

**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.

RULING

Pursuant to ORS 756.500.

DISPOSITION: MOTION GRANTED; PREHEARING CONFERENCE SCHEDULED

On September 30, 2019, the Commission entered Order No. 19-322 in this docket. At page 20 of that order, the Commission stated:

We conclude that there is insufficient evidence on the record to demonstrate that achievement of the Blue Marmots' stated CODs is not possible due to litigation, and accordingly we decline to order an extension. The Blue Marmots may assert such a claim following this order, and PGE will be entitled, as it requests in its reply brief, to a full evidentiary proceeding with discovery as we consider this question.

On November 26, 2019, Blue Marmots filed a Motion for Prehearing Conference “to set a prehearing conference to set a schedule for a Phase II of this proceeding to allow the Blue Marmots to demonstrate that achievement of the Blue Marmots’ stated commercial operation dates (“CODs”) is not possible due to the past and future litigation in these proceedings.”

Blue Marmots further represented that they had conferred with PGE and that PGE did not oppose the motion.

I find good cause to grant the motion and set a prehearing conference for Phase II of this proceeding.

RULING

The motion of Blue Marmot V, LLC, Blue Marmot VI, LLC, Blue Marmot VII, LLC, Blue Marmot VIII, LLC, and Blue Marmot IX, LLC to set a prehearing conference is granted.

A notice shall be issued setting the date and time for a telephone prehearing conference at 10:00 a.m. Pacific Standard Time on December 11, 2019.

Dated this 5th day of December, 2019, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge