

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1829, UM 1830, UM 1831, UM 1832, UM 1833

Blue Marmot V LLC (UM 1829))	
Blue Marmot VI LLC (UM 1830))	
Blue Marmot VII LLC (UM 1831))	RESPONSE TO PGE’S MOTION FOR
Blue Marmot VIII LLC (UM 1832))	LIMITATIONS ON DISCOVERY
Blue Marmot IX LLC (UM 1833),)	
Complainants,)	
)	
v.)	
)	
Portland General Electric Company,)	
Defendant.)	

I. INTRODUCTION

Blue Marmot V, LLC, Blue Marmot VI, LLC, Blue Marmot VII, LLC, Blue Marmot VIII, LLC, and Blue Marmot IX, LLC (collectively “Blue Marmot”) file this response in opposition to Portland General Electric Company’s (“PGE’s”) motion requesting that the Oregon Public Utility Commission (the “Commission” or “OPUC”) Administrative Law Judges (“ALJ”) Allan Arlow and Traci Kirkpatrick prevent Blue Marmot from seeking additional discovery until after PGE files its Response Testimony on December 22, 2017 (“PGE’s Motion”). The proper manner to limit discovery is for PGE to object to specific data requests that PGE believes should not be responded to under the discovery rules, rather than a request for blanket discovery limitations. While PGE has objected to past data requests, PGE has not specifically identified a single unanswered data request that it believes is irrelevant, not reasonably calculated to lead to discoverable evidence, or unreasonably cumulative, duplicative, burdensome, or overly broad.

PGE's Motion is unprecedented, contrary to the rules of discovery, and would force Blue Marmot to submit its Opening Testimony on October 13, 2017 without the opportunity to fully explore all of the relevant issues. The Complainants are unaware of any similar blanket discovery limitations.¹ Blanket or broad discovery limits, if ever allowed, should be narrowly circumscribed and based on a deliberate and reasoned approach that provides warning and notice to the parties that their discovery rights will be limited well in advance so that the parties can prepare accordingly.² PGE did not provide any notice that it believed that discovery should be in anyway limited until the day it filed its Motion, and instead elected to surprise Blue Marmot as it was preparing its last rounds of discovery for its upcoming testimony.³ Worse yet, the parties agreed to a longer than usual procedural schedule because both parties were aware that the legal, technical and policy issues could be unusually complex and of first impression before this Commission, and PGE was well aware that the case would include significant levels of discovery.

¹ If there was precedent for PGE's request, then PGE should have identified it in its Motion.

² PGE's Motion is also unusual with respect to timing. PGE's Motion was swiftly filed, only hours after PGE notified Blue Marmot, rather than allowing any meaningful conversation between the parties, and provides unique tactical advantage to PGE.

³ PGE's request is particularly troubling given the fact that PGE has engaged in a pattern of recent surprise filings (to the disadvantage of QFs) and behavior stalling the contracting processes to prospectively gain an advantage. Re PGE Application to Update Schedule 201 Qualifying Facility Information, Docket No. UM 1728, Order No. 17-177 (May 19, 2017) (lowering avoided cost rates ahead of Complainant' expectations); Re PGE Application to Lower the Standard Price and Standard Contract Eligibility Cap for Solar QFs, Docket No. UM 1854, PGE's Motion for Interim Relief at 1 (June 30, 2017) (seeing to lower eligibility for standard contract rates); Re PGE Updates to Schedule 201 QF (10MW or Less) Avoided Cost, Docket No. UM 1728, PGE's Motion for Temporary Relief From Schedule 201 Prices at 1-4 (Aug. 18, 2017) (lowering avoided cost rates ahead of Complainant' expectations).

PGE appears to concede that the information requested by Blue Marmot is relevant, covers several highly technical areas, and requires multiple PGE subject matter experts to address.⁴ Yet, PGE has arbitrarily decided that any more than 101 data requests is too many, and sufficient for Blue Marmot to prepare its initial testimony. PGE also suggests that Blue Marmot should still have the opportunity to seek additional discovery later without limits, only after PGE files its Reply Testimony.

PGE fails to point out the obvious, which is that PGE would effectively preclude Blue Marmot from submitting Opening Testimony on key issues and otherwise adequately prepare its case. Opening Testimony is supposed to include the Complainants' complete case, but the practical effect of PGE's request would most likely require Blue Marmot to not pursue issues, or to request to file supplemental testimony to address any additional information obtained after the discovery limitation, which would delay the ultimate outcome of this proceeding. In addition, regardless of its success, PGE's has already disrupted Blue Marmot's ability to prepare its Opening Testimony by requiring Blue Marmot to focus its resources on litigating whether it will even be able to obtain evidence rather than prepare its first round of testimony.

It is important to bring home exactly what is at issue at this moment. When PGE filed its Motion, PGE was refusing to respond to Blue Marmot's sixth set of data requests, which includes only 10 individual requests and is included in full as Attachment A. It is noteworthy that four of these requests have to do with PGE's open access transmission tariff ("OATT") requirements, and that Blue Marmot has only previously

⁴ PGE's Motion at 11-13.

asked three entirely different data requests regarding PGE's tariff.⁵ Similarly, Blue Marmot has asked two questions regarding whether PGE is claiming that it cannot accept power on the grounds of system emergencies or would involve this type of operational circumstances, which can occur during light-loading conditions.⁶ These are two entirely new lines of questioning, and underscore the inequity of PGE's arbitrary position that it can completely cut off any discovery on a topics that Blue Marmot has yet to investigate.

It is critical to keep in mind that Blue Marmot is not aware of PGE raising any specific substantive concerns regarding the breadth, burden or relevance of any of these outstanding data requests. Thus, PGE is seeking to prevent Blue Marmot from conducting any discovery on two new topics that it has not even alleged are otherwise inappropriate, simply because Blue Marmot first raised the issue in its sixth set, rather than an earlier set, of data requests.

Importantly, PGE's request would effectively prevent Blue Marmot from asking for any follow up discovery arising out of the responses PGE has already provided or responses that PGE has yet to respond to. This request would clearly disadvantage Blue Marmot. This can be illustrated by the seventh set of data requests Blue Marmot is serving today. These new data requests do not seek new information; rather they merely seek to obtain additional information regarding PGE's unclear or less than fully responsive replies to prior sets of data requests. These new data requests are also

⁵ Attachment A (PGE Response to Blue Marmot Data Request No. 8, 9, 87) (PGE requested and Blue Marmot agreed to provide additional time to respond to requests 55 or 87, and PGE's responses are not included. However these Blue Marmot's data requests are also included in Attachment A); id. (Blue Marmot Data Request Nos. 105-08).

⁶ Id. (Blue Marmot Data Request Nos. 103-04).

included in Attachment A. Granting PGE's request would effectively reward them for failing to be responsive.

Additionally, PGE has stated that it is willing to provide responses to Blue Marmot's Fifth set of data requests, but under PGE's proposal, Blue Marmot would be barred from asking any follow up data requests.

Moreover, given that testimony is due in less than one month, even a cursory review of Blue Marmot's Sixth and Seventh sets of data requests demonstrates that it would be more efficient and timely for PGE to answer the questions rather than to litigate whether discovery should be limited.

Finally, while Blue Marmot does not intend to conduct significant discovery after it files its Opening Testimony on October 13, 2017 and may not conduct any discovery prior to PGE filing its Response Testimony on December 22, 2017, there should be no blanket limitation imposed on discovery after testimony is filed. Many of PGE's responses to discovery are incomplete and it is possible that they require follow up discovery after October 13, 2017. In addition, new issues may make themselves known. Counsel for Blue Marmot has participated in Commission regulatory proceedings for nearly two decades and has rarely conducted discovery during the period after filing testimony and prior to the responding party's testimony. However, it is occasionally warranted and any objections to discovery filed after Blue Marmot's Opening Testimony (if any discovery occurs) should be addressed at that time rather than as a pre-emptive effort to prevent legitimate inquiry.

For example, as explained in greater detail below, PGE has and continues to refuse to answer Blue Marmot's First set data requests sent on June 23, 2017 on the

subject of its “determinations” and “policies” regarding treatment of similarly situated off-system QFs. Instead of seeking to compel PGE’s response or depose PGE’s employees on this topic, Blue Marmot has asked follow up requests and waited for PGE to provide follow up answers. PGE, however, has indicated that it may not make these “determinations” or adopt a “policy” until after October 13, 2017. If PGE finally provides this or other information after four months, then PGE’s Motion would bar Blue Marmot asking any additional questions simply because PGE elected to wait months to provide its responses. PGE’s approach would penalize Blue Marmot for attempting to work with PGE and allow PGE months to answer its data requests.

In the end, if there is going to be any discovery limitations, they should be addressed on a case by case basis if and when either party believes that unnecessary, irrelevant or cumbersome data requests have been made. Any blanket discovery limitation in the abstract will only have harmful unintended consequences and allow PGE to prevent Blue Marmot from being able to obtain basic factual information to prosecute its case.

II. LEGAL STANDARD

The Commission uses the Oregon Rule of Civil Procedures (“ORCP”) to govern agency practice and procedure, where not inconsistent with its own rules.⁷ Pursuant to ORCP 36, “parties may inquire regarding any matter, not privileged, which is relevant to the claim or defense of the party seeking discovery” and the information sought need not be admissible, “if the information sought appears reasonably calculated to lead to the

⁷ OAR 860-001-0000(1).

discovery of admissible evidence.”⁸ Furthermore, the Commission’s own rules provide that in contested cases, “discovery must be commensurate with the needs of the case, the resources available to the parties, and the importance of the issues to which the discovery relates.”⁹ The Commission’s rules therefore only prohibit discovery that is “unreasonably cumulative, duplicative, burdensome, or overly broad”¹⁰ There is no provision of the rules that allow for a blanket prohibit on discovery that has not been found to prohibited.

III. RESPONSE

Blue Marmot’s discovery requests are relevant and important to investigate the issues in this case, and are not unreasonably cumulative, duplicative, burdensome, or overly broad. These Complaints will determine whether a significant investment from Blue Marmot is either realized or lost, and Blue Marmot’s ability to proceed with discovery is necessary to move forward with certain aspects of its case. PGE has a full staff available to respond to these requests, and nearly limitless access to outside services. PGE has proposed an arbitrary and surprise limitation on discovery at the eleventh hour, rather than any reasonable limitation narrowly tailored to its specific concerns. In fact, PGE has not even identified any concerns with any specific outstanding data requests or their relevance, and simply has concluded that 101 is enough discovery for this case. Thus, limitations on discovery are not warranted.

PGE’s unyielding position is unexpected and, if accepted by the Commission, could seriously hinder Blue Marmot’s ability to effectively form the basis of its case.

⁸ ORCP 36(B)(1).

⁹ OAR 860-001-0500(1).

¹⁰ OAR 860-001-0500(2).

Since Blue Marmot was not on notice that PGE would move to limit any further discovery, then it would be precluded from investigating numerous important matters. Some of these matters that PGE seeks to stop Blue Marmot from investigating are areas of inquiry for which Blue Marmot had yet investigate through any discovery requests, and others are areas of where that PGE continues to refuse to provide full and complete answers. Thus, accepting PGE's Motion would have the practical impact of precluding Blue Marmot from investigating these issues before the filing of its testimony.

A. PGE's Request is Inconsistent with Past Commission Practice

The Commission has limited discovery only in rare circumstances, or where the requests were not deemed relevant. PGE cites no Commission decisions even discussing the topic of discovery limitations,¹¹ and Blue Marmot is not aware of any Commission orders whereby data requests have been limited due to the requests being deemed to be merely "unreasonably cumulative," or "duplicative" and is aware of only extremely rare circumstances whereby the Commission has deemed a request to be "burdensome" and under unusual circumstances. On the other hand, the Commission has stated that it expects parties to err on the side of producing too much information rather than too little during discovery.¹²

Although the Commission has limited discovery in two recent proceedings, the facts of the instant case do not align with those examples. First, Blue Marmot's data

¹¹ PGE's Motion for Limitations on Discovery is only three pages and lacking in substantive legal analysis for the remarkable proposition that a party's right to discovery should be cut off at a specific point in time, especially without notice and less than a month and half before its testimony is due. Blue Marmot reserves the right to file a substantive sur-response to PGE, if PGE raises new issues or Commission decisions not cited in its Motion.

¹² Re Portland General Electric Company Application to Amortize the Boardman Deferral, Docket No. UE 196, Order No. 09-046 at 8 (Feb. 5, 2009).

requests do not rise to the same level of “burden” exhibited in UM 1794, where PacifiCorp argued that a request to re-run its integrated resource planning (“IRP”) models based on changed variables stemming from the passage of SB 1547 was unduly burdensome.¹³ PacifiCorp claimed that the burden to produce would require over 100 data model runs, that its normal IRP process takes nearly two years to complete, and that the requestor could feasibly contract a third-party vendor to simulate the requested models.¹⁴ A key component of the limitation on discovery was the Commission finding that the party requesting the information had not demonstrated an inability to acquire the relevant software and simulate the processes itself.¹⁵ The Commission stated that the requestor “demonstrated neither that it has no other reasonable recourse to gather information than to have PacifiCorp shoulder the substantial burden that their motion requires nor that there are no contractual impediments to the company’s compliance with their request.”¹⁶

Second, Blue Marmot’s complaints are not under the same procedural limitations as UM 1854, where the ALJ limited the number of data requests, and shortened the response time available to PGE to reflect the expedited procedural schedule required to address PGE’s motion for interim relief.¹⁷ In that case, a shortened schedule was set to address PGE’s motion for temporary relief in advance of the full procedural schedule to

¹³ Re PacifiCorp Investigation Into Schedule 37 Avoided Cost Purchases, Docket No. UM 1794, Order No. 17-121 at 6 (Mar. 23, 2017).

¹⁴ Id. at 6.

¹⁵ Id. at 7.

¹⁶ Id.

¹⁷ Re PGE Application to Lower the Standard Price and Standard Contract Eligibility for Solar Qualifying Facilities, Docket No. UM 1854, Ruling at 2 (July 20, 2017).

address PGE’s application for permanent relief, which gave PGE only three days to respond to its data requests.¹⁸ And although the Commission limited the amount of data requests from each party, it did so only temporarily, and full discovery rights were allowed later.¹⁹

The Commission has also limited discovery when a party demonstrates “irreparable and long-lasting economic harm” and the requesting party otherwise cannot demonstrate relevance.²⁰ In UE 102, PGE received a request to procure work papers supporting its estimates of generating plants, power plants, power sales, and contract market values. The Commission stated:

Although the Commission has rarely issued protection beyond that granted in our Standard Protective Order, the provisions of ORCP 36C ... provide for greater protection if circumstances warrant. In this case, the circumstances make an exception to the standard protective order appropriate. In drawing this conclusion, we balance the potential harm from disclosure of the material against any benefit which might accrue from that disclosure.²¹

The Commission found PGE’s claim that the request would result in “irreparable and long-lasting economic harm” to be “persuasive” due to disclosing “strategic decisions” relating to its assets.²² Secondly, the Commission also found that the requesting party did not demonstrate that the requested information was “pertinent” to the

¹⁸ Re PGE Application to Lower the Standard Price and Standard Contract Eligibility for Solar Qualifying Facilities, Docket No. UM 1854, Prehearing Conference Memorandum at 2 (July 13, 2017).

¹⁹ Re PGE Application to Lower the Standard Price and Standard Contract Eligibility for Solar Qualifying Facilities, Docket No. UM 1854, Ruling at 2 (July 20, 2017).

²⁰ Re Application of Portland General Electric Company for Approval of the Customer Choice Plan, Docket No. UE 102, Order No. 98-163 LEXIS * at 2 (Apr. 20, 1998).

²¹ Id. at * 9.

²² Id.

case.²³ The Commission noted that ORCP 36B does not require a party to seek admissible evidence through discovery; however “the material must be relevant to some issue in the case.”

This case clearly differs from the above situations. In the instant case, there is no burden related to Blue Marmot’s request other than the ordinary burden of responding to discovery in a complex litigation. PGE is the only entity that maintains the relevant information and is the only organization that could feasibly provide the information. Blue Marmot merely requests that PGE review preexisting documents, provide information to support PGE’s own assertions and claims raised in its Answer, and none of the outstanding data requests request that PGE provide any analysis of the information requested. PGE’s only responsibility in the matter is to retrieve and produce the relevant information, and confirm its positions.

Furthermore, Blue Marmot requested a lengthy procedural schedule specifically to allow for additional discovery, and the opportunity to coordinate informal discussions that may lead to settlement with PGE. PGE has the full fourteen-day period to respond to Blue Marmot’s data requests. Finally, the requested information would not cause irreparable economic harm to PGE; Blue Marmot is not requesting PGE’s supply portfolio metrics or any other sensitive internal trade secret – it is merely requesting to ascertain whether other groups are being treated differently than itself.

In short, PGE has not presented any kind of unusual circumstances, which the Commission has used to justify imposing limitations on discovery. More broadly, accepting PGE’s Motion would create a dangerous and illogical precedent for any future

²³ Id. at 10.

contested case proceeding: a party would be required to fully assess its case prior to conducting discovery, and this party would also be fearful that entire areas of important information could be wrongfully precluded from its review due to a utility merely becoming weary of complying with relevant requests.

B. PGE’s Request is Inconsistent with the Rules of Discovery

PGE’s Motion suggests that Blue Marmot’s data requests are unduly burdensome, without providing any legal justification or citations to support that premise. PGE’s unilateral determination does not meet the legal standard for discovery in a contested case proceeding. The number of Blue Marmot’s data requests is appropriate given how critically important these issues are for Blue Marmot to address, the nearly limitless resources available to the PGE, and the complexity of the issues involved. Thus, PGE’s Motion should be denied.

1. The Issues in these Complaints Are Critical to Blue Marmot’s Due Process Rights to Present Evidence on the Key Issues in Dispute

Blue Marmot’s data requests are commensurate to the importance of the issues to which the discovery relates, and the balancing of interests weighs in favor of Blue Marmot. Although PGE claims it may need to spend a few days preparing accurate responses (which is unlikely to be true given the limited discovery currently outstanding), Blue Marmot has spent years developing the Blue Marmot projects, and has an informational disadvantage when working with PGE. PGE should be forced to adequately explain its position regarding the burdens associated with any specific data requests before imposing any additional costs on Blue Marmot or causing Blue Marmot to abandon its projects.

PGE's Motion suggests that Blue Marmot's outstanding data requests are burdensome to PGE personnel, who may need to spend several days to comply with Blue Marmot's requests.²⁴ But PGE fails to tether its generalized statements of harm to any specific outstanding data requests that Blue Marmot has requested. Thus, it is impossible to fairly analyze whether there are any burdens associated with any unanswered data requests, beyond those of a typical complaint proceeding before the Commission.

PGE also ignores how critically important these complaints are to Blue Marmot and how much time, effort, and money Blue Marmot has expended on these projects to date. Blue Marmot is planning to invest approximately \$60 million of capital in Oregon on these projects, and has already invested approximately \$1 million. PGE is seeking to impose additional transmission costs on Blue Marmot without providing a legitimate reason for doing so. PGE is demanding that Blue Marmot spend nearly \$1 million annually to deliver its QF power to an alternative point of delivery ("POD") (BPAT.PGE), and/or spend an unknown amount of money to study and construct additional transmission on PGE's own system to make transmission upgrades to the PACW.PGE POD. These costs threaten the viability of the Blue Marmot projects, and put Blue Marmot's investment at risk.²⁵

The scope of issues in this proceeding is in part outside the control of Blue Marmot because all it wants to do is deliver its net output to PGE. It is PGE that has raised a number of objections claiming that it is unwilling or unable to accept Blue

²⁴ PGE's Motion at 12 ("The same PGE personnel responsible for responding to these requests also have been working to respond to the instant Motion in an expedited manner.").

²⁵ Although PGE's Response claims that it plans to honor the avoided costs currently in effect,

Marmot's net output because of issues related to available transfer capability ("ATC"), the Energy Imbalance Market ("EIM"), its not yet defined policies regarding other off-system QFs, etc. Blue Marmot is still not even aware of the full basis for PGE's decision not to accept Blue Marmot's net output, and should not be limited in discovery due to PGE's myriad and broad range of confusing, changing, and hard to understand justifications.

The amount of discovery is a problem of PGE's own making, and Blue Marmot should not be penalized for PGE's actions. PGE could have had much fewer data requests to respond to, and could have completely avoided responding to Blue Marmot's motion to compel, if it had just simply been forthcoming with the facts in the first place. Thus, Blue Marmot has been required to ask numerous follow up questions simply to gain the original information requested. PGE should not be rewarded for being evasive, and the Commission should not provide PGE any incentive to stonewall during discovery. In addition, Blue Marmot should not be penalized for attempting to work with PGE to informally resolve discovery disputes. PGE objected to certain Blue Marmot data requests, and Blue Marmot then asked more narrowly tailored follow up questions. As such, PGE seeks to limit Blue Marmot's discovery in part because of Blue Marmot's good faith efforts to work with PGE.

2. PGE Has Access to Limitless Resources Compared to Blue Marmot and Must Comply with Blue Marmot's Reasonable Requests

Blue Marmot's data requests are commensurate to the resources available to the parties. PGE is refusing to accept Blue Marmot's net output and Blue Marmot is entitled to conduct complete and through discovery to understand the basis for PGE's decision and to prepare its case to the Commission.

PGE has a full internal staff, employed in both Regulatory and IT capacities, along with an in-house attorney team. Furthermore, PGE is also represented by at least one outside law firm.²⁶ PGE's team, which is funded by ratepayers without any limitation, has demonstrated that it is able to initiate any number of discretionary PURPA filings, including the instant motion. The documents and information requested by Blue Marmot will take some time on PGE's behalf to procure; however, PGE clearly has sufficient resources to comply with Blue Marmot's requests to date.

In contrast, Blue Marmot is at a severe informational disadvantage and maintains a finite legal budget. Notwithstanding, Blue Marmot has been able to keep up with the existing procedural schedule in this case. Blue Marmot wishes to accurately assess PGE's claims and it cannot adequately assess its causes of action without PGE providing the requested information.

One last note, the procedural schedule will naturally pause Blue Marmot's discovery on any new issues in about a week or so, as Blue Marmot will not have sufficient time to incorporate any additional responses into its opening testimony. PGE is permitted two weeks to respond, and Blue Marmot's testimony is due in less than a month. PGE is planning to provide responses to 101 data requests made to date, which demonstrates that it has sufficient resources to provide responses to the ten final pending data requests that PGE has objected to (i.e., Blue Marmot's Sixth Set), the four follow up data requests Blue Marmot is filing today (i.e., Blue Marmot's Seventh Set) and any

²⁶ Outside Counsel includes, at a minimum, McDowell Rackner & Gibson, which employs 6 attorneys.

additional data request that Blue Marmot may deem necessary to file over the next week or so.

3. The Amount of Discovery is Commensurate with the Needs in this Case

The amount of data requests from Blue Marmot is commensurate with the needs of the case, because this case is unusual, highly technical, and may even be a case of first impression. PGE appears to concede that these issues are complex, both technically and legally, and require several different PGE subject matter experts to adequately address. A brief summary of the issues, and data requested to date follows.

a. Issues Determining Whether PACW.PGE is a Point of Delivery on PGE's System

One of the initial issues of the case was whether the PACW.PGE POD is a POD on PGE's system. This POD is a scheduling point between the PacifiCorp and PGE balancing authorities, and there has been some dialogue between the parties early on as to whether a delivery to this POD constituted a delivery to the PGE System. Blue Marmot initially asked four data requests in the First set, then two follow-up requests and three additional questions in the Second set, one question in the Third set, and one question in the Fourth set.²⁷ It was not until the Fourth set of responses, that PGE seemed to confirm that it believed there are two sides of that POD: a PacifiCorp side and a PGE side, and that PGE was taking the position that Blue Marmot was not able to deliver to the PGE side.²⁸

²⁷ Attachment A (PGE Response to Blue Marmot Data Request Nos. 30-33, 42-46, 57, 90).

²⁸ Id. (PGE Response to Blue Marmot Data Request No. 59).

