

**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 EXPEDITED

I. SUMMARY

In this ruling, I expedite the schedule for the submission of the response of Blue Marmot LLCs V, VI, VII, VIII, and IX (Blue Marmots) to the Second Motion to Compel filed by Portland General Electric Company and to PGE's reply to Blue Marmots' response.

II. PROCEDURAL HISTORY

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 certified that over the past two weeks it has conferred with Blue Marmots as required by OAR 860-001-0500(7), but that its efforts had been unsuccessful. PGE stated that Blue Marmots' Supplemental Responses provided on February 19, 2020, were inadequate and did not provide further support for Blue Marmots' objections. PGE further stated that the lack of the data sought will substantially impair its ability to prepare and file its testimony.¹ Pursuant to my expedited ruling of March 2, 2020, Blue Marmots filed their response to the PGE motion to compel on March 2, 2020.

¹ PGE Motion to Compel at 1 (Feb 21, 2020).

On March 3, 2020, PGE filed a Second Motion to Compel and requested expedited consideration. PGE again certifies that it has conferred with Blue Marmots as required by OAR 860-001-0500(7) in an attempt to obtain fully adequate responses to its data requests, but that its efforts have been unsuccessful.

In response to PGE's request for expedited consideration, Blue Marmots filed a response the same date and requested that the date for its response should be set at March 11, 2020. Blue Marmots acknowledge that PGE opposes the requested date. PGE responded shortly thereafter and proposed a schedule in which Blue Marmots' response would be due March 9, 2020, and PGE's reply would be March 13, 2020.

III. DISCUSSION

As noted in my ruling of February 24, 2020, it remains incumbent upon the parties and the Commission to keep further delays due to litigation to a minimum. Accordingly, it is similarly appropriate to expedite the schedule on this second motion to compel. An accelerated schedule should not impose an undue burden, as the parties are already familiar with the nuances of the dispute and have anticipated this latest round of pleadings.

IV. RULING

1. The consideration of the pending second motion to compel shall be addressed on an expedited basis.
2. Blue Marmot LLCs V, VI, VII, VIII, and IX shall file their response to the second motion to compel on or before March 9, 2020.
3. PGE shall file its reply regarding the second motion to compel on or before March 12, 2020.
4. The remainder of the procedural schedule is unchanged.

Dated this 4th day of March, 2020, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge