

**From:** [MENZA Candice](#)  
**To:** [WALKER Cheryl](#)  
**Subject:** FW: OPUC Docket UM 1877-UM 1882, UM 1884-UM 1886, UM 1888-UM 1890 -- Notice of Filing  
**Date:** Tuesday, October 23, 2018 2:03:16 PM

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**From:** Jeff Lovinger <[jeff@lovingerlaw.com](mailto:jeff@lovingerlaw.com)>  
**Sent:** Tuesday, October 23, 2018 2:02 PM  
**To:** ARLOW Allan <[aarlow@puc.state.or.us](mailto:aarlow@puc.state.or.us)>  
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**Subject:** Re: OPUC Docket UM 1877-UM 1882, UM 1884-UM 1886, UM 1888-UM 1890 -- Notice of Filing

Judge Arlow:

On October 22, 2018, Complainants filed a “Notice of Dismissal Without Prejudice” in the 12 above-captioned proceedings. The October 22 filing is effectively a motion to allow Complainants to withdraw or dismiss the complaints without prejudice. PGE was not aware of this motion until after the document was filed and PGE was served. PGE questions the reasonableness and equity of allowing a voluntary withdrawal without prejudice at this late stage in the proceedings, when cross motions for summary judgment have been pending for several months and the Commission has denied Complainants’ motion for leave to amend the complaints.

PGE will likely oppose the October 22 submission, but has not yet had time to consider it fully.

PGE respectfully requests confirmation:

(1) that the Commission or its ALJ will not grant Complainants’ October 22, 2018 submission and dismiss the cases without prejudice until PGE has an opportunity to respond; and  
(2) that under OAR 860-001-0420(4), PGE has 15 days (i.e., until November 6, 2018) to file a response to the October 22, 2018 submission.

Thank you,

Jeff Lovinger  
Of Attorneys for PGE

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On Oct 22, 2018, at 2:03 PM, MENZA Candice <[candice.menza@state.or.us](mailto:candice.menza@state.or.us)> wrote:

Docket Name: BOTTLENOSE SOLAR LLC VS PORTLAND GENERAL ELECTRIC COMPANY

Description: UM 1877-UM 1882, UM 1884-UM 1886, UM 1888-UM 1890 - Complainant's Notice of Dismissal without Prejudice. Filed by Irion Sanger. Use the link below to view this document:

<http://edocs.puc.state.or.us/efdocs/HNA/um1877hna1421.pdf>

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