Another fundamental issue in this case, which affects the delivery to this particular POD, is PGE's determination that there is insufficient ATC at the PACW.PGE POD to allow for Blue Marmot's delivery. Blue Marmot has therefore been trying to understand how PGE determines the amount of ATC for the POD, as compared to PacifiCorp's calculation of its own ATC to that POD, when PGE became aware of alleged ATC limitations, and whether PGE accurately calculated its ATC. Blue Marmot initially asked 11 data requests in the First set, then four follow-up requests in the Second set, one new question in the Third set, and six questions in the Fourth set on PGE's ATC determination.²⁹

b. Exceptions to the Mandatory Purchase Obligation

Aside from the technical nature of this complaint, there are also unanswered legal issues that need factual support. For example, PGE seems to maintain that Blue Marmot's delivery to the PACW.PGE POD does not trigger PGE's mandatory purchase obligation under the Public Utilities Regulatory Policy Act ("PURPA"). Blue Marmot initially made two requests in the Second set, then nine questions in the Fourth set, and three questions in the Sixth set addressing these facts.³⁰

PGE has not made it clear whether or not its refusal to purchase Blue Marmot's net output is because of a physical transmission limitation, a business decision by PGE, or because of its interpretation of PURPA. Outstanding Blue Marmot Data Request No. 102 again seeks to obtain this information by asking: "Please explain why PGE believes that it is not able to accept delivery at the PACW.PGE point of delivery."

²⁹ Id. (PGE Response to Blue Marmot Data Request Nos 11-21, 36-39, 53, 65-70).

³⁰ Id. (PGE Response to Blue Marmot Data Request Nos. 47-48, 71, 73-74, 80-85; Blue Marmot Data Request Nos. 102-04).

c. Issues Determining PGE's Requirements to Participate in the Energy Imbalance Market

As explained in PGE's Answer, PGE has reserved a substantial amount of transmission for its participation in the EIM. The technical requirements to participate in the EIM appear to be separate from the business decisions PGE made to set aside a large amount of transmission for its participation in that market. Yet, this information has been very difficult to obtain, and evaluate. Blue Marmot initially made 10 requests in the First set, then two follow-up requests in the Second set, four requests in the Third set, and made three questions in the Sixth set.³¹

The remaining three questions in the Sixth set regarding the EIM are not burdensome.³² They simply are requests for PGE to state its position regarding whether its commitments to participate in the EIM take priority over its obligations to purchase QF power and other transmission obligations.

d. Issues Relating to PGE's OATT

An issue that arose during discovery is whether PGE's tariff requires it to add QF power as a network resource, and whether PGE should have initiated the studies and upgrades that it has requested Blue Marmot pay for. Blue Marmot made one initial request in the Fourth set and four additional requests in the Sixth set.³³

The inability to ask initial and follow up questions regarding PGE's decisions regarding network resources may materially prejudice Blue Marmot's ability to prepare its case. PGE's merchant business may be required under its OATT and PURPA to

³¹ Id. (PGE Response to Blue Marmot Data Request Nos. 1-10, 34-35, 49-51, 58; Blue Marmot Data Request Nos. 109-11).

³² Id. (Blue Marmot Data Request Nos. 109-11).

³³ Id. (Blue Marmot Data Request Nos. 87, 105-108).

request that Blue Marmot be treated as a network resource. Blue Marmot has sought discovery to determine if PGE's merchant business made a network transmission service request or related studies, and why or why not. Blue Marmot also understands that PGE's OATT may require its transmission business to build any network upgrades required to integrate any and all designated network resources of PGE's merchant business and to roll those costs into transmission rates. Blue Marmot has asked PGE about its position on this issue. Given PGE's past data responses, Blue Marmot is likely going to need to ask follow up questions on these issues.

e. Issues Determining Whether the Commission has Jurisdiction

As the brief summary above indicates, Blue Marmot is dependent upon PGE's answers to even determine whether the Commission has jurisdiction over these issues. For example, PGE has not confirmed whether it is requiring additional transmission or transmission upgrades from Blue Marmot. Blue Marmot made eight requests in Fourth set to this end.³⁴

f. Possible Discrimination Among Similarly Situated QFs

As the subject of Blue Marmot's Motion to Compel makes clear, PGE claims that it is treating similarly situated QFs the same, but has not been very forthcoming with details about its recent decision to (starting with Blue Marmot) to prevent off-system QFs from delivering to PACW.PGE POD, or pay for transmission upgrades on PGE's system. Factual questions remain as to when PGE changed its policy or applied that changed policy to different QFs, why PGE executed the Airport Solar PPA, but chose not to

³⁴ Id. (PGE Response to Blue Marmot Data Request Nos. 22-29, 40-41, 54, 56, 75-79, 86, 88-89; Blue Marmot Data Request Nos. 91-101).

execute any from Blue Marmot, and how PGE is treating other QFs as compared to Blue Marmot. Blue Marmot initially made eight requests in its First set, then two follow-up requests in the Second set, two requests in the Third set, one more follow-up request with seven additional questions in the Fourth set, and seven more follow-up questions with four final questions in the Fifth set.³⁵ Blue Marmot would not have needed to ask all of these questions if PGE had provided complete responses initially.

It is important to note that Blue Marmot has sought to obtain the same information in multiple ways. For example, Blue Marmot asked PGE a simple question in its First set of data requests about whether PGE will “accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE”.³⁶ PGE responded that “PGE is reviewing off-system QFs that have entered PPAs and has not made a determination about whether it can accept deliveries from each of them at this time.”³⁷ Blue Marmot also asked: “If additional ATC is made available at the PACW.PGE POD, how would priority be established PGE accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE?”³⁸ PGE again responded without providing an answer, stating that “PGE is in the process of developing a policy to address the circumstances posited in this DR. When that policy is developed, PGE will supplement its response to this DR.”³⁹

³⁵ Id. (PGE Response to Blue Marmot Data Request Nos. 22-29, 40-41, 54, 56, 75-79, 86, 88-89, 91-101).

³⁶ Id. (Blue Marmot Data Request No. 23).

³⁷ Id. (PGE Response to Blue Marmot Data Request No. 23).

³⁸ Id. (Blue Marmot Data Request No. 24).

³⁹ Id. (PGE Response to Blue Marmot Data Request No. 24).

Blue Marmot continues to wait for a complete response, and has since asked a series of questions seeking to obtain PGE's answer on these critical questions that were first asked in June. Blue Marmot has asked six follow up questions on these points, including a simple request to PGE update its responses as well to ask who at PGE can be deposed to obtain answers if PGE does not answer the data requests.⁴⁰ Blue Marmot could simply have filed a motion to compel, but instead has patiently attempted to work with PGE for months on this issue.

PGE has recently informed Blue Marmot that its "determination" may not be made or "policy" may not be adopted until after October 13, 2017. Thus, PGE is delaying providing a response to Blue Marmot until after or shortly before its Opening Testimony is due. If PGE had promptly provided a response when due, then Blue Marmot would have been able to have months to conduct follow up questions. If PGE finally answers this data request, then Blue Marmot should not be arbitrarily limited from asking questions reasonably calculated to lead to admissible evidence, as long as they are not unreasonably cumulative, duplicative, burdensome, or overly broad.

g. Possible Discrimination in Favor of PGE's Merchant Function

As explained above, PGE has claimed that it cannot accept Blue Marmot's net output because of limited ATC. Despite this, as ATC has become available, PGE has quickly obtained that ATC for its own purposes, rather than reserve it for Blue Marmot or other QFs or even to notify Blue Marmot that additional ATC became available. Blue Marmot sought to confirm these facts and obtain information regarding why PGE took the actions it did.

⁴⁰ Id. (Blue Marmot Data Requests Nos. 94-99).

h. Summary


The above data requests do not identify all the issues, but they demonstrate that Blue Marmot's discovery request have not been unduly burdensome. There are a variety of complex issues involved in these complaints, and PGE should be required to provide relevant information to support its claims with respect to each of these issues. PGE's Motion arbitrarily decides that Blue Marmot is done exploring these issues, and unilaterally forecloses additional discovery on any additional issues that may potentially arise.

IV. CONCLUSION

For the reasons discussed above, Blue Marmot respectfully requests ALJ Arlow or Kirkpatrick deny PGE's Motion. PGE is obligated to participate in the discovery process, and has not presented sufficient justification for any limitations on the discovery process in this case.

Dated this 14th day of September, 2017.

Respectfully submitted,

A handwritten signature in black ink that reads "Irion Sanger". The signature is written in a cursive style with a large, looped initial "I".

Irion A. Sanger
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Of Attorneys for Blue Marmot V, LLC, Blue Marmot VI, LLC, Blue Marmot VII, LLC, Blue Marmot VIII, LLC, and Blue Marmot IX, LLC

Attachment A

Blue Marmot Data Requests and PGE Responses

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 1
Dated June 23, 2017**

Request:

- 1. Please provide documentation that establishes the requirement that PGE holds LTF PTP transmission from PACW.PGE to PGE in order to participate in the EIM, including but not limited any policy or rules from CAISO, EIM, WECC, FERC, etc. that PGE was responding to or relying upon in developing a transmission strategy for EIM participation.**

Response:

Adequate transmission often has proven to be the limiting factor in optimizing the economic benefits of EIM dispatch. PGE's economic evaluations of EIM participation indicate that about 300 MW of two-way connectivity to the EIM markets is needed to optimize within hour economic benefits from the EIM. There is no CAISO tariff requirement to make available any particular amount or type of transmission connectivity to participate in the EIM market, but without adequate committed transmission there is no reason to participate in the market. Thus adequate transmission connectivity is a practical and economic requirement as opposed to a legal requirement of EIM participation. In addition, under FERC's MBR assessment of EIM participation, adequate transmission connectivity, particularly import capacity, is a requirement for establishing eligibility for market based rates in the EIM. See PGE's Notice of Change in Status filed at FERC and provided pursuant to data request 2.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

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Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 2
Dated June 23, 2017**

Request:

- 2. Please provide either a copy of PGE's market based rates filing with FERC (that describes the transmission arrangements that will allow PGE to participate in the EIM) or a current draft of that filing.**

Response:

Please see Attachment A, PGE's Notice of Change in Status for ER10-2249, which informs FERC of a change in the facts and circumstances that the Commission relied upon in granting PGE market based rate authority.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

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Leslie Freiman
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FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 3
Dated June 23, 2017**

Request:

- 3. Please provide analysis or documentation that justifies the value of PGE holding its current volume of transmission from PACW.PGE to PGE, including but not necessarily limited to the E3 cost-benefit study along with all supporting documentation and directional use output from E3.**

Response:

Please see attached Attachment A, Comparative Analysis of Western EIM NWPP MC Intra-Hour Energy Market Options (Nov. 6, 2015), and Attachment B, PGE Energy Imbalance Market Addendum: 2018 Scenario (Nov. 2016).

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 4
Dated June 23, 2017**

Request:

- 4. When and how did PGE acquire the additional long-term firm transmission capacity to participate in the EIM?**

Response:

PGE submitted several requests for transmission rights on the path from PGE to PAC West and from PAC West to PGE. All of this information is available on PGE's OASIS site.

PACW to PGE:

AREF # 81087171: PGE submitted a request for 200 MW on April 17, 2015. PGE-Transmission granted this request on May 11, 2015. The start date for this request was January 1, 2016.

AREF #81182934: PGE submitted a request for 100 MW on May 14, 2015. PGE-Transmission granted this request on June 5, 2015. The start date for this request was January 1, 2016. On January 7, 2016, PGE-Transmission recalled 24 MW on this reservation.

AREF # 81348278: PGE submitted a request for 118 MW on June 25, 2015. PGE-Transmission granted this request on July 20, 2015. The start date for this request was January 1, 2016. On January 6, 2016, PGE-Transmission recalled 112 MW of this request. On January 7, 2016, PGE-Transmission recalled an additional 6 MW on this reservation.

PGE to PACW:

UM 1829

PGE Response to Blue Marmot's First Set of Data Requests

AREF 81087178: PGE submitted a request for 200 MW on April 17, 2015. PGE-Transmission granted this request on May 11, 2015. The start date for this request was January 1, 2016.

AREF 81182959: PGE submitted a request for 100 MW on May 14, 2015. PGE-Transmission granted this request on June 5, 2015. The start date for this request was January 1, 2016.

