

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1829, UM 1830, UM 1831, UM 1832, UM 1833  
PHASE II

BLUE MARMOT V LLC (UM 1829),  
BLUE MARMOT VI LLC (UM 1830),  
BLUE MARMOT VII LLC (UM 1831),  
BLUE MARMOT VIII LLC (UM 1832),  
BLUE MARMOT IX LLC (UM 1833),

Complainants,

vs.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

Pursuant to ORS 756.500.

RULING

DISPOSITION: PROCEDURAL SCHEDULE MODIFIED IN PART

**I. SUMMARY**

In this ruling, I modify, in part, the procedural schedule for the remainder of this docket.

**II. BACKGROUND**

On February 19, 2020, I issued a ruling denying Blue Marmots' January 31, 2020 motion for an indefinite extension of time, stating

Blue Marmots have had over six weeks from the date when the mutually-agreed to submission date was adopted in which to prepare and file their direct testimony with respect to whether litigation caused commercially reasonable delays in their scheduled commercial operation dates. I find that Blue Marmots have not shown

good cause to further delay the filing of direct testimony in this phase of the proceedings.<sup>1</sup>

The ruling also specified that Blue Marmots' direct testimony was to be filed no later than February 24, 2020, and that the remainder of the procedural schedule, including the March 27, 2020 date for the submission of PGE's reply testimony, was unchanged. As a result of these events, PGE's mutually agreed upon time in which to prepare and file reply testimony has been reduced from its original fifty-six days to thirty-two days.

On February 21, 2020, PGE filed a Motion to Compel, seeking "complete responses to five of PGE's data requests" and requesting expedited consideration. PGE certifies that over the past two weeks it has conferred with Blue Marmots as required by OAR 860-001-0500(7), but that its efforts have been unsuccessful. PGE states that Blue Marmots' Supplemental Responses provided on February 19, 2020 were inadequate and did not provide further support for Blue Marmots' objections. PGE further states that the lack of the data sought will substantially impair its ability to prepare and file its testimony.<sup>2</sup>

On February 24, 2020, Blue Marmots filed a Motion for Extension of Time to permit the filing of direct testimony on February 25, 2020. Blue Marmots requested expedited consideration and represented that PGE did not object to the extension.<sup>3</sup>

That same date, I issued a ruling stating that

1. The consideration of the pending motion to compel shall be addressed on an expedited basis.
2. Blue Marmot LLCs V, VI, VII, VIII, and IX shall file their direct testimony on or before February 25, 2020.
3. Blue Marmot LLCs V, VI, VII, VIII, and IX shall file their response to the motion to compel on or before February 28, 2020.

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Blue Marmots submitted their direct testimony on February 25, 2020. On February 28, 2020, Blue Marmots filed a motion for extension of time to file their response to PGE's motion to compel and requested expedited consideration of their motion.

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<sup>1</sup> ALJ Ruling at 2 (Feb 19, 2020).

<sup>2</sup> PGE Motion to Compel at 1 (Feb 21, 2020).

<sup>3</sup> Blue Marmots Motion for Extension of Time at 2 (Feb 24, 2020).

### III. DISCUSSION

Blue Marmots request that their date for filing their response to PGE's motion to compel be extended for one business day from February 28 to March 2, 2020. Blue Marmots state that PGE agrees their request on the conditional that additional dates were revised as follows:

EVENT	DATE
Blue Marmots file response to PGE motion to compel	March 2, 2020
PGE files reply to Blue Marmots' response to motion to compel	March 6, 2020
PGE files response testimony	March 30, 2020
Blue Marmots file reply testimony	April 21, 2020 by noon

All other dates in the schedule would remain unchanged.

In light of the agreement of the parties, I find that granting the motion will not unduly burden the record or delay the proceedings. The motion should therefore be granted.

### IV. RULING

The procedural schedule in this docket is hereby modified to the extent indicated above. All other scheduled events for the remainder of these proceedings are unchanged.

Dated this 2nd day of March, 2020, at Salem, Oregon.



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Allan J. Arlow  
Administrative Law Judge