

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1887

PORTLAND GENERAL ELECTRIC
COMPANY,

Complainant,

v.

COVANTA MARION, INC.,

Respondent.

COVANTA MARION INC.'S
WITHDRAWAL OF MOTION TO
DISMISS AND ALTERNATIVE
MOTION TO STAY

Covanta Marion, Inc. (“Covanta”) hereby withdraws the motion to dismiss or stay this proceeding that it filed on or about September 8, 2017 (the “Motion”). The Motion was filed in large part because the issues raised by Portland General Electric (“PGE”) in its “Complaint and Request for Dispute Resolution” were already the subject of a petition filed by Covanta before the Federal Energy Regulatory Commission (“FERC”). After the Motion was filed, however, FERC issued on September 18, 2017, a “Notice of Intent Not to Act” with respect to Covanta’s petition. Covanta now agrees that it is appropriate for this Commission to move forward with the issues raised by PGE in its “Complaint.”

Although Covanta still believes that PGE’s initial filing was procedurally deficient in other regards, legal counsel for Covanta intends to work directly with legal counsel for PGE to try to identify a mutually agreeable process for resolving the substantive issues that complies with the Commission’s rules of practice and procedure. In the event that the parties cannot agree on such a process that is also acceptable to this Commission, Covanta reserves the right to re-file its Motion to have PGE’s “Complaint” dismissed.

By withdrawing its Motion, Covanta does not intend to withdraw, modify or amend any portion of its Answer, which was filed in this docket at the same time as the Motion, except to the extent that the Answer directly references the Motion. Although Covanta may withdraw its Motion as a matter of right, legal counsel for Covanta had conferred with legal counsel for PGE. Legal counsel for PGE has no objection to the withdrawal of the Motion.

DATED this 27th day of September, 2017.

Respectfully submitted,

/s Richard Lorenz

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