AREF 81348249: PGE submitted a request for 148 MW on June 25, 2015. PGE-Transmission granted this request on July 20, 2015. The start date for this request was January 1, 2016. On January 6, 2016, PGE-Transmission recalled 142 MW on this reservation. On December 29, 2016, PGE-Transmission recalled 1 more MW on this reservation

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 5
Dated June 23, 2017**

Request:

- 5. When did PGE decided to hold its current volume of transmission PACW.PGE to PGE to participate in the EIM?**

Response:

PGE sought internal approval to purchase additional long-term firm transmission capacity from PACW to the PGE System on April 8, 2015, April 29, 2015, and June 17, 2015.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 6
Dated June 23, 2017**

Request:

6. When did PGE announce its decision to participate in the EIM?

Response:

September 18, 2015

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 7
Dated June 23, 2017**

Request:

- 7. Please provide any updated documentation or additional analysis comparing the cost of a business as usual approach to PGE's current EIM benefit study on file with the OPUC.**

Response:

Please see Attachment B, PGE Energy Imbalance Market Addendum: 2018 Scenario (November 2016), provided in response to data request 3.

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 8
Dated June 23, 2017

Request:

8. Can PGE un-designate NT and then re-designate as PTP for its merchant sales?

Response:

As a threshold matter, PGE notes that the phrasing of this question suggests a faulty premise regarding Network Resources and Network Integration Transmission Service (NITS), as resources can be undesignated but transmission cannot. Changes to Network Resource designations for resources within PGE's BAA are not likely to result in more ATC that could be made available for point-to-point service. Undesignation of remote resources may or may not increase ATC at an inbound point of receipt, depending upon the particular circumstances. Consistent with FERC's pro forma OATT, PGE's OATT allows for the designation and termination of Network Resources at III.30 and Network Load at III.31. Termination of Network Resources may be temporary or indefinite under III.30.4. However, any undesignation of a Network Resource will not result in a change in ATC in an outbound direction that could support merchant sales.

Consistent with section III.28.2 of PGE's OATT, Network Load is generally incorporated into transmission system planning to ensure sufficient capacity to serve that load; however, NITS does not use specific transmission path reservations comparable to firm point-to-point service. Additionally, III.28.6 specifically bars the use of NITS for "(i) sales of capacity and energy to non-designated loads, or (ii) direct or indirect provision of transmission service by the Network Customer to third parties." In other words, NITS is used specifically to serve Network Load, and even NITS customers must use point-to-point transmission service for other transactions.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 9
Dated June 23, 2017**

Request:

- 9. Can PGE un-designate NT and then re-designate as PTP for participation in the EIM?**

Response:

As explained in the response to data request 8 above, PGE notes that changes to network designations to *resources* (as transmission is not designated or undesignated) do not generally result in ATC that could be made available for point-to-point service for any purpose, including use in the EIM. As PGE indicated when it submitted its EIM tariff provisions (accepted by FERC in Docket No. ER17-1075), the applicable tariff changes “amend the provisions in its OATT that require undesignation of *Network Resources* to make off-system sales...so that Network Customers have the option to participate in the EIM without having to undesignate all or a portion of the *resource*.” (See PGE EIM Filing Letter at p24, 3/1/17, available at http://www.oasis.oati.com/PGE/PGEdocs/PGE_Filing_Letter_Final_3_1_2017.pdf) (emphasis added). Thus, while *Network Resources* can accordingly use NITS to serve the broader EIM footprint in some circumstances without terminating all or part of their network reservation, this approach does not result in actual changes to ATC in any given market interval.

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PGE Response to Blue Marmot's First Set of Data Requests

July 17, 2017

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**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 10
Dated June 23, 2017**

Request:

10. What is PGE expecting the physical and contractual transmission usage to look like when PGE enters the EIM in October?

Response:

PGE objects to the request on the grounds that it calls for speculation. Without waiving its objection, PGE states that the physical transmission usage cannot be predicted in advance. As stated on page 7 of Attachment A to PGE's response to data request 2, "PGE Merchant currently holds 276 MW of long-term point-to-point transmission rights on the PACW to PGE path. PGE Merchant has committed, for the first year of EIM operations, to offer 200 MW of firm transmission rights on the PACW-PGE Path for EIM transfers into the PGE BAA during all market periods. PGE Merchant will also offer the remaining 76 MW of its long-term firm transmission rights, subject to usage for reliability or servicing existing contractual arrangements."

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

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**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 11
Dated June 23, 2017**

Request:

11. Has PGE scheduled anything above TTC in the past?

Response:

No.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
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FROM: Karla Wenzel
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**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 12
Dated June 23, 2017**

Request:

12. How can PAC give transmission to a POD that PGE cannot accept?

Response:

PGE objects that this data request is ambiguous, vague, and confusing. Without waiving its objection, PGE responds as follows. Each balancing area authority calculates total transmission capacity based on the conditions on their system.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

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FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 13
Dated June 23, 2017**

Request:

13. Do TTC between balancing authorities at the same POD need to match?

Response:

No, each balancing area authority calculates total transmission capacity based on the conditions on their system.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
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**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 14
Dated June 23, 2017**

Request:

- 14. Please provide any studies or agreements with PAC regarding the decision to eliminate Bethel as a scheduling point.**

Response:

PGE did not eliminate Bethel. Rather, PGE aggregated Bethel, Gresham, and PACW into one scheduling point, PACW. The aggregation did not affect the TTC across the scheduling point.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 15
Dated June 23, 2017**

Request:

- 15. Please confirm that there is overlap between the PACW.PGE and BPAT.PGE interfaces, and provide an explanation of any overlap.**

Response:

Yes, there is an overlap. PGE provided Blue Marmot with the forms necessary to obtain authorization from PGE's Transmission and Reliability Services Department to access the TTC report. Once the proper authorizations have been obtained and Blue Marmot receives the report, please compare the tables on pages 13 and 14 of Appendix 1 of the TTC report for further explanation of PGE's answer.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 16
Dated June 23, 2017**

Request:

- 16. Please confirm the amount of PGE import capacity allocated to the BPA portion of the BPAT.PGE interfaces.**

Response:

The TTC numbers are available in the TTC report on page 11.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 17
Dated June 23, 2017**

Request:

- 17. Would it be possible to re-allocate capacity to the PACW portion of the PGE side of the PACW.PGE interface? Please explain.**

Response:

No. TTC is not allotted or assigned to individual transmission system elements or interfaces. TTC is the sum of simulated flow on the elements of the transmission system that define the interface between two areas. In this context "area" refers to the configuration of generating stations, switching stations, substations, and connecting transmission lines that define an individual electric system control area. The simulated flow is impacted by changes in generation dispatch, area load, and transfers within WECC. TTC is a calculated value; not an allocated value. TTC, therefore, cannot be re-allocated.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
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**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 18
Dated June 23, 2017**

Request:

- 18. Please analyze the TTC at PACW.PGE including Blue Marmot's TSRs (i.e., including all of Blue Marmot's proposed generation on PAC's side and none of PGE's generation) to determine whether the TTC increases.**

Response:

Pursuant to OAR 860-001-0500(4), PGE objects that this request requires PGE to conduct an analysis which is unduly burdensome and is not highly relevant. PGE's analysis of TTC at PACW.PGE is represented in the values posted on OASIS.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 17, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 19
Dated June 23, 2017**

Request:

19. Please provide confirmation of which, if any, scheduling points at BPAT.PGE are constrained or otherwise problematic.

Response:

BPAT.PGE is the only scheduling point used for the interface between BPA and PGE. The long-term firm ATC at this scheduling point is available on OASIS.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
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FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 20
Dated June 23, 2017**

Request:

- 20. Are there any portions of the TTC study (that is critical infrastructure information) that rely on other publicly-available information, including but not limited to any studies, portions?**

Response:

No.

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 21
Dated June 23, 2017**

Request:

- 21. Regarding PGE's last TTC calculation:**
- a. List of power flow cases that they used, like summer peak (90/10 or 50/50), winter peak, light load (or shoulder load) case, and study years.**
 - b. List of top 5 binding constraints and contingency pair for each study case/year with loading and rating of the overloaded transmission elements, and impact of each constraint on TTC.**
 - c. If the top 5 limitations are not based on the thermal equipment ratings, list of other limitations, stability or path rating, etc.**
 - d. Is there any generation outage condition that limits TTC, on PGE system or outside for PGE system? If so list of generation outages that limit TTC.**

Response:

- a. This list of WECC base cases used in the PGE 2016 TTC Study are listed in section 2.3 of the TTC Study.
- b. The PGE study methodology for calculating TTC is to identify the first limiting contingency/violation pair. The contingency/violation pairs are identified in the TTC Study for each interface and season.
- c. The PGE study methodology for calculating TTC is to identify the first limiting contingency/violation pair. The contingency/violation pairs are identified in the TTC Study for each interface and season.
- d. The PGE study methodology for calculating TTC is to identify the first limiting contingency/violation pair. The contingency/violation pairs are identified in the TTC Study for each interface and season.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 22
Dated June 23, 2017**

Request:

- 22. Please identify all offsystem QFs that have entered into PPAs with PGE. Please identify the POD for each contract, when PGE requested that the QF identify the POD, and the amount of ATC available at the time of contract execution. Please provide a complete and nonredacted copy of all offsystem QF contracts that are not posted on the OPUC's website in docket number RE 143.**

Response:

PGE objects to this request on the grounds that it is overly broad and unduly burdensome and seeks information that is neither relevant nor calculated to lead to the discovery of relevant evidence. Alternatively, the information sought is more prejudicial than it is probative. Without waiving its objections, PGE responds as follows. PGE has filed its PPAs, or summaries of PPAs, with off-system QFs in OPUC Docket No. RE 143. The POD for the Airport Solar Schedule 202 contract is PACW. PGE generally began requesting that QFs identify PODs on or about April 18, 2017.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

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Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 23
Dated June 23, 2017**

Request:

- 23. Will PGE accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE?**

Response:

PGE is reviewing off-system QFs that have entered PPAs and has not made a determination about whether it can accept deliveries from each of them at this time. All QFs that have requested PPAs from PGE and that have requested to deliver at PACW.PGE will be given the same options as Blue Marmot.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 19, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 24
Dated June 23, 2017**

Request:

24. If additional ATC is made available at the PACW.PGE POD, how would priority be established PGE accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE?

Response:

PGE is in the process of developing a policy to address the circumstances posited in this DR. When that policy is developed, PGE will supplement its response to this DR.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 17, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 25
Dated June 23, 2017**

Request:

25. Please identify all offsystem QFs by name, resource type, and nameplate that have requested PPAs from PGE and may be seeking delivery at the PACW.PGE POD.

Response:

PGE objects that this data request seeks information that is not relevant to this case and calls for speculation, to the extent that it requires PGE to guess about the requested delivery point for a QF that has not yet provided that information to PGE. Without waiving its objections, PGE answers that the following list identifies all off-system QFs who have informed PGE that they are seeking delivery at PACW.PGE POD. QF names have been omitted to protect confidential business information.

- QF A, Small Hydro, 4.6 MWs
- QF B, Solar, 10 MWs
- QF C, Solar, 10 MWs
- QF D, Solar, 10 MWs

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 26
Dated June 23, 2017**

Request:

26. When did PGE inform the other offsystem QFs that have entered into PPAs or requested PPAs in the queue that they are not accepting deliveries from the PACW.PGE POD?

Response:

PGE began informing relevant QFs that it was not accepting deliveries at the PACW.PGE POD on or about April 18, 2017, and PGE posted this information on its QF website on or about April 21, 2017.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 27
Dated June 23, 2017**

Request:

27. Are there any other offsystem QFs in the queue that may deliver at PACW.PGE that PGE sent an executable final standard PPA to? Please identify the QFs.

Response:

Other than Blue Marmot, no.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 17, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 28
Dated June 23, 2017**

Request:

28. Has PGE executed any PPAs for delivery at PACW.PGE since this POD became constrained in PGE's view (i.e., when PGE acquired the long-term firm transmission capability it felt was necessary to fully participate in the EIM) and if so, how will those parties be treated?

Response:

Yes, PGE has entered three PPAs for delivery at PACW.PGE since July 1, 2015. PGE is evaluating how deliveries anticipated to be made from those projects to the PACW.PGE POD will be handled.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 29
Dated June 23, 2017**

Request:

29. Is it still PGE's practice to work out the POD after the QF executed the PPA? If not, when did PGE change that practice, and why?

