

KINDLEY LAW PