.riemenschneider@doj.state.or.us; Green, Derek <DerekGreen@dwt.com>; Cameron, John <johncameron@DWT.COM>; kindleylaw@comcast.net; Tommy Wolff <tommyw@columbiabasin.cc>
Subject: Discovery Issues in UM 1823

Chad and Tommy,

I appreciate your recent effort to comply with CBEC's discovery requests. Unfortunately, the responses are severely lacking and a significant amount of time has been wasted by UEC's refusal to previously comply with CBEC's and Commission Staff's request for UEC to designate, on the produced documents, which data request they are responding to. Your email today appears to indicate that UEC still is not going to do that; instead it will only group responses in categories indicating what the information is responding to. That is unacceptable to CBEC.

Tommy Brooks has already uploaded some documents to Huddle and stated that the 90 some documents are responsive to a long list of data requests. That practice of referencing a group of documents still does not respond to CBEC's or, I believe, the Commission Staff specific requests. We are in the process of sorting through scores of documents attempting to determine if a particular document is responding to a particular data request. Much time is wasted because of the manner in which UEC has chosen to comply with CBEC's data requests.

It is also a significant concern that UEC is not providing the data/documents associated with its responses to CBEC's data requests within the required 14 day period. Perhaps, most important, CBEC has still not received responses to its data requests made at the beginning of April. Unless UEC immediately and substantially remedies this situation CBEC will be filing a motion to compel to get these issues resolved. Other motions may need to be filed to protect CBEC's interests.

UEC has also refused to respond, or only partial respond, to several CBEC data requests. I have attached a list of the issues and CBEC's comments. It appears that CBEC is taking a very narrow definition of what is relevant in this case. As you know, what is relevant under discovery standards is very broad. Please respond to this email immediately if UEC has any further comments.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Wednesday, May 03, 2017 2:19 PM
To: sarah.rowe@state.or.us; Jordan Schoonover; ROSSOW Paul;
johanna.riemenschneider@doj.state.or.us; Ray Kindley; Green, Derek; Cameron, John;
Kirk Gibson; Tommy Wolff; Tommy Brooks
Subject: RE: Discovery Issues in UM 1823

Judge Rowe,

The parties have run into some discovery issues in UM 1823. I believe it would be more efficient to schedule a call with you to discuss the issues now so that you can provide some guidance rather than having you respond to the same issues on a motion to compel. Do you have some time in the next couple of days for a call with the parties? Once we have the dates /times that work for you, the parties can discuss a mutually agreeable time for the call. Thank you.

Chad Stokes
Cable Huston LLP
1001 SW 5th Ave., Suite 2000
Portland, Or 97204-1136
503-224-3092
503-224-3176(fax)
cstokes@cablehuston.com

Jordan Schoonover

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; Jordan Schoonover
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823
Attachments: CBEC UM 1823 Discovery Issues with WR Answr to CBEC 1st DR.docx

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Green, Derek <DerekGreen@dwt.com>
Sent: Thursday, May 04, 2017 1:42 PM
To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; Jordan Schoonover
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [mailto:kindleylaw@comcast.net]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Thursday, May 04, 2017 2:09 PM
To: Green, Derek
Cc: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; Tommy Brooks; Tommy Wolff; Kirk Gibson; Jordan Schoonover
Subject: Re: Discovery Issues in UM 1823

That approach works for UEC and we can be available either Friday or Monday for a call. Thanks

Chad Stokes
Cable Huston
1001 SW 5th Ave., Suite 2000
Portland, Or 97204-1136
503-224-3092
503-224-3176(fax)
cstokes@cablehuston.com<mailto:cstokes@cablehuston.com>
Sent from my iPhone

On May 4, 2017, at 1:42 PM, Green, Derek <DerekGreen@dwt.com<mailto:DerekGreen@dwt.com>> wrote:

