

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1877-UM 1882, UM 1884-UM 1886, UM 1888-UM 1890**

In the Matters of

BOTTLENOSE SOLAR, LLC;  
VALHALLA SOLAR, LLC;  
WHIPSNAKE SOLAR, LLC;  
SKYWARD SOLAR, LLC;  
LEATHERBACK SOLAR, LLC; PIKA  
SOLAR, LLC; COTTONTAIL SOLAR,  
LLC; OSPREY SOLAR, LLC; WAPITI  
SOLAR, LLC; BIGHORN SOLAR,  
LLC; MINKE SOLAR, LLC; HARRIER  
SOLAR, LLC,

Complainants,

v.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

COMPLAINANTS' MOTION FOR  
LEAVE TO FILE A  
SUPPLEMENTAL RESPONSE

Complainants' Bottlenose Solar, LLC, Valhalla Solar, LLC, Whipsnake Solar, LLC, Skyward Solar, LLC, Leatherback Solar, LLC, Pika Solar, LLC, Cottontail Solar, LLC, Osprey Solar, LLC, Wapiti Solar, LLC, Bighorn Solar, LLC, Minke Solar, LLC, and Harrier Solar, LLC (collectively the "Complainants") and move the Oregon Public Utility Commission ("Commission") for a ruling allowing them to file a Supplemental Response to Portland General Electric Company's ("PGE's") Motion for Summary Judgment and in support of Complainants Cross-Motion for Summary Judgment.

Complainants' have conferred with PGE and PGE opposes the filing of this motion and supplemental response.

A Supplemental Response is warranted in these cases because PGE has taken a contrary and inconsistent position in a separate proceeding that the Commission should be aware of prior to issuing a decision in this proceeding. The Commission has granted a motion for leave to file a supplemental response when such a response will "provide additional information."<sup>1</sup> Here, the Complainants Supplemental Response provides additional information regarding PGE's conduct and legal positions. In another docket and subsequent to filing the Motions for Summary Judgment and all associated responses and replies, PGE filed an Answer in which PGE has taken a contrary legal position to its position in these dockets. Specifically, the contrary legal position PGE has taken relates to the Commission's standard for forming a legally enforceable obligation, which is central to the resolution of these cases. PGE's change in position illustrates that PGE's position in these cases is unreasonable and the Commission should be able to consider PGE's inconsistent positions before rendering its decision in these cases.


As such, the Complainants request that the Commission allow them leave to file the attached Supplemental Response.

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<sup>1</sup> Re Pacific Power & Light, dba PacifiCorp Filing of Tariffs Establishing Automatic Adjustment Clauses Under the Terms of SB 408, Docket No. UE 177, Order No. 08-002, at 7 ("ICNU filed a motion for leave to reply to PacifiCorp's response. Although our procedural rules do not allow for the filing of such a reply, we grant ICNU's request to provide additional information as to the intervenor's conduct in this proceeding.") (Jan. 3, 2008).

Dated this 13th day of September 2018.

Respectfully submitted,

A handwritten signature in cursive script that reads "Irion A. Sanger".

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Of Attorneys for Complainants