Response:

No, PGE now requests the QF to identify its requested POD in its initial information request. PGE changed its practice on or about April 18, 2017, so that it could identify early any QFs whose requested POD might be constrained.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 30
Dated June 23, 2017**

Request:

30. Does PGE believe that the Bethel POD is in PacifiCorp's territory?

Response:

Yes, there is a Bethel POD in PacifiCorp's territory.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 31
Dated June 23, 2017**

Request:

31. Does PGE believe that the Bethel POD is in PGE's territory?

Response:

No, PGE no longer has a Bethel POD.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 32
Dated June 23, 2017**

Request:

32. Does PGE believe that the Bethel POD is in BPA's territory?

Response:

Yes, there is a Bethel POD in BPA's territory.

UM 1829
PGE Response to Blue Marmot's First Set of Data Requests

July 7, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 33
Dated June 23, 2017**

Request:

33. Does PGE believe that Bethel BPAT.PGE and Bethel PACW.PGE are at the same physical location and use the same physical equipment?

Response:

No, they are not the same physical location and do not comprise the same physical equipment. There are electrical connection elements between the two points.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 34
Dated July 19, 2017**

Request:

- 34) Please refer to PGE’s Data Response No. 1. Please provide all documents related to “PGE’s economic evaluations of EIM participation”, including but not limited to those that “indicate that about 300 MW of two-way connectivity to the EIM markets is needed to optimize within hour economic benefits from the EIM.”**

Response:

PGE objects that this request is overly broad, unduly burdensome, and seeks documents that are not relevant or likely to lead to the discovery of relevant information. Without waiving its objection, PGE responds as follows. Please see those documents already provided in response to Blue Marmot’s first set of data requests, and Attachment A, “EIM Comparative Study OPUC_11.30,” and Attachment B, “2018 E3 Study – EIM Transfers,” to this response.

UM 1829

Attachment 34 A to Response to DR 34

Provided in Electronic Format only

PGE's EIM Comparative Study OPUC_11.30

UM 1829

Attachment 34 B to Response to DR 34

Provided in Electronic Format only

2018 E3 Study – EIM Transfers

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 35
Dated July 19, 2017**

Request:

- 35) Please refer to PGE's Data Response No. 1. Please provide all documents related to "FERC's MBR assessment of EIM participation", including but not limited to those that indicate "adequate transmission connectivity, particularly import capacity, is a requirement for establishing eligibility for market based rates in the EIM."**

Response:

In addition to the documents already provided by PGE in response to Blue Marmot's first set of data requests, please see paragraphs 18 and 19 of 156 FERC ¶ 61,242 (2016), available at <https://www.ferc.gov/CalendarFiles/20160930145836-ER10-2374-010.pdf>.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 36
Dated July 19, 2017**

Request:

36) Please refer to PGE's Data Response No. 14. Did PGE aggregate Bethel, Gresham, and PACW into one scheduling point (PACW) without PacifiCorp's involvement or knowledge?

Response:

PGE does not recall whether PacifiCorp was specifically notified of PGE's decision to aggregate the reservation point Bethel with the reservation point PACW, although this information was posted on PGE's OASIS, where it remains available to this day. Please see Attachment A, "PGE to Remove Posted Paths at Bethel and Gresham," to this response.

PGE also would like to clarify that Bethel and Gresham transitioned from OASIS transmission reservation points to scheduling/e-tagging points that are mapped to the OASIS transmission reservation point PACW. Therefore, the PACW OASIS transmission reservation point now encompasses the scheduling/e-tagging points Bethel, Gresham, and PACW. PGE. OASIS transmission reservation points are used in OASIS to identify and reserve transmission paths. Scheduling points appear in the scheduling and e-tagging environments to allow scheduling of power transactions.

UM 1829

Attachment 36 A to Response to DR 36

Provided in Electronic Format only

PGE to Remove Posted Paths at Bethel and Gresham

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 37
Dated July 19, 2017**

Request:

37) Please refer to PGE's Data Response No. 17. Would it be possible to re-calculate capacity to the PACW portion of the PGE side of the PACW.PGE interface? Please explain.

Response:

PGE objects that this request is vague and ambiguous such that PGE cannot understand the question. PGE has contacted Blue Marmot and offered to set up a discovery conference to discuss Blue Marmot's request, but Blue Marmot has not yet responded to the offer.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 38
Dated July 19, 2017**

Request:

38) Please refer to PGE's Data Response No. 18. Please identify how long it would take for PGE to analyze TTC at PACW.PGE including Blue Marmot's TSRs and none of PGE's generation.

Response:

PGE estimates that it would take one person two weeks to complete the requested study. However, as PGE has informed Blue Marmot, the requested analysis would not yield useful information. Not only is the requested methodology inconsistent with PGE's established methodology, unsound, and unrealistic, but also the requested removal of PGE's generation and addition of renewable generation to the analysis almost certainly would result in a decrease in TTC. PGE has offered to set up a discovery conference to discuss Blue Marmot's request, but Blue Marmot has not yet responded to the offer.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 39
Dated July 19, 2017**

Request:

39) Please refer to PGE's Data Response No. 18. Please explain how Blue Marmot could perform this analysis.

Response:

Blue Marmot cannot perform the type of analysis sought in DR 18. However, as PGE has informed Blue Marmot, the requested analysis would not yield useful information. Not only is the requested methodology inconsistent with PGE's established methodology, unsound, and unrealistic, but also the requested removal of PGE's generation and addition of renewable generation to the analysis almost certainly would result in a decrease in TTC. PGE has offered to set up a discovery conference to discuss Blue Marmot's request, but Blue Marmot has not yet responded to the offer.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 40
Dated July 19, 2017**

Request:

- 40) Please refer to PGE's Data Response No. 22. Please identify all off-system QF contracts that PGE entered into during 2015, 2016 and 2017 (to date) identifying the POD for each contract, including but not limited to identifying all QF contracts executed by PGE where PACW.PGE was the POD.**

Response:

The following table contains the requested information:

Project Name	POD	Contract Execution Date
Fossil Lake	BPAT.PGE	4/29/2015
Lakeview	PACW.PGE	7/15/2015
OE Solar 1	BPAT.PGE	1/25/2016
OE Solar 2	BPAT.PGE	1/25/2016
Morrow Solar	BPAT.PGE	1/25/2016
Tygh Valley Solar	BPAT.PGE	1/25/2016
Starvation Solar	BPAT.PGE	1/25/2016
Dayton Solar I	BPAT.PGE	1/25/2016
Wasco Solar 1	BPAT.PGE	1/25/2016
OE Solar 3 (Wy'East)	BPAT.PGE	1/25/2016
OE Solar 4	BPAT.PGE	3/7/2016
Fort Rock Solar I	BPAT.PGE	4/27/2016

Fort Rock Solar II	BPAT.PGE	4/27/2016
South Burns Solar I	BPAT.PGE	4/29/2016
West Hines Solar I	BPAT.PGE	4/29/2016
Suntex Solar	BPAT.PGE	5/16/2016
Energy Partners I	BPAT.PGE	6/21/2016
Energy Partners II	BPAT.PGE	6/21/2016
OM Power 1	PACW.PGE	6/21/2016
Fort Rock Solar IV	BPAT.PGE	6/26/2016
Alfalfa Solar	BPAT.PGE	6/26/2016
Harney Solar I	BPAT.PGE	6/27/2016
Riley Solar	BPAT.PGE	6/27/2016
Alkali	BPAT.PGE	8/26/2016
Rock Garden	BPAT.PGE	8/26/2016
OE Solar 5	BPAT.PGE	11/4/2016
Airport Solar	PACW.PGE	4/3/2017
Evergreen BioPower	BPAT.PGE	5/31/2017
Stark Solar	BPAT.PGE	6/2/2017
OE Solar 6	BPAT.PGE	6/15/2017

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 41
Dated July 19, 2017**

Request:

- 41) Please refer to PGE's Data Response No. 23. Please identify all QFs that have requested PPAs from PGE and have requested to deliver at PACW.PGE, which PGE is still reviewing to determine whether it can accept deliveries from at this time. Please also identify when PGE informed each of these QFs that it was not accepting deliveries at the PACW.PGE POD.**

Response:

- QF A, Small Hydro, 4.6 MW, notified June 26, 2016
- QF B, Solar, 10 MW, notified July 20, 2017
- QF C, Solar, 10 MW, notified July 20, 2017
- QF D, Solar, 10 MW, notified July 20, 2017

Please note that QF names have been omitted to protect confidential business information.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 42
Dated July 19, 2017**

Request:

42) Please refer to PGE's Data Response No. 31. Please explain when and how it came to be that PGE no longer had a Bethel POD?

Response:

PGE deactivated the Bethel OASIS transmission reservation point and aggregated it into the PACW OASIS transmission reservation point on June 2, 2010. Please see Attachment A, "PGE to Remove Posted Paths at Bethel and Gresham," to DR 36. Bethel remains available as an e-tagging and scheduling point, although it never has been used for this purpose. PGE notes that the TTC at the PACW OASIS transmission reservation point is not affected by the deactivation of the Bethel OASIS transmission reservation point or the continued use of Bethel as an e-tagging and scheduling point within the PACW OASIS transmission reservation point.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 43
Dated July 19, 2017**

Request:

- 43) Please refer to PGE's Data Response No. 33. Please explain the electrical connection elements between Bethel BPAT.PGE and Bethel PACW.PGE and how PGE defines "physical location" as used in that response (stating that Bethel BPAT.PGE and Bethel PACW.PGE are not at the same physical location).**

Response:

PGE has separate and distinct physical interconnections with PACW and BPA at the Bethel substation. The Bethel-Santiam BPA 230kV line terminates at the V202 breaker position. The Bethel-Parrish Gap PACW 230kV line terminates at the V252 breaker position. The V202 and V252 breakers are physically different devices and are located at different bays in the substation. PGE notes that the interconnection with PACW at the Bethel substation is a component of the PACW OASIS transmission reservation point used for importing power from PACW and the interconnection with BPA at the Bethel substation is a component of the BPAT.PGE OASIS transmission reservation point used for importing power from BPA. There are no OASIS transmission reservation points "Bethel BPAT.PGE" or "Bethel PACW.PGE." However, there are "PACW.PGE" and "Bethel" e-tag scheduling points, both of which are associated with the PACW OASIS transmission reservation point.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 45
Dated July 19, 2017**

Request:

45) Would PGE describe PACW.PGE as the edge or border of PGE's balancing authority area?

Response:

Yes. PGE has a PACW.PGE scheduling point on its system in the PGE balancing authority area. PacifiCorp also has a PACW.PGE scheduling point on its system in the PACW balancing authority area. The PACW OASIS transmission reservation point—of which PACW.PGE is one scheduling point—represents the interface between the PGE and PACW transmission systems.

UM 1829
PGE Response to Blue Marmot Second Set of Data Requests

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 44
Dated July 19, 2017**

Request:

44) Does PGE consider PACW.PGE to be a POD on PGE's system?

Response:

PACW.PGE is a scheduling point associated with the PACW OASIS transmission reservation point. PACW.PGE can be used as a valid POD on a NERC e-tag, assuming the party has appropriate transmission rights and the e-tag passes validation rules. The PACW.PGE scheduling point is not a valid sink (i.e. ultimate delivery point) and e-tags are not allowed to terminate at the PACW.PGE scheduling point (i.e. they must continue on to a valid POR or sink).

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 46
Dated July 19, 2017**

Request:

- 46) Please identify each point where PGE’s transmission system directly connects with PacifiCorp’s transmission system. Are there any other points (i.e. unspecified or unmetered points, area where other power is commingled, etc.) where a change in ownership between PacifiCorp and PGE can occur?**

Response:

PGE objects to this data request on the grounds that the phrase “where a change in ownership between PacifiCorp and PGE can occur” is neither defined nor used with sufficient precision to enable PGE to know what is intended by the phrase. Without waiving this objection, PGE responds as follows. This path and the corresponding physical points of interconnection are all associated with the PACW OASIS transmission reservation point, which is the only viable OASIS transmission reservation point allowed for import of electricity from the PacifiCorp West system to PGE’s system via the PACW-PGE path.

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 47
Dated July 19, 2017**

Request:

- 47) Does PGE believe that any new QF can make its power available and sell its power to PGE through a power purchase agreement at the PACW.PGE POD? Does PGE believe it could accept additional QF power through a power purchase agreement made available at this POD? Please explain.**

Response:

No, not on a long-term firm basis, unless the QF requests the required transmission studies and pays for the upgrades necessary to enable PGE to accept additional deliveries at PACW.PGE or another scheduling point in the PACW OASIS transmission reservation point.