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com<mailto:derekgreen@dwt.com> | Website:
[From: Ray Kindley \[mailto:kindleylaw@comcast.net\]
Sent: Wednesday, May 03, 2017 3:37 PM](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.dwt.com&d=DQIF-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=P4K4ifr1T7_Jd0j7JzDSZCvnrVmDXwDLCViDbV04d-c&m=p9vsMiPQXcO6X0IYLpv-kc_zVSFI0v8oHplVzv4fSv4&s=ZPNPimqavLyf5XT0BxnHCCyHAsGKM7LGXXSFii7wz0k&e=<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.dwt.com_&d=DQIF-g&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=P4K4ifr1T7_Jd0j7JzDSZCvnrVmDXwDLCViDbV04d-c&m=p9vsMiPQXcO6X0IYLpv-kc_zVSFI0v8oHplVzv4fSv4&s=mg7ZG6anBO60SVMCp3_vwiz3_IGei3GZTAE0juL0hE&e=>Anchorage | Bellevue | Los Angeles | New York | Portland | San Francisco | Seattle | Shanghai | Washington, D.C.
Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.</p></div><div data-bbox=)

To: Green, Derek; Cameron, John;
johanna.riemenschneider@doj.state.or.us<mailto:johanna.riemenschneider@doj.state.or.us>; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com<mailto:tbrooks@cablehouston.com>; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net<mailto:kindleylaw@comcast.net>
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net<mailto:kindleylaw@comcast.net>

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net<mailto:kindleylaw@comcast.net>.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Thursday, May 04, 2017 2:11 PM
To: 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Chad Stokes'; tbrooks@cablehouston.com; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Derek,

Before CBEC considers further discussions, I will need to talk with my client.

I'm sure the first question I will be asked is whether Wheatridge has posted or sent any responses to CBEC's data requests. I have not seen anything, but I want to make sure that I'm not missing anything.

Please let me know if Wheatridge has provided any data responses.

Thanks,

Ray Kindley
KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [mailto:DerekGreen@dwt.com]
Sent: Thursday, May 04, 2017 1:42 PM
To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwf.com | Website: www.dwf.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehuston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment provides tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Thursday, May 04, 2017 2:42 PM
To: 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Chad Stokes'; tbrooks@cablehouston.com; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Derek and Chad,

It's premature to have a conference call. CBEC sent both UEC and Wheatridge detailed lists of discovery issues. We expected written responses by now. Please provide written responses to CBEC's discovery issues by 10 AM tomorrow, Friday, May 5.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [mailto:DerekGreen@dwt.com]
Sent: Thursday, May 04, 2017 1:42 PM
To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwf.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [mailto:kindleylaw@comcast.net]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Thursday, May 04, 2017 3:39 PM
To: Ray Kindley; 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; Tommy Brooks; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover
Subject: RE: Discovery Issues in UM 1823

Ray, I disagree that it is premature to have a call. The purpose of the call is to discuss the discovery issues raised by CBEC, and since CBEC has similar complaints with the Wheatridge and UEC productions and objections, a joint call will be more efficient. As noted in the memorandum from the ALJ, the parties are instructed to confer and try to work out discovery issues before involving the ALJ. We remain available and willing to attempt to talk through the issues.

From: Ray Kindley [mailto:kindleylaw@comcast.net]
Sent: Thursday, May 04, 2017 2:42 PM
To: 'Green, Derek' <DerekGreen@dwt.com>; 'Cameron, John' <johncameron@DWT.COM>; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul' <paul.rossow@state.or.us>; Chad Stokes <cstokes@cablehuston.com>; Tommy Brooks <tbrooks@cablehuston.com>; 'Tommy Wolff' <tommyw@columbiabasin.cc>; 'Kirk Gibson' <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Derek and Chad,

It's premature to have a conference call. CBEC sent both UEC and Wheatridge detailed lists of discovery issues. We expected written responses by now. Please provide written responses to CBEC's discovery issues by 10 AM tomorrow, Friday, May 5.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [<mailto:DerekGreen@dwt.com>]
Sent: Thursday, May 04, 2017 1:42 PM
To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehuston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehuston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Ray Kindley <kindleylaw@comcast.net>
Sent: Thursday, May 04, 2017 4:05 PM
To: 'Chad Stokes'; 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Tommy Brooks'; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Chad,

Our sharing of the discovery issues with UEC and Wheatridge is “conferring” with both parties. As you know CBEC listed many discovery issues for each party. Obviously, if Wheatridge’s or UEC’s responses to CBEC’s issues show disputes remain, there is no need for a call. Also, we will have a written record of those issues that are still in dispute and why.

