

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1894

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Complainant,

v.

PACIFIC NORTHWEST SOLAR, LLC,

Defendant.

RULING

DISPOSITION: REQUEST FOR CERTIFICATION GRANTED; PETITION TO INTERVENE GRANTED

**I. SUMMARY**

Pursuant to OAR 860-001-0110(2)(c), the ruling of the administrative law judge issued October 27, 2017, denying the motion to dismiss filed by Pacific Northwest Solar, LLC (PNW) is certified to the Commission for its consideration.

The petition to intervene filed by the Community Renewable Energy Association (CREA) filed November 27, 2017, is granted.

**II. PROCEDURAL HISTORY**

On August 31, 2017, Portland General Electric Company (PGE) filed a complaint and request for dispute resolution with the Commission. PNW filed a motion to dismiss the complaint on September 19, 2017, asserting that the Commission lacked personal jurisdiction over the defendant with respect to the interpretation of the power purchase agreement (PPA) between PNW Solar and PGE.<sup>1</sup>

By ruling of October 27, 2017, the administrative law judge (ALJ) denied the PNW motion to dismiss the complaint. On November 6, 2017, PNW filed an answer and

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<sup>1</sup> PNW has filed a complaint regarding the interpretation of the PPA with the Multnomah County Circuit Court and has requested a jury trial. (*See* PGE's Response to PNW's Request for ALJ Certification at 2, 16, (Dec 5, 2017)).

response to the PGE complaint and request for dispute resolution, and on November 13, 2017, requested the ALJ to certify the ruling to the Commission.

On November 27, 2017, CREA filed a petition to intervene and response in support of the certification of the ALJ's ruling for Commission consideration. PGE filed a response to the certification request on December 5, 2017, and PNW replied on December 12, 2017. PGE did not interpose any objection to the CREA petition to intervene.

### III. DISCUSSION

I find that the question of Commission personal and subject matter jurisdiction with respect to the interpretation and enforcement of the executed PPA between PNW and PGE is sufficiently significant so as to justify certification to the Commission for its determination. The Commission will address these issues by separate order.

I further find that, pursuant to OAR 860-001-0300(6), CREA has sufficient interest in the proceedings and that its participation will not unreasonably broaden the issues, burden the record or delay the proceedings.

### IV. RULING

The request for ALJ certification filed by Pacific Northwest Solar, LLC is granted as indicated. The petition to intervene filed by the Community Renewable Energy Association is granted.

Dated this 3rd day of January, 2018, at Salem, Oregon.



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Allan J. Arlow  
Administrative Law Judge