UM 1829
PGE Response to Blue Marmot Second Set of Data Requests

August 2, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 48
Dated July 19, 2017**

Request:

48) Does PGE believe that any new non-QF can make its power available and sell its power to PGE through a power purchase agreement at the PACW.PGE POD? Does PGE believe it could accept additional non-QF power through a power purchase agreement made available at this POD? Please explain.

Response:

No, not on a long-term firm basis.

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

- 49. Provide list of all known or anticipated PGE EIM Participating Resources that are external to PGE's BAA and are using pseudo-ties to participate in the EIM**

Response:

PGE objects that this data request seeks information that is not relevant to this case and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, PGE responds as follows. PGE currently has pseudo-ties for fully dispatchable resources that it owns and/or controls, and for which PGE has acquired firm transmission rights on intervening systems. PGE also has made the necessary formal requests to BPA to enable the dynamic transfer, via pseudo-tie, of PGE's owned wind resources that are currently electrically located in the BPA Balancing Authority Area (BAA). A pseudo-tie is the specific method used to dynamically transfer remote resources from the source BAA to the receiving BAA.

Confidential Attachment 49-A provides a list of the resources that have (or are anticipated to have) pseudo-ties.

UM 1829
PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

- 50. Provide all draft and final studies and related correspondence regarding PGE's participation in the EIM**

Response:

PGE objects that this request is overly broad, ambiguous, and seeks preliminary draft materials and related correspondence that are not relevant to this case and are not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, PGE assumes this request refers to the CAISO EIM and responds as follows. Please see the final studies that PGE has provided in response to Blue Marmot Data Request Nos. 2 and 3.

UM 1829
PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

- 51. Provide anticipated EIM flows over PACW.PGE > PGE, by hour for an anticipated calendar year**

Response:

Please see Attachment B, "2018 E3 Study – EIM Transfers," provided in response to Blue Marmot Data Request No. 34 for transfers between PGE and PACW, modeled at 10 minute granularity, using a 2018 study period.

UM 1829

PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

- 52. Provide all written communication and a summary of any verbal communication related to AREF 84996127, 19 MW, PACW to PGE, that per Customer (PGEM) notes was "...submitted upon recommendation of TP to request a return of capacity originally recalled that was recently made available due to updated studies. See 81087171." In addition, provide all documents, correspondence, forms, and related materials regarding PGE's updated commitment of PACW.PGE > PGE transmission as EIM Transfer System Resources (ETSR) following PGEM's confirmation of AREF 84996127.**

Response:

The 19 MW was identified and reserved in June 2017 by PGE Merchant to alleviate the impact of the transmission capacity that was previously granted in 2015 and subsequently recalled in 2016 by PGE Transmission. Those original reservations and recalls were detailed in PGE's response to Blue Marmot Data Request No. 4. Attachments 52-A and 52-B provide all email correspondence related to the 19 MW, and Attachment 52-C is an internal pre-approval memo related to the 19 MW.

UM 1829
PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

53. What has PGEM done to verify if there is any transmission from PACW.PGE to PGE?

Response:

PGE objects to this request on the grounds that it is vague and ambiguous, and lacking in any temporal limitation. PGE assumes that this data request concerns the circumstances applicable to Blue Marmot and is seeking information regarding what PGE Merchant has done to verify that there is not sufficient available transfer capability (ATC) for Blue Marmots' projects and that system upgrades would be required in order for Blue Marmot to be able to deliver its energy to the PACW.PGE point of interconnection.

Without waiving its objection, PGE responds as follows. PGE Merchant, like all other transmission customers, identifies ATC by reviewing the information posted on the Open Access Same Time Information System (OASIS), the same website to which Blue Marmot has access.

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

- 54. Please confirm the date that PGE provided the Blue Marmots with executable PPAs, and that these were provided prior to the identification of the 19 MW mentioned in data request 52 and 53, please explain why PGE did not commit the transmission to the Blue Marmots and sign at least one PPA?**

Response:

PGE confirmed the dates that the Blue Marmots were provided with draft and executable PPAs in its answers to the complaints filed in OPUC Docket Nos. UM 1829, UM 1830, UM 1831, UM 1832, and UM 1833:

1/12/17 – executable PPA for Blue Marmot Project VI.

1/16/17 – executable PPA for Blue Marmot Project V.

3/21/17 – executable PPA for Blue Marmot Project VII and executable PPA for Blue Marmot Project IX.

3/22/17 – final draft PPA for Blue Marmot Project VIII. PGE did not provide an executable PPA for Blue Marmot Project VIII due to constraints at the anticipated POD (PACW.PGE) for delivery.

The 19 MW was identified and reserved in June 2017 by PGE Merchant to alleviate the impact of the transmission capacity that was previously granted in 2015 and subsequently recalled in 2016 by PGE Transmission. Those original reservations and recalls were detailed in PGE's response to Blue Marmot Data Request No. 4. Please see the Attachments to PGE's response to Blue Marmot Data Request No. 52 for additional detail regarding the 19 MW.

In addition, there were other QFs ahead of Blue Marmot with which PGE has executed PPAs for delivery at PACW.PGE. Those QFs were identified in PGE's response to Blue Marmot Data Request Nos. 28 and 40.

UM 1829

PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

- 56. Are there other QF PPA projects on PACW system that plan to deliver to PACW.PGE for which PGEM has not committed or arranged for transmission to PGE load? If so, please identify.**

Response:

PGE objects to this request on the grounds that it is vague and ambiguous. Without waiving its objection, PGE responds as follows. The QF projects were identified in PGE's response to Blue Marmot Data Request Nos. 25, 28, and 40.

UM 1829

PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

57. PGE's draft 2016 Renewable RFP stated: "If a project is interconnected to PAC, and delivering to PACW.PGE, PGE System PODs may include: Bethel 230 kV, Gresham 230 kV, Linneman 230 kV". Please explain how this is consistent with PGE's position that the Blue Marmot projects cannot deliver to PACW.PGE given 2015 timing of PGE securing PACW.PGE to PGE LTF PTP?

Response:

PGE objects to this request as vague, ambiguous, lacking foundation and lacking specificity as to the source of the quoted statement. Without waiving its objections, PGE responds as follows. The data request neglected to include other relevant portions of this section of the draft 2016 Renewable RFP. These provisions included the following:

- For Bidders with a project outside of PGE's System, it is the Bidders' responsibility to provide as part of the bid submittal a plan to obtain firm transmission from the resource to PGE's System. PGE's evaluation process will determine if there are additional costs or risks to deliver the resources from PGE System to PGE load.
- For price-scoring purposes PGE will assume no additional costs for system upgrades for bids delivering energy from outside of PGE's system to BPAT.PGE POD with PGE Contiguous as the sink.

The Bethel 230 kV, Gresham 230 kV, and Linneman 230 kV are NERC e-tag scheduling points associated with PACW.PGE. The cited statement from PGE's draft 2016 Renewable RFP lists the associated NERC e-tag scheduling PODs; it does not guarantee the availability of transmission capacity necessary for delivery nor does it assume such availability. Accordingly, the quoted statement is consistent with PGE's position that given the lack of ATC at the PACW.PGE POD sufficient for the full output of the Blue Marmot projects, Blue Marmot is responsible for the cost of system studies and necessary system upgrades.

UM 1829

PGE Response to Blue Marmot's Third Set of Data Requests

September 8, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 49
Dated August 25, 2017**

Request:

58. If EDPR's transmission service to PACW.PGE is insufficient to access PGE's system, how is PGE's PGE to PACW.PGE transmission service sufficient to access the EIM?

Response:

PGE objects to this request as vague, ambiguous, lacking foundation, and not seeking information that is relevant or reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, PGE responds as follows. As previously communicated, the PACW.PGE POD lacks the necessary ATC to effectuate delivery of Blue Marmots' output at that POD. The PGE to PACW.PGE transmission path is used for exporting energy from PGE into the PacifiCorp BA.

In response to Blue Marmot Data Request No. 4, PGE provided detail regarding its transmission requests on the path from PGE to PACW.PGE (PGE export) and PACW.PGE to PGE (PGE import). PGE Merchant holds those transmission rights and has made commitments for EIM operations. PGE's response to Blue Marmot Data Request No. 2, Attachment A, discusses those commitments and demonstrates that sufficient transmission will be available to make a complete path for EIM transfers.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 59
Dated August 28, 2017**

Request:

59. Blue Marmot believes that it has secured necessary transmission arrangements to make its full net output available to PGE at the PACW.PGE POD. Does PGE agree? Please explain.

Response:

No, PGE does not agree. Please see PGE's response to Blue Marmot Data Request No. 44. While Blue Marmot may have secured the necessary arrangements to transmit its output to the PACW side of the PACW.PGE POD, there is no ATC at the PACW.PGE POD, and therefore Blue Marmot cannot make its output available to PGE because it cannot deliver to PGE.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 60
Dated August 28, 2017**

Request:

60. Does PGE agree that PGE is attempting to impose transmission charges upon Blue Marmot in addition to the transmission purchased from PacifiCorp to deliver the power to the PACW.PGE POD? If not, please explain?

Response:

No, PGE does not agree. PGE has informed Blue Marmot that if it wishes to deliver its output to PGE at the PACW.PGE POD it will need to pay for necessary studies and upgrades because currently there is not sufficient ATC. Those studies and upgrades are necessary expenses for which an off-system QF is responsible.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 61
Dated August 28, 2017**

Request:

61. Does PGE agree that transmission studies and transmission upgrades are transmission charges? If not, please explain.

Response:

Please see PGE's response to Blue Marmot Data Request No. 60.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 62
Dated August 28, 2017**

Request:

- 62. Does PGE agree that its avoided cost rate includes both generation, PGE transmission costs and third party transmission that are avoided? If not, please explain.**

Response:

PGE objects that this request is vague and ambiguous. Without waiving its objection, PGE responds as follows. No, PGE does not agree. PGE's avoided cost rate includes generation and third party transmission related costs. PGE's avoided cost rate does not include PGE transmission costs. Please see PGE's response to Blue Marmot Data Request No. 63 which provides work papers that show the costs included in PGE's avoided cost rates in effect on May 30, 2017.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 63
Dated August 28, 2017**

Request:

63. Please provide all workpapers for the avoided cost rates in effect on May 30, 2017.

Response:

Attachment 63-A provides the work papers for PGE's Standard Avoided Cost Rates in effect on May 30, 2017. Attachment 63-B provides the work papers for PGE's Renewable Avoided Cost Rates in effect on May 30, 2017.

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 64
Dated August 28, 2017**

Request:

- 64. Please identify the: 1) capital costs; 2) network transmission costs on PGE's system; and 3) the third party transmission costs included in the avoided cost rates in effect on May 30, 2017.**

Response:

PGE objects that this request is vague and ambiguous. Without waiving its objections, PGE responds as follows. For PGE's avoided cost rates effective on May 30, 2017:

1. See PGE's Response to Blue Marmot Data Request No. 63, Attachment A, worksheet "Plant Cap Cost", and Attachment B, worksheet "Plant Capital Cost Inputs." In Attachment A, worksheet "Plant Cap Cost", costs labeled as "Transmission Station Equipment" or "Transmission" are capital costs related to the substation and the generation lead line needed to facilitate connection of the generator to the high-voltage system. In Attachment B worksheet "Plant Capital Cost Inputs", costs labeled as "Transmission (Station Equipment)" are capital costs related to the substation and the generation lead line needed to facilitate connection of the generator to the high-voltage system.
2. PGE transmission costs (including capital upgrades or ongoing PGE transmission reservation costs) are not included in the avoided cost rates. See PGE's Response to Blue Marmot Data Request No. 62.
3. See PGE's Response to Blue Marmot Data Request No. 63, Attachment A worksheet "Wheeling & Fuel" and Attachment B worksheet "Transmission." The costs and credits, if present, represent the costs and/or credits associated with ongoing BPA transmission reservation costs.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 65
Dated August 28, 2017**

Request:

65. Does PGE agree that PacifiCorp is able to deliver Blue Marmot's power to PACW.PGE? If not, please explain why Blue Marmot is not able to deliver its power to PGE at the PACW.PGE POD.