Please honor our request and provide a written response by 10 AM tomorrow.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Chad Stokes [mailto:cstokes@cablehouston.com]
Sent: Thursday, May 04, 2017 3:39 PM
To: Ray Kindley; 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; Tommy Brooks; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray, I disagree that it is premature to have a call. The purpose of the call is to discuss the discovery issues raised by CBEC, and since CBEC has similar complaints with the Wheatridge and UEC productions and objections, a joint call will be more efficient. As noted in the memorandum from the ALJ, the parties are instructed to confer and try to work out discovery issues before involving the ALJ. We remain available and willing to attempt to talk through the issues.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Thursday, May 04, 2017 2:42 PM
To: 'Green, Derek' <DerekGreen@dwt.com>; 'Cameron, John' <johncameron@DWT.COM>; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul' <paul.rossow@state.or.us>; Chad Stokes <cstokes@cablehuston.com>; Tommy Brooks <tbrooks@cablehuston.com>; 'Tommy Wolff' <tommyw@columbiabasin.cc>; 'Kirk Gibson' <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Derek and Chad,

It's premature to have a conference call. CBEC sent both UEC and Wheatridge detailed lists of discovery issues. We expected written responses by now. Please provide written responses to CBEC's discovery issues by 10 AM tomorrow, Friday, May 5.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [<mailto:DerekGreen@dwt.com>]
Sent: Thursday, May 04, 2017 1:42 PM
To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehuston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBECE's data requests. First, CBECE still has not received any actual responsive documents from Wheatridge regarding CBECE's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBECE is significantly delaying the discovery process.

Second, Wheatridge's answer to CBECE first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBECE will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer

may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Green, Derek <DerekGreen@dwt.com>
Sent: Thursday, May 04, 2017 8:48 PM
To: Ray Kindley; 'Chad Stokes'; Cameron, John; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Tommy Brooks'; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover
Subject: RE: Discovery Issues in UM 1823

Ray,
As I'm sure you can appreciate, I need to confer with my client before responding. Your email yesterday afternoon raised 15 issues. My goal is to confer with my client tomorrow morning, which is one of the reasons I suggested that we have a call tomorrow afternoon or Monday.

And I do believe a call makes sense – and is certainly consistent with Judge Rowe's direction to the parties. After reviewing the comments you sent by email yesterday afternoon, I really would like to have a discussion about the scope of discovery requests and the needs of this case. I asked for UEC and Staff to join the call too because I think we all would benefit from that discussion. We obviously have different perspectives in this regard. But my hope is that through a conversation we can at least try to narrow the issues.

Please let me know if a time proposed for a call on Friday afternoon or Monday work for you. Johanna, are you available for a call as well?

Thanks,

Derek

P.S.-we will be providing the documents consistent with our data responses tomorrow. They are in the process of being marked to correspond with the data requests.

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [mailto:kindleylaw@comcast.net]
Sent: Thursday, May 04, 2017 4:05 PM
To: 'Chad Stokes'; Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Tommy Brooks'; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Chad,

Our sharing of the discovery issues with UEC and Wheatridge is “conferring” with both parties. As you know CBEC listed many discovery issues for each party. Obviously, if Wheatridge's or UEC's responses to CBEC's issues show disputes remain, there is no need for a call. Also, we will have a written record of those issues that are still in dispute and why.

Please honor our request and provide a written response by 10 AM tomorrow.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Chad Stokes [<mailto:cstokes@cablehuston.com>]
Sent: Thursday, May 04, 2017 3:39 PM
To: Ray Kindley; 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; Tommy Brooks; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray, I disagree that it is premature to have a call. The purpose of the call is to discuss the discovery issues raised by CBEC, and since CBEC has similar complaints with the Wheatridge and UEC productions and objections, a joint call will be more efficient. As noted in the memorandum from the ALJ, the parties are instructed to confer and try to work out discovery issues before involving the ALJ. We remain available and willing to attempt to talk through the issues.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Thursday, May 04, 2017 2:42 PM
To: 'Green, Derek' <DerekGreen@dwt.com>; 'Cameron, John' <johncameron@DWT.COM>; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul' <paul.rossow@state.or.us>; Chad Stokes <cstokes@cablehuston.com>; Tommy Brooks <tbrooks@cablehuston.com>; 'Tommy Wolff' <tommyw@columbiabasin.cc>; 'Kirk Gibson' <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Derek and Chad,

