

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1823

COLUMBIA BASIN ELECTRIC  
COOPERATIVE, INC.,

Complainant,

vs.

UMATILLA ELECTRIC COOPERATIVE,

Defendant.

Regarding Wheatridge Wind Project

MEMORANDUM

In response to questions from the parties, this memo provides information on discovery disputes, and the options available to the parties.

OAR 860-001-0500 contains the Commission's basic framework for discovery. As an initial matter, in any discovery dispute, the parties are required to inform each other of the dispute as soon as practicable and attempt to resolve the dispute informally. If the parties are unable to resolve a dispute informally, there are three different options.

First, the administrative law judge (ALJ) may conduct a telephone conference to facilitate the resolution. This is a less formal conference where the ALJ tries to mediate the dispute, but does not issue any rulings.

Second, a telephone conference may be elevated to a more formal adjudication where the parties may present their arguments and the ALJ will make rulings based on those arguments, either during the conference or in a written ruling after the conference. This option is only available if all parties agree to it. If the parties agree to this option, the parties may be asked to provide information to the ALJ, both before, during, and after the conference. The parties also lose the right to subsequently choose the third option described below.

Third, a party may file a motion to compel discovery. The motion is treated as a substantive motion, with the default response time of 15 days for a response and 7 days for a reply to a response. See OAR 860-001-0420. However, an ALJ may establish a more expedited schedule upon request.

I ask the parties to confer to: (1) attempt to resolve the discovery request informally, and if they are unable, to (2) attempt to agree on one of the above options for addressing the dispute. If the parties decide to request a conference, I ask that both parties submit the data requests and/or responses that are at issue one day before the conference.

Dated this 3<sup>rd</sup> day of May, 2017, at Salem, Oregon.



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Sarah Rowe  
Administrative Law Judge