

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

COLUMBIA BASIN ELECTRIC
COOPERATIVE, INC.

Complainant,

vs.

UMATILLA ELECTRIC COOPERATIVE,
INC.

Defendant.

Docket No. UM 1823

**WHEATRIDGE WIND ENERGY,
LLC'S OPPOSITION TO
COLUMBIA BASIN ELECTRIC
COOPERATIVE'S MOTION TO
AMEND PROCEDURAL
SCHEDULE**

I. Introduction

Wheatridge Wind Energy, LLC (“Wheatridge”) respectfully submits this Opposition to Columbia Basin Electric Cooperative, Inc.’s (“CBEC”) June 9, 2017 Motion to Amend the Procedural Schedule (“Motion”). CBEC contends that amending the procedural schedule is needed “. . . to allow for resolution of the pending discovery dispute and time for the parties to more fully develop the record.” Motion at 1. Neither of these reasons provide a reasonable basis to amend the procedural schedule. Therefore, CBEC’s Motion should be denied. In the alternative, Wheatridge is not opposed to providing CBEC an additional week to file its initial testimony.

II. Wheatridge has provided all its narrative responses and produced all documents in response to CBEC’s Data Requests

Without any detail, CBEC generally asserts that Wheatridge has failed to timely respond to data requests, failed to correlate responses to requests, and refused to provide substantive responses based on relevance objections. *Id.* at 1. Wheatridge, however, has provided all

requested narrative responses and documents.¹ In fact, Wheatridge submitted its narrative responses and production of documents to CBEC's June 2, 2017 Second Set of Data Requests on Thursday June 8, 2017, more than a full week ahead of schedule. The June 8, 2017 narrative responses and production of documents total less than 20 pages, and the recently produced documents were already in the possession of CBEC's counsel for almost a year.² Thus, the inference that CBEC needs an additional month to review this information and provide testimony on it is without merit.

Also, contrary to CBEC's insinuation, Wheatridge did not withhold any information or documents based on its relevance objections. Therefore, there is no ruling on CBEC's alleged discovery dispute that will result in CBEC receiving additional narrative responses or documents. Finally, Wheatridge properly identified the corresponding data requests when it produced documents responsive to multiple requests. Accordingly, there is no basis to amend the procedural schedule based on the current state of CBEC's discovery requests with Wheatridge. CBEC has all of the requested narratives and documents that it requested of Wheatridge.

III. The record provides all the facts needed for CBEC to file testimony

This proceeding involves a narrow and straightforward legal question: whether there is any state law that prohibits Umatilla Electric Cooperative from building a transmission line that starts in CBEC's service territory and runs through UEC's service territory to connect at the Morrow Flat BPA substation. *See* CBEC Complaint. The few facts needed to address the legal question in this proceeding are known and undisputed. It is undisputed that UEC is proposing to

¹ The documents requested in CBEC Data Request No. 15 included Critical Infrastructure Energy Information of the Bonneville Power Administration ("BPA"). At BPA's direction, Wheatridge provided CBEC with instructions on how to contact BPA to obtain redacted copies of those documents.

² See the emails provided in response to CBEC Data Request No. 28.

construct and operate a transmission line that includes a point of connection in CBEC's service territory.³ It is undisputed that Wheatridge is seeking to take transmission service over that line from its collector substation located in CBEC's service territory to the Morrow Flat substation.⁴ It is undisputed that Wheatridge is exploring self-providing station service.⁵ These are not complicated facts, and they are known to CBEC. Therefore, at this time, the relevant facts are undisputed and no further discovery is needed.

Nonetheless, CBEC's Motion requests an additional month to develop a record, relying on the change in the owner of Wheatridge and the fact that Wheatridge is exploring self-providing station service. However, the ownership of Wheatridge is not material to any issue raised in CBEC's Complaint, and CBEC fails to provide a reason why it should be permitted more time for discovery related to Wheatridge's ownership. Moreover, as already noted above, Wheatridge responded to CBEC's latest discovery on June 8, 2017, including responses to a number of questions related to the self-provision of station service. Thus, the recent change in the owner of Wheatridge and Wheatridge's exploration of self-providing station service provide no basis for CBEC's requested month-long extension in the procedural schedule, particularly as additional discovery on these matters is not need to address the narrow legal issue presented in this proceeding.

IV. Delay is detrimental to Wheatridge

Any delay in the final resolution of the legal issue presented by CBEC's Complaint would be detrimental to Wheatridge. On April 28, 2017, Wheatridge's 500 megawatt wind project received a Siting Certificate from the Oregon Energy Facility Siting Council. To

³ UEC Answer at 6 (February 2, 2017) ("UEC admits that there is an agreement between UEC and the Wheatridge Project to construct an approximately 23 mile transmission line (the 'UEC Transmission Line') to provide transmission services from the Wheatridge Project to the BPA substation, unbundled from any retail sales.")

⁴ *Id.*

⁵ Wheatridge's Supplemental Response to CBEC Data No. 14.

continue the development of the wind project, Wheatridge needs a timely Commission decision on CBEC's Complaint. Therefore, the lack of any basis in CBEC's Motion to delay the proceeding a month should be weighed against Wheatridge need for a timely decision in this proceeding, and the Motion should be denied.

V. Alternative amendment to procedural schedule

While Wheatridge is opposed to CBEC's request to amend the procedural schedule by a month, it is not opposed to providing CBEC an additional week to submit its initial testimony (*i.e.*, moving the due date from June 19, 2017 to June 26, 2017), provided that all other dates on the procedural schedule remain the same. Wheatridge is willing to shorten its response time to CBEC's testimony, since, as mentioned, the facts needed to address the narrow legal question are straightforward. Thus, Wheatridge does not foresee any problem with submitting its reply testimony on July 10, 2017 even if CBEC is permitted to submit its initial testimony on June 26, 2017.

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VI. Conclusion

Wheatridge requests that CBEC's motion be denied, or, in the alternative, CBEC be provided an additional week to submit its initial testimony with all other dates of the procedural schedule remaining the same.

DATED this 14th day of June, 2017.

Respectfully submitted,

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