It's premature to have a conference call. CBEC sent both UEC and Wheatridge detailed lists of discovery issues. We expected written responses by now. Please provide written responses to CBEC's discovery issues by 10 AM tomorrow, Friday, May 5.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [<mailto:DerekGreen@dwt.com>]
Sent: Thursday, May 04, 2017 1:42 PM
To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'

Cc: kindleylaw@comcast.net

Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

Jordan Schoonover

From: Riemenschneider Johanna <johanna.riemenschneider@doj.state.or.us>
Sent: Friday, May 05, 2017 8:53 AM
To: 'Green, Derek'; Ray Kindley; 'Chad Stokes'; Cameron, John; ROSSOW Paul; 'Tommy Brooks'; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover
Subject: RE: Discovery Issues in UM 1823

I can be on a call if needed.

Johanna

Johanna M. Riemenschneider

Assistant Attorney General | Business Activities Section | General Counsel Division
Oregon Department of Justice
1162 Court St. NE, Salem, OR 97301-4096
Phone: 971.673.1925

From: Green, Derek [mailto:DerekGreen@dwt.com]
Sent: Thursday, May 04, 2017 8:48 PM
To: Ray Kindley; 'Chad Stokes'; Cameron, John; Riemenschneider Johanna; ROSSOW Paul; 'Tommy Brooks'; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
As I'm sure you can appreciate, I need to confer with my client before responding. Your email yesterday afternoon raised 15 issues. My goal is to confer with my client tomorrow morning, which is one of the reasons I suggested that we have a call tomorrow afternoon or Monday.

And I do believe a call makes sense – and is certainly consistent with Judge Rowe's direction to the parties. After reviewing the comments you sent by email yesterday afternoon, I really would like to have a discussion about the scope of discovery requests and the needs of this case. I asked for UEC and Staff to join the call too because I think we all would benefit from that discussion. We obviously have different perspectives in this regard. But my hope is that through a conversation we can at least try to narrow the issues.

Please let me know if a time proposed for a call on Friday afternoon or Monday work for you. Johanna, are you available for a call as well?

Thanks,

Derek

P.S.-we will be providing the documents consistent with our data responses tomorrow. They are in the process of being marked to correspond with the data requests.

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]

Sent: Thursday, May 04, 2017 4:05 PM

To: 'Chad Stokes'; Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Tommy Brooks'; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'

Cc: kindleylaw@comcast.net

Subject: RE: Discovery Issues in UM 1823

Chad,

Our sharing of the discovery issues with UEC and Wheatridge is “conferring” with both parties. As you know CBEC listed many discovery issues for each party. Obviously, if Wheatridge’s or UEC’s responses to CBEC’s issues show disputes remain, there is no need for a call. Also, we will have a written record of those issues that are still in dispute and why.

Please honor our request and provide a written response by 10 AM tomorrow.

Thanks,

Ray Kindley

KINDLEY LAW, PC

PO Box 569

West Linn, OR 97068

Ph: (503) 206-1010

Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Chad Stokes [<mailto:cstokes@cablehuston.com>]

Sent: Thursday, May 04, 2017 3:39 PM

To: Ray Kindley; 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; Tommy Brooks; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'

Subject: RE: Discovery Issues in UM 1823

Ray, I disagree that it is premature to have a call. The purpose of the call is to discuss the discovery issues raised by CBEC, and since CBEC has similar complaints with the Wheatridge and UEC productions and objections, a joint call will be more efficient. As noted in the memorandum from the ALJ, the parties are instructed to confer and try to work out discovery issues before involving the ALJ. We remain available and willing to attempt to talk through the issues.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]

Sent: Thursday, May 04, 2017 2:42 PM

To: 'Green, Derek' <DerekGreen@dwt.com>; 'Cameron, John' <johncameron@DWT.COM>; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul' <paul.rossow@state.or.us>; Chad Stokes <cstokes@cablehouston.com>; Tommy Brooks <tbrooks@cablehouston.com>; 'Tommy Wolff' <tommyw@columbiabasin.cc>; 'Kirk Gibson' <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>

Cc: kindleylaw@comcast.net

Subject: RE: Discovery Issues in UM 1823

Derek and Chad,

It's premature to have a conference call. CBEC sent both UEC and Wheatridge detailed lists of discovery issues. We expected written responses by now. Please provide written responses to CBEC's discovery issues by 10 AM tomorrow, Friday, May 5.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [<mailto:DerekGreen@dwt.com>]

Sent: Thursday, May 04, 2017 1:42 PM

To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'

Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwf.com | Website: www.dwf.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that

conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any other forms to these IRS rules.

