



ALISHA TILL
Direct (503) 290-3628
alisha@mrg-law.com

March 27, 2020

VIA ELECTRONIC FILING

Attention: Filing Center
Public Utility Commission of Oregon
201 High Street SE, Suite 100
P.O. Box 1088
Salem, Oregon 97308-1088

**Re: Docket UM 1829, Phase II – In the Matter of Blue Marmots, LLC vs Portland
General Electric Company**

Attention Filing Center:

Attached for filing in the above-captioned docket is Portland General Electric Company's Amendment to the Motion for Extension of Time to File Response Testimony.

Please contact this office with any questions.

Sincerely,

/s/ Alisha Till

Alisha Till
Paralegal

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1829 – PHASE II

Blue Marmot V LLC
Blue Marmot VI LLC
Blue Marmot VII LLC
Blue Marmot VIII LLC
Blue Marmot IX LLC,
Complainants,

v.

Portland General Electric Company,
Defendant.

**PORTLAND GENERAL ELECTRIC
COMPANY’S AMENDMENT TO
MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TESTIMONY**

1 Portland General Electric Company (PGE or Company) is filing this amendment to its
2 Motion for Extension of Time to File Response Testimony, filed on March 24, 2020, (Motion)
3 based on changed circumstances. At the time PGE filed its Motion, the above-captioned Blue
4 Marmots LLCs (collectively the Blue Marmots) had not yet provided all documents ordered by
5 the Administrative Law Judge (ALJ) in the Ruling dated March 18, 2020. For that reason, PGE
6 was unable to determine when the Company would be able to complete and file its Response
7 Testimony in this docket. However, after the close of business on March 25, 2020, the Blue
8 Marmots provided their responses to the final data request—DR 8. PGE has now reviewed the
9 response to DR 8, as well as the responses to DRs 1, 4 and 12, and can now provide the
10 Commission with a date on which its testimony can be filed, as explained below.

11 PGE’s DR 8 requested information about the Blue Marmots’ expected profits over the
12 terms of their power purchase agreements, had they been able to achieve their original commercial
13 operations dates. On Wednesday evening, the Blue Marmots responded to this request with a
14 confidential one-page document, providing very high-level estimates that appear to be based on
15 hypotheticals (as opposed to the actual expected profits that were requested)—but with little to no
16 explanation as to various critical assumptions underlying the numbers. Without understanding

1 these assumptions, PGE cannot make heads or tails of the Blue Marmots' calculations. For that
2 reason, on Thursday, March 26, PGE served one multi-part data request asking the Blue Marmots
3 to provide explanations regarding these assumptions. PGE also plans to serve additional follow-
4 up data requests today in an effort to understand the information the Blue Marmots' provided. The
5 requested turnaround time for these DRs is/will be seven days.

6 If the Blue Marmots provide complete responses to PGE's follow-up data requests in a
7 timely manner, PGE should have all the information the Company requires to complete its
8 testimony by April 3, 2020. At that point, PGE would require at least three business days to
9 incorporate all information and file its testimony. As a result, PGE now amends its original request
10 for an open-ended extension to a specific request for an extension until April 8, 2020.

11 PGE understands that the Blue Marmots are opposing this request for an extension in the
12 belief that PGE should have been able to complete its testimony within a few days of the date the
13 Blue Marmots finally provided the ordered documents. This position is close to unfathomable.
14 For reasons that are unknown to PGE, the Blue Marmots stonewalled the Company on critical and
15 clearly relevant documents, forced PGE to engage in extended and expensive litigation in order to
16 gain these documents, and then, even after they were ordered to provide these documents to PGE,
17 the Blue Marmots delayed for many days. Throughout this painful process, PGE repeatedly
18 warned the Blue Marmots that their failure to provide the requested information in a timely manner
19 would result in the need for PGE to request an extension of its testimony date. Given the above,
20 the Blue Marmots are in no position to protest PGE's inevitable need for additional time to prepare
21 its testimony.

22 For these reasons, PGE requests that the Commission grant PGE's amended Motion, and
23 rule that PGE has until April 8 to file its Response Testimony.

Dated: March 27, 2020

MCDOWELL RACKNER GIBSON PC



Lisa F. Rackner
Jordan R. Schoonover
419 SW 11th Avenue, Suite 400
Portland, Oregon 97205
Telephone: (503) 595-3925
Facsimile: (503) 595-3928
dockets@mrg-law.com

PORTLAND GENERAL ELECTRIC COMPANY

Donald J. Light
Assistant General Counsel
121 SW Salmon Street, 1WTC1301
Portland, Oregon 97204
Telephone: (503) 464-8315
donald.light@pgn.com

Attorneys for Portland General Electric Company