Response:

No, PGE does not agree. Please see PGE's response to Blue Marmot Data Request No. 59.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 66
Dated August 28, 2017**

Request:

66. Will PGE deliver any more of its own power through a company owned resource at the PACW.PGE POD in the future?

Response:

PGE objects that this request is vague and ambiguous. PGE does not understand what is intended by the phrases "any more of its own power" or "through a company-owned resource." Without waiving its objection, PGE responds as follows. Please see PGE's response to Blue Marmot Data Request No. 10 for current commitments that PGE Merchant has made regarding the transmission rights held for the PACW.PGE POD.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 67
Dated August 28, 2017**

Request:

67. Does PGE agree that insufficient ATC posted on PGE's OASIS website affects PGE's ability to move power away from PACW.PGE to, for example, PGE's load?

Response:

PGE objects that this request is vague and ambiguous. Without waiving its objection, PGE states that PGE can move generation through the PACW.PGE POD toward its load only if it has secured the necessary transmission rights. PGE's ability to secure *additional* transmission rights, over and above those it already holds, is limited by the amount of ATC.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 68
Dated August 28, 2017**

Request:

- 68. Does PGE agree that insufficient ATC posted on PGE's OASIS website may not affect Blue Marmot's ability to make its power available to PGE at the PACW.PGE POD? Please explain.**

Response:

PGE objects that this request is vague and ambiguous. Without waiving its objection, PGE responds as follows. No, PGE does not agree that insufficient ATC posted on PGE's OASIS website may not affect Blue Marmot's ability to make its power available to PGE at the PACW.PGE POD, as explained in PGE's response to Blue Marmot Data Request No. 59. As a result of the lack of ATC, PGE is unable to obtain a long-term firm transmission reservation and schedule any new energy above and beyond its current transmission reservations (which are dedicated as described in response to Blue Marmot Data Request No. 10) with an e-Tag for delivery at PACW.PGE POD.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 69
Dated August 28, 2017**

Request:

- 69. Please explain PGE's position that the lack of long-term firm ATC at the PACW.PGE POD will prevent Blue Marmot from reaching PGE's system through this POD.**

Response:

Please see PGE's response to Blue Marmot Data Request Nos. 59 and 68.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 70
Dated August 28, 2017**

Request:

70. Why does ATC on PGE's OASIS website affect Blue Marmot's ability to deliver its output to the PACW.PGE POD?

Response:

Please see PGE's response to Blue Marmot Data Request No. 59. The lack of long-term firm ATC reflected on PGE's OASIS website demonstrates that the PACW.PGE POD is constrained such that Blue Marmot cannot deliver its output there.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 71
Dated August 28, 2017**

Request:

71. Would it be possible for Blue Marmot to deliver its power if PGE simply requested a study to assess upgrades necessary and paid for those upgrades itself?

Response:

No. Under PURPA, all off-system QFs are responsible for paying the necessary studies and upgrade costs required to deliver output to the purchasing utility. Because PURPA requires that utility customers be held harmless from costs associated with QF activity, PGE would not pay for upgrades itself.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 72
Dated August 28, 2017**

Request:

72. If the answer to data request 52 is yes, why is not PGE merchant not submitting a transmission service request to accept the Blue Marmot net output?

Response:

PGE objects that this request is vague and ambiguous because data request 52 is not a yes or no question. Without waiving its objection, PGE responds as follows. Assuming Blue Marmot intended this request to refer to Blue Marmot Data Request No. 71, rather than Data Request No. 52, no response is required because PGE's response to Data Request No. 71 is no.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 73
Dated August 28, 2017**

Request:

- 73. Does PGE believe that Blue Marmot's obligations (under PURPA or otherwise) extend beyond making its power available at a POD on PGE's system? Please explain.**

Response:

PGE objects to this question as vague and ambiguous. Without waiving its objections, PGE states that off-system QFs are responsible for paying for any necessary costs including studies and upgrades incurred on the QF's behalf to deliver its output to the purchasing utility.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 74
Dated August 28, 2017**

Request:

- 74. When did PGE inform Blue Marmot that PGE believed its purchase obligations were contingent upon Blue Marmot's selection of a POD that did not have constraints (beyond the POD or otherwise)?**

Response:

PGE objects that the question is lacking in foundation. Without waiving its objections, PGE responds as follows. PGE informed Blue Marmot that the PACW.PGE POD was constrained on April 19, 2017.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 75
Dated August 28, 2017**

Request:

- 75. When did PGE first inform any QF that PGE believed its purchase obligations were contingent upon the selection of a POD that did not have constraints (beyond the POD or otherwise)?**

Response:

PGE objects that the question is lacking in foundation. Without waiving its objections, PGE responds as follows. PGE informed Blue Marmot that the PACW.PGE POD was constrained on April 19, 2017 and offered Blue Marmot alternative options for delivery as explained in PGE's answers to the complaints filed in OPUC Docket Nos.UM 1829, UM 1830, UM 1831, UM 1832, and UM 1833.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 76
Dated August 28, 2017**

Request:

- 76. Please provide copies of all communications to QFs regarding PGE belief regarding its purchase obligations being contingent upon the selection of a POD that did not have constraints (beyond the POD or otherwise)?**

Response:

PGE objects that the question is lacking in foundation. Without waiving its objections, PGE responds as follows. Attachments 76-A through 76-F provide letters and emails from PGE to QFs communicating that the PACW.PGE POD was constrained. On April 21, 2017, PGE also posted notice that PACW.PGE was not an available POD on its QF website.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 77
Dated August 28, 2017**

Request:

- 77. Are there any QFs that have requested PPAs from PGE, but have not yet executed a contract with PGE, that PGE has not informed about its belief that its purchase obligation is contingent upon the QF selecting a POD that does not have constraints (beyond the POD or otherwise)?**

Response:

PGE objects that the question is lacking in foundation. Without waiving its objections, PGE responds as follows. PGE has informed all QFs that have requested PPAs and have proposed a POD of PACW.PGE that this POD is constrained. Additionally, this information is posted on PGE's QF website.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 78
Dated August 28, 2017**

Request:

78. Why did PGE send an executable contract to Blue Marmot in January before confirming Blue Marmot's preferred POD had sufficient ATC, if PGE believed that sufficient ATC was necessary to accept Blue Marmot's power?

Response:

At the time PGE sent an executable contract to Blue Marmot in January, PGE's practice was to identify a QF's POD after executing a contract. In addition, the PGE personnel responsible for QF contracting were unaware of the lack of ATC at the PACW.PGE POD prior to mid-April 2017. As stated in PGE's response to Blue Marmot Data Request No. 29, PGE changed its practice in mid-April 2017 after learning of the constraint at the PACW.PGE POD.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 79
Dated August 28, 2017**

Request:

79. Why did PGE execute a contract with Airport Solar if the PACW.PGE POD has insufficient ATC?

Response:

At the time PGE negotiated and signed a Schedule 202 PPA with Airport Solar, the PGE personnel responsible for QF contracting were unaware of the lack of ATC at the PACW.PGE POD.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 80
Dated August 28, 2017**

Request:

80. Does PGE agree that sending an executable contract to a QF is essentially an offer to buy the QF's power?

Response:

PGE objects to this data request to the extent it calls for a legal conclusion.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 81
Dated August 28, 2017**

Request:

- 81. Please explain PGE's position that nothing in PGE's Schedule 201 standard PURPA contract, or in the relevant statutes regulations, or case law, requires PGE to execute a PPA when it knows that it cannot accept delivery at the QF's requested POD.**

Response:

PGE objects to this data request as requesting that PGE provide a legal theory through the discovery process.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 82
Dated August 28, 2017**

Request:

82. Does PGE believe that its PURPA obligation is contingent upon PGE executing a PPA?

Response:

PGE objects to this data request as vague and ambiguous and calling for a legal conclusion.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 83
Dated August 28, 2017**

Request:

83. How does PGE determine whether it can accept delivery at a QF's requested POD?

Response:

For evaluation purposes, PGE reviews the information posted on OASIS to ascertain whether there is sufficient long-term firm ATC.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 84
Dated August 28, 2017**

Request:

84. Does PGE believe that QFs are obligated to deliver their output to a POD that has sufficient long-term ATC?

Response:

PGE objects that this data request is vague and ambiguous. Without waiving its objections, PGE states that it cannot accept deliveries of output from off-system QFs unless there is sufficient long-term firm ATC at the relevant POD.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 85
Dated August 28, 2017**

Request:

85. How does PGE determine what is "sufficient long-term ATC" to permit a QF to deliver its output to a particular POD?

Response:

For evaluation purposes, PGE reviews the information posted on OASIS to ascertain whether there is sufficient long-term firm ATC to meet current and future transmission commitments.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 86
Dated August 28, 2017**

Request:

86. Has PGE required any other QFs to request a study to assess upgrades necessary to allow for deliveries at a particular POD? Have any other QFs agreed to pay PGE for any such study and/or required upgrades?

Response:

PGE objects that this request is lacking in foundation. Without waiving its objection, PGE answers as follows. PGE has not "required" any QF to request a study. PGE has given other QFs in Blue Marmot's position the same options as it gave Blue Marmot. Thus far, one other QF has decided to change its POD, and no QFs have decided to pay for a study or upgrades.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 88
Dated August 28, 2017**

Request:

- 88. Please provide a complete record of all correspondence and summary of all verbal communications regarding the negotiation of all non-standard provisions in all off-system QFs that have entered into PPAs with PGE.**

Response:

PGE objects to this request as overly broad and unduly burdensome and seeks competitively sensitive information. PGE suggests the parties schedule a discovery conference to discuss whether a more limited request could serve Blue Marmot's purposes.

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 89
Dated August 28, 2017**

Request:

- 89. Please refer to Data Request No. 22. If PGE determines that it never requested a particular off-system QF to identify its POD, please indicate when the QF first identified the POD, or when PGE otherwise became aware of which POD that QF was delivering to.**

Response:

PGE objects that this request is vague and ambiguous and lacking foundation. Without waiving its objections, PGE responds as follows. PGE now is aware of the requested POD for those QFs who have executed PPAs, and PGE's initial information request asks QFs seeking PPAs to specify their requested POD. Therefore, there are no QFs for which PGE "never requested" the QF to identify its requested POD. Prior to the time that PGE's QF contracting personnel became aware of the constraint at the PACW.PGE POD, PGE's practice was to identify a QF's POD after executing a PPA with that QF. Please refer to PGE's response to Blue Marmot Data Request No. 40. For contracts executed prior to mid-April 2017, PGE generally learned of the QF's POD around the time the contract was executed. PGE first learned Evergreen Biopower's POD on April 19, 2017.

UM 1829
PGE Response to Blue Marmot's Fourth Set of Data Requests

September 11, 2017

TO: Irion Sanger
Leslie Freiman
Will Talbott

FROM: Karla Wenzel
Manager, Pricing and Tariffs

**PORTLAND GENERAL ELECTRIC
UM 1829
PGE Response to Blue Marmot Data Request No. 90
Dated August 28, 2017**

Request:

- 90. Please refer to PGE's 2016 Draft Request for Proposal for Renewable Energy Resources, where PGE stated "If a project is interconnected to PAC, and delivering to PAC.PGE, PGE System PODs may include: Bethel 230 kV, Gresham 230 kV, Linneman 230 kV". Given the 2015 timing of PGE securing PACW.PGE to PGE LFT PTP, how is this statement consistent with PGE's current position that EDPR cannot deliver to PACW.PGE?**

Response:

Please see PGE's response to Blue Marmot Data Request No. 57.

12. These requests for documents and responses are continuing in character so as to require you to file supplemental answers as soon as possible if you obtain further or different information. Any supplemental answer should refer to the date and use the number of the original request or subpart thereof.
13. Whenever these Data Requests specifically request an answer rather than the identification of documents, the answer is required and the production of documents in lieu thereof will not substitute for an answer.
14. To the extent that the Company believes it is burdensome to produce specific information requested, please contact counsel to discuss the problem prior to filing an answer objecting on that basis to determine if the request can be modified to pose less difficulty in responding.
15. To the extent the Company objects to any of the requests please contact counsel to determine if the request can be modified to produce a less objectionable request.
16. The term “Blue Marmot” refers to all five projects (Blue Marmot V, VI, VII, VIII and IX).

III. FOURTH SET OF DATA REQUESTS:

59. Blue Marmot believes that it has secured necessary transmission arrangements to make its full net output available to PGE at the PACW.PGE POD. Does PGE agree? Please explain.
60. Does PGE agree that PGE is attempting to impose transmission charges upon Blue Marmot in addition to the transmission purchased from PacifiCorp to deliver the power to the PACW.PGE POD? If not, please explain?
61. Does PGE agree that transmission studies and transmission upgrades are transmission charges? If not, please explain.
62. Does PGE agree that its avoided cost rate includes both generation, PGE transmission costs and third party transmission that are avoided? If not, please explain.
63. Please provide all workpapers for the avoided cost rates in effect on May 30, 2017.
64. Please identify the: 1) capital costs; 2) network transmission costs on PGE’s system; and 3) the third party transmission costs included in the avoided cost rates in effect on May 30, 2017.

65. Does PGE agree that PacifiCorp is able to deliver Blue Marmot's power to PACW.PGE? If not, please explain why Blue Marmot is not able to deliver its power to PGE at the PACW.PGE POD.
66. Will PGE deliver any more of its own power through a company owned resource at the PACW.PGE POD in the future?
67. Does PGE agree that insufficient ATC posted on PGE's OASIS website affects PGE's ability to move power away from PACW.PGE to, for example, PGE's load?
68. Does PGE agree that insufficient ATC posted on PGE's OASIS website may not affect Blue Marmot's ability to make its power available to PGE at the PACW.PGE POD? Please explain.
69. Please explain PGE's position that the lack of long-term firm ATC at the PACW.PGE POD will prevent Blue Marmot from *reaching PGE's system* through this POD.
70. Why does ATC on PGE's OASIS website affect Blue Marmot's ability to deliver its output to the PACW.PGE POD?
71. Would it be possible for Blue Marmot to deliver its power if PGE simply requested a study to assess upgrades necessary and paid for those upgrades itself?
72. If the answer to data request 52 is yes, why is not PGE merchant not submitting a transmission service request to accept the Blue Marmot net output?
73. Does PGE believe that Blue Marmot's obligations (under PURPA or otherwise) extend beyond making its power available at a POD on PGE's system? Please explain.
74. When did PGE inform Blue Marmot that PGE believed its purchase obligations were contingent upon Blue Marmot's selection of a POD that did not have constraints (beyond the POD or otherwise)?
75. When did PGE first inform any QF that PGE believed its purchase obligations were contingent upon the selection of a POD that did not have constraints (beyond the POD or otherwise)?
76. Please provide copies of all communications to QFs regarding PGE belief regarding its purchase obligations being contingent upon the selection of a POD that did not have constraints (beyond the POD or otherwise)?
77. Are there any QFs that have requested PPAs from PGE, but have not yet executed a contract with PGE, that PGE has not informed about its belief that its purchase obligation is contingent upon the QF selecting a POD that does not have constraints (beyond the POD or otherwise)?

78. Why did PGE send an executable contract to Blue Marmot in January before confirming Blue Marmot's preferred POD had sufficient ATC, if PGE believed that sufficient ATC was necessary to accept Blue Marmot's power?
79. Why did PGE execute a contract with Airport Solar if the PACW.PGE POD has insufficient ATC?
80. Does PGE agree that sending an executable contract to a QF is essentially an offer to buy the QF's power?
81. Please explain PGE's position that nothing in PGE's Schedule 201 standard PURPA contract, or in the relevant statutes regulations, or case law, requires PGE to execute a PPA when it knows that it cannot accept delivery at the QF's requested POD.
82. Does PGE believe that its PURPA obligation is contingent upon PGE executing a PPA?
83. How does PGE determine whether it can accept delivery at a QF's requested POD?
84. Does PGE believe that QFs are obligated to deliver their output to a POD that has sufficient long-term ATC?
85. How does PGE determine what is "sufficient long-term ATC" to permit a QF to deliver its output to a particular POD?
86. Has PGE required any other QFs to request a study to assess upgrades necessary to allow for deliveries at a particular POD? Have any other QFs agreed to pay PGE for any such study and/or required upgrades?
87. Does PGE believe that its OATT requires it to construct new transmission facilities when a transmission constraints cannot be resolved, to accommodate QF sales or otherwise? Please explain.
88. Please provide a complete record of all correspondence and summary of all verbal communications regarding the negotiation of all non-standard provisions in all off-system QFs that have entered into PPAs with PGE.
89. Please refer to Data Request No. 22. If PGE determines that it never requested a particular off-system QF to identify its POD, please indicate when the QF first identified the POD, or when PGE otherwise became aware of which POD that QF was delivering to.
90. Please refer to PGE's 2016 Draft Request for Proposal for Renewable Energy Resources, where PGE stated "If a project is interconnected to PAC, and delivering to PAC.PGE, PGE System PODs may include: Bethel 230 kV, Gresham 230 kV, Linneman 230 kV". Given the 2015 timing of PGE securing PACW.PGE to PGE LFT PTP, how is this statement consistent with PGE's current position that EDPR cannot deliver to PACW.PGE?

12. These requests for documents and responses are continuing in character so as to require you to file supplemental answers as soon as possible if you obtain further or different information. Any supplemental answer should refer to the date and use the number of the original request or subpart thereof.
13. Whenever these Data Requests specifically request an answer rather than the identification of documents, the answer is required and the production of documents in lieu thereof will not substitute for an answer.
14. To the extent that the Company believes it is burdensome to produce specific information requested, please contact counsel to discuss the problem prior to filing an answer objecting on that basis to determine if the request can be modified to pose less difficulty in responding.
15. To the extent the Company objects to any of the requests please contact counsel to determine if the request can be modified to produce a less objectionable request.
16. The term “Blue Marmot” refers to all five projects (Blue Marmot V, VI, VII, VIII and IX).

III. FIFTH SET OF DATA REQUESTS:

91. Please refer to PGE’s response to Blue Marmot data request 23. Please update this response with PGE’s “determination.”
92. Please refer to PGE’s response to Blue Marmot data request 23. Please identify the PGE current or former employees familiar with whether PGE will accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE.
93. Please identify the PGE representative(s) who is available to answer deposition questions regarding whether PGE will accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE.
94. Please identify the individual who helped prepare the response to Blue Marmot data request 23.
95. Please refer to PGE’s response to Blue Marmot data request 23. Please provide all communications with each of the off-system QFs regarding whether PGE will accept deliveries from off-system QFs at the PACW.PGE POD. If the communications were oral, please provide the date, a summary of the communications, and the individuals who made the communications.

96. Please refer to PGE's response to Blue Marmot data request 23. Please identify the PGE representative(s) who is available to answer deposition questions regarding PGE's communications with each of the off-system QFs regarding whether PGE will accept deliveries from off-system QFs at the PACW.PGE POD.
97. Please refer to PGE's response to Blue Marmot data request 24. Please update this response with PGE's "policy."
98. Please refer to PGE's response to Blue Marmot data request 24. Please provide all internal documents, including draft policies, regarding PGE's draft policy referred to in PGE's response to Blue Marot data request 24.
99. Please identify the individuals who helped prepare the response to Blue Marmot data request 24.
100. Please identify the representative(s) who is available to answer deposition questions regarding the following question: "If additional ATC is made available at the PACW.PGE POD, how would priority be established PGE accept deliveries from other offsystem QFs that have entered into PPAs with PGE and/or have requested PPAs from PGE and that are planning to deliver at PACW.PGE?"
101. Regarding the Airport Solar PPA. Please identify the price for each relevant time period listed in the PPA (e.g., on-peak, off-peak, month, daily, etc.) and the methodology by which PGE calculated the price, including any adjustments for deliverability, transmission, etc.

12. These requests for documents and responses are continuing in character so as to require you to file supplemental answers as soon as possible if you obtain further or different information. Any supplemental answer should refer to the date and use the number of the original request or subpart thereof.
13. Whenever these Data Requests specifically request an answer rather than the identification of documents, the answer is required and the production of documents in lieu thereof will not substitute for an answer.
14. To the extent that the Company believes it is burdensome to produce specific information requested, please contact counsel to discuss the problem prior to filing an answer objecting on that basis to determine if the request can be modified to pose less difficulty in responding.
15. To the extent the Company objects to any of the requests please contact counsel to determine if the request can be modified to produce a less objectionable request.
16. The term “Blue Marmot” refers to all five projects (Blue Marmot V, VI, VII, VIII and IX).

III. SIXTH SET OF DATA REQUESTS:

102. Please explain why PGE believes that it is not able to accept delivery at the PACW.PGE point of delivery.
103. Does PGE believe accepting Blue Marmot’s delivery would contribute to a system emergency? If so, please explain how accepting Blue Marmot’s delivery would result in imminent significant disruption of service to customers or imminently endanger life or property.
104. Please refer to FERC Order 69 at ¶ 30,886. Does PGE believe accepting Blue Marmot’s delivery would involve this type of operational circumstances, which can occur during light-loading conditions? If so, please explain how accepting Blue Marmot’s delivery would result in this scenario.
105. Please refer generally to PGE’s OATT. Does PGE believe that insufficient ATC is available to grant a network resource designation to Blue Marmot? Please explain why or why not.
106. Please refer generally to PGE’s OATT. Did PGE Merchant formally request a new network designation for Blue Marmot? Please explain why or why not.

107. Please refer generally to PGE's OATT. Did PGE Merchant request a study in connection with the designation of a new network resource delivered off of the PACW system? Please explain why or why not.
108. Please refer generally to PGE's OATT. Is PGE Transmission obligated to build any network upgrades required to integrate any and all designated network resources of PGE Merchant and to roll those costs into transmission rates?
109. Does PGE believe that the transmission arrangements needed for its actual participation in the EIM will take priority over its other transmission reservations? Please explain.
110. Does PGE believe that its commitments to participate in the EIM take priority over its other transmission reservations?
111. Does PGE believe that its commitments to participate in the EIM take priority over its obligations to purchase QF power?

12. These requests for documents and responses are continuing in character so as to require you to file supplemental answers as soon as possible if you obtain further or different information. Any supplemental answer should refer to the date and use the number of the original request or subpart thereof.
13. Whenever these Data Requests specifically request an answer rather than the identification of documents, the answer is required and the production of documents in lieu thereof will not substitute for an answer.
14. To the extent that the Company believes it is burdensome to produce specific information requested, please contact counsel to discuss the problem prior to filing an answer objecting on that basis to determine if the request can be modified to pose less difficulty in responding.
15. To the extent the Company objects to any of the requests please contact counsel to determine if the request can be modified to produce a less objectionable request.
16. The term “Blue Marmot” refers to all five projects (Blue Marmot V, VI, VII, VIII and IX).

III. SEVENTH SET OF DATA REQUESTS:

112. Please refer to PGE’s response to Blue Marmot Data Request 60. Please confirm that the “necessary studies and upgrades” are transmission studies and upgrades on PGE’s system.
113. Please refer to PGE’s response to Blue Marmot Data Request 71. Under what circumstances would PGE request a study to assess upgrades necessary at the PACW.PGE POD and pay for those upgrades itself? For example, if PGE’s acknowledged integrated resource plan identified a transmission upgrade at the PACW.PGE POD as the least cost and least risk action item to accept delivery of the least cost and least risk generation resource, would PGE request a study to assess upgrades necessary at the PACW.PGE POD and pay for those upgrades itself?
114. Please refer to PGE’s response to Blue Marmot Data Request 71, in which PGE explained why it did not want to or why it believes it is legally not required to request such a study. As stated in oral conversations on September 13, 2017, Blue Marmot does not believe PGE has fully answered this data response. Please supplement the Data Request, and answer:
 - a. Can PGE merchant make a transmission service request for PGE transmission to conduct and pay for studies to assess upgrades necessary to accept Blue Marmot’s net output?

- b. If PGE transmission identifies transmission upgrades on PGE's transmission system, can PGE merchant pay for those upgrades directly or through new transmission rates?
115. Please refer to PGE's response to Blue Marmot Data Request 84 in which PGE states that "PGE states that it cannot accept deliveries of output from off-system QFs unless there is sufficient long-term firm ATC at the relevant POD." When PGE states that it "cannot accept deliveries", is it possible for PGE merchant to make a transmission service request for PGE transmission to conduct a transmission study to make upgrades at the relevant POD?