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

Jordan Schoonover

From: Chad Stokes <cstokes@cablehuston.com>
Sent: Friday, May 05, 2017 9:55 AM
To: Green, Derek; Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; Tommy Brooks; 'Tommy Wolff'; Kirk Gibson; Jordan Schoonover; Tom Grim
Subject: RE: Discovery Issues in UM 1823

Ray, you already have our written objections to CBEC's data requests that state our position in writing, and going back and forth on email will not be productive. In light of your position that it is premature to discuss the issues over the phone, we will focus on continuing to tag and upload responsive documents. Since you and I will be attending the NWPPA conference next week, perhaps we can sit down for a few minutes to see if we can narrow the list of issues we need to bring to the ALJ for resolution.

Chad Stokes
Cable Huston LLP
1001 SW 5th Ave., Suite 2000
Portland, Or 97204-1136
503-224-3092
503-224-3176(fax)
cstokes@cablehuston.com

From: Green, Derek [mailto:DerekGreen@dwt.com]
Sent: Thursday, May 04, 2017 8:48 PM
To: Ray Kindley <kindleylaw@comcast.net>; Chad Stokes <cstokes@cablehuston.com>; Cameron, John <johncameron@DWT.COM>; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul' <paul.rossow@state.or.us>; Tommy Brooks <tbrooks@cablehuston.com>; 'Tommy Wolff' <tommyw@columbiabasin.cc>; 'Kirk Gibson' <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>
Subject: RE: Discovery Issues in UM 1823

Ray,
As I'm sure you can appreciate, I need to confer with my client before responding. Your email yesterday afternoon raised 15 issues. My goal is to confer with my client tomorrow morning, which is one of the reasons I suggested that we have a call tomorrow afternoon or Monday.

And I do believe a call makes sense – and is certainly consistent with Judge Rowe's direction to the parties. After reviewing the comments you sent by email yesterday afternoon, I really would like to have a discussion about the scope of discovery requests and the needs of this case. I asked for UEC and Staff to join the call too because I think we all would benefit from that discussion. We obviously have different perspectives in this regard. But my hope is that through a conversation we can at least try to narrow the issues.

Please let me know if a time proposed for a call on Friday afternoon or Monday work for you. Johanna, are you available for a call as well?

Thanks,

Derek

P.S.-we will be providing the documents consistent with our data responses tomorrow. They are in the process of being marked to correspond with the data requests.

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwf.com | Website: www.dwf.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Thursday, May 04, 2017 4:05 PM
To: 'Chad Stokes'; Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Tommy Brooks'; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: RE: Discovery Issues in UM 1823

Chad,

Our sharing of the discovery issues with UEC and Wheatridge is "conferring" with both parties. As you know CBEC listed many discovery issues for each party. Obviously, if Wheatridge's or UEC's responses to CBEC's issues show disputes remain, there is no need for a call. Also, we will have a written record of those issues that are still in dispute and why.

Please honor our request and provide a written response by 10 AM tomorrow.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Chad Stokes [<mailto:cstokes@cablehuston.com>]
Sent: Thursday, May 04, 2017 3:39 PM

To: Ray Kindley; 'Green, Derek'; 'Cameron, John'; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul'; 'Tommy Brooks'; 'Tommy Wolff'; 'Kirk Gibson'; 'Jordan Schoonover'

Subject: RE: Discovery Issues in UM 1823

Ray, I disagree that it is premature to have a call. The purpose of the call is to discuss the discovery issues raised by CBEC, and since CBEC has similar complaints with the Wheatridge and UEC productions and objections, a joint call will be more efficient. As noted in the memorandum from the ALJ, the parties are instructed to confer and try to work out discovery issues before involving the ALJ. We remain available and willing to attempt to talk through the issues.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]

