

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1859 - UM 1861, UM 1863 – UM 1874 and UM 1883

Falls Creek Hydro Limited Partnership; Red Prairie Solar, LLC; Volcano Solar LLC; SSD Marion 4 LLC; SSD Clackamas 4 LLC; SSD Marion 1 LLC; SSD Clackamas 7 LLC; SSD Marion 2 LLC; SSD Clackamas 6 LLC; SSD Clackamas 1 LLC; SSD Clackamas 2 LLC; SSD Marion 3 LLC; SSD Marion 5 LLC; SSD Marion 6 LLC; SSD Yamhill 1 LLC; and SSD Clackamas 3 LLC,

Complainants,

v.

Portland General Electric Company,

Defendant.

**PORTLAND GENERAL ELECTRIC  
COMPANY’S PROPOSED DATES TO  
ANSWER COMPLAINTS**

Between August 7, 2017 and August 14, 2017, PGE was served with 31 qualifying facility (“QF”) complaints.<sup>1</sup> On August 28, 2017, complainant Tickle Creek Solar withdrew its single complaint.<sup>2</sup> The parties have agreed to a 45-day extension from the date an answer would otherwise be due in 12 cases and a 30-day extension from the date an answer would otherwise be due in two cases. This leaves 16 cases where the deadline for an answer is unresolved. PGE proposes a 45-day extension from the date an answer would have otherwise been due for each of these 16 cases. Each of the complaints has a unique and lengthy list of asserted facts. For each of the complaints, PGE must review the complaint, assemble the relevant correspondence, verify the relevant facts,

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<sup>1</sup> On August 7, 2017, PGE was served with 24 complaints; on August 8, 2017, PGE was served with one additional complaint; on August 10, 2017, PGE was served with three complaints; and on August 14, 2017, PGE was served with three complaints.

<sup>2</sup> See Docket No. UM 1862, Tickle Creek Solar’s Notice of Withdrawal (Aug. 28, 2017).

draft an answer and affirmative defenses, and conduct final review and obtain management approval. In short, PGE is seeking 65 days to answer each of 30 complaints (the original 20 day period plus a 45 day extension). This is an extremely modest request for extension when one recognizes that processing 30 complaints over 65 days requires an average of one answer every 2 days and 4 hours. PGE requests the same length of extension for all 16 cases so that PGE has time to understand all 30 of the pending complaints before it must begin filing answers.

PGE agrees the Commission will need to adopt tools to simplify case management so that the parties and the Commission can process 30 complaints in an efficient manner. PGE believes that there are a number of possibilities. For example, it may be possible to identify several legal issues that are common to most or all of the cases and to brief and resolve those issues jointly. Another approach that may have merit is the idea of a bellwether trial. Under the bellwether approach, the parties would propose a small set of cases (one or two cases proposed by complainants and an equal number proposed by PGE), which the parties believe are representative of the key issues involved in most or all of the cases. The ALJ would then select one or two bellwether cases from that list and focuses on resolving the bellwether cases with the knowledge that resolution of issues in the bellwether cases is likely to allow the parties to settle some or all of the remaining cases. Another, or complementary, approach may be consolidating sets of cases.

PGE does not necessarily oppose consolidation but cannot meaningfully propose the appropriate pattern of consolidation or agree with a proposed pattern of consolidation, until it has developed answers and better understands the cases. Complainants have

proposed consolidating cases along lines of common ownership. That may be acceptable, but PGE is not convinced that consolidation along ownership lines is the proper or most effective approach. PGE believes that cases with similar facts and/or similar legal issues are the best candidates for consolidation, regardless of whether the projects involve the same owner.

PGE proposes that once it has filed its answers, Administrative Law Judge (“ALJ”) Alan J. Arlow schedule a second pre-hearing conference to discuss possible consolidation or other case management suggestions.

PGE has attached a chart showing its proposed due dates for Answers in the cases where the deadline for an answer is unresolved. PGE respectfully requests that the ALJ grant a 45-day extension of the deadline to respond to each of the unresolved 16 complaints, measured from the date an answer would otherwise be due.

Dated this 30th day of August 2017.

Respectfully submitted,



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**PORTLAND GENERAL ELECTRIC COMPANY**

OPUC DOCKET Nos. UM 1859 – UM 1861, UM 1863 –UM 1874 AND UM 1883

August 30, 2017

QF COMPLAINTS		COMPLAINT FILED WITH OPUC	PGE'S PROPOSED ANSWER DUE
1.	UM 1859 FALLS CREEK HYDRO LIMITED PARTNERSHIP VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
2.	UM 1860 RED PRAIRIE SOLAR LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
3.	UM 1861 VOLCANO SOLAR LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
4.	UM 1863 SSD MARION 4 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
5.	UM 1864 SSD CLACKAMAS 4 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
6.	UM 1865 SSD MARION 1 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
7.	UM 1866 SSD CLACKAMAS 7 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
8.	UM 1867 SSD MARION 2 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
9.	UM 1868 SSD CLACKAMAS 6 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
10.	UM 1869 SSD CLACKAMAS 1 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
11.	UM 1870 SSD CLACKAMAS 2 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
12.	UM 1871 SSD MARION 3 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
13.	UM 1872 SSD MARION 5 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
14.	UM 1873 SSD MARION 6 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/7/17	10/12/17 (45 days)
15.	UM 1874 SSD YAMHILL 1 LLC VS PORTLAND GENERAL ELECTRIC COMPANY)	8/7/17	10/12/17 (45 days)
16.	UM 1883 SSD CLACKAMAS 3 LLC VS PORTLAND GENERAL ELECTRIC COMPANY	8/8/17	10/12/17 (45 days)

Note: UM 1862 Tickle Creek Solar LLC v. Portland General Electric Company, Complainant filed Notice of Withdrawal on August 28, 2017. Complaint Dismissed with Prejudice by ALJ Arlow on August 30, 2017.