



- b. PGE will file its response on or before February 9, 2018; and
  - c. The target date for a determination by the Commission will be February 15, 2018; and
2. Extending the time for the NewSun QFs to respond to PGE's complaint in this matter from February 15, 2018, to February 22, 2018. This response would be an answer and/or a motion to dismiss, depending on the outcome of the alternative request included in the concurrently filed Motion to Stay Proceeding to allow a motion to dismiss in lieu of an answer.

**CERTIFICATION OF ATTEMPT TO MEET AND CONFER**

In accordance with OAR 860-001-0420(2), counsel for the NewSun QFs made a good faith effort to reach agreement with PGE on a reasonable schedule to process the NewSun QFs' concurrently filed Motion to Stay Proceeding. The parties conferred via telephone and electronic mail on February 1, 2018, and February 2, 2018, and have reached agreement on the schedule proposed for adoption in this procedural motion. In light of that agreement and the fact that PGE therefore has no need to file a response, the NewSun QFs request expedited treatment of this procedural motion setting the schedule to process the Motion to Stay Proceeding.

**POINTS & AUTHORITIES**

The purpose of this motion is to provide a schedule for timely consideration of the NewSun QFs' Motion to Stay Proceeding. The Commission's determination on that motion will determine whether the NewSun QFs must respond to PGE's complaint now, or whether the NewSun QFs' response will be deferred until the United States District Court for the District of Oregon determines whether the proceeding initiated by the NewSun QFs in that court, which

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concerns exactly the same dispute as this proceeding, will move forward. The parties agree that prompt determination on the matters raised in the NewSun QFs' Motion to Stay Proceeding is appropriate under the circumstances. The parties further agree that a one-week extension of the time for the NewSun QFs to respond to PGE's complaint in this proceeding is appropriate to allow the Commission sufficient time to reach a determination on the NewSun QFs' Motion to Stay Proceeding before the NewSun QFs are required to respond to PGE's complaint, and to allow PGE seven days to respond to the Motion to Stay Proceeding.

The NewSun QFs note that they request as alternative relief in their Motion to Stay Proceeding that, if the Commission does not stay this proceeding, the NewSun QFs be allowed to file a motion to dismiss in lieu of an answer. PGE takes no position on that issue at this time, as stated in that motion.

DATED this 2<sup>nd</sup> day of February, 2018.

By: /s/ Keil M. Mueller  
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