Sent: Thursday, May 04, 2017 2:42 PM

To: 'Green, Derek' <DerekGreen@dwt.com>; 'Cameron, John' <johncameron@DWT.COM>; johanna.riemenschneider@doj.state.or.us; 'ROSSOW Paul' <paul.rossow@state.or.us>; Chad Stokes <cstokes@cablehouston.com>; Tommy Brooks <tbrooks@cablehouston.com>; 'Tommy Wolff' <tommyw@columbiabasin.cc>; 'Kirk Gibson' <kirk@mrg-law.com>; 'Jordan Schoonover' <jordan@mrg-law.com>

Cc: kindleylaw@comcast.net

Subject: RE: Discovery Issues in UM 1823

Derek and Chad,

It's premature to have a conference call. CBEC sent both UEC and Wheatridge detailed lists of discovery issues. We expected written responses by now. Please provide written responses to CBEC's discovery issues by 10 AM tomorrow, Friday, May 5.

Thanks,

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

From: Green, Derek [<mailto:DerekGreen@dwt.com>]

Sent: Thursday, May 04, 2017 1:42 PM

To: Ray Kindley; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes';

tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Subject: RE: Discovery Issues in UM 1823

Ray,
Let's schedule a time to confer on the issues you raised with Wheatridge's responses. In light of the additional dispute with UEC's responses and the memorandum from Judge Rowe yesterday afternoon, I suggest that counsel for UEC and PUC staff join the call as well.

Please let me know when you are available. I'm flexible between 12 and 2:30 Friday, and most of the day Monday (except 12-2).

Thanks,
Derek

Derek D. Green | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 778-5264 | Fax: (503) 778-5299
Email: derekgreen@dwt.com | Website: www.dwt.com

Anchorage | Bellevue | Los Angeles | New York | **Portland** | San Francisco | Seattle | Shanghai | Washington, D.C.

Disclaimer: This message may contain confidential communications protected by the attorney client privilege. If you received this message in error, please delete it and notify the sender.

From: Ray Kindley [<mailto:kindleylaw@comcast.net>]
Sent: Wednesday, May 03, 2017 3:37 PM
To: Green, Derek; Cameron, John; johanna.riemenschneider@doj.state.or.us; ROSSOW Paul; 'Chad Stokes'; tbrooks@cablehouston.com; Tommy Wolff; Kirk Gibson; 'Jordan Schoonover'
Cc: kindleylaw@comcast.net
Subject: Discovery Issues in UM 1823

Dear Derek and John,

CBEC has some significant concerns with Wheatridge's response to CBEC's data requests. First, CBEC still has not received any actual responsive documents from Wheatridge regarding CBEC's first set of data requests. Pursuant to PUC discovery rules, Wheatridge must provide responses within a 14 day period. Wheatridge's failure to provide timely responses to CBEC is significantly delaying the discovery process.

Second, Wheatridge's answer to CBEC first set of data requests indicates that Wheatridge will not respond to certain data requests or that Wheatridge will only provide a few select documents in response to requests for all related documents. Wheatridge's refusal to provide information or unilateral decision to provide only limited information does not comply with discovery requirements.

CBEC has prepared a list of issues and comments (attached) regarding Wheatridge's answer and objections. Please respond promptly with Wheatridge's positions on these issues. CBEC will need to prepare a motion to compel if Wheatridge fails to correct these issues soon.

Ray Kindley

KINDLEY LAW, PC
PO Box 569
West Linn, OR 97068
Ph: (503) 206-1010
Email: kindleylaw@comcast.net

Confidentiality Notice: Do not read, copy or disseminate this email message unless you are the intended recipient. The information contained in this email is privileged and protected from disclosure, and any dissemination, reading or copying is strictly prohibited by anyone other than the intended recipient. If you think you received this email message in error, please email the sender at kindleylaw@comcast.net.

TAX ADVICE NOTICE: IRS Circular 230 requires us to advise you that if this communication or any attachment contains any tax advice, the advice is not intended to be used, and cannot be used, for the purpose of avoiding federal tax penalties. A taxpayer may rely on professional advice to avoid federal tax penalties only if the advice is reflected in a comprehensive tax opinion that conforms to stringent requirements. Please contact us if you would like to discuss our preparation of any opinion that conforms to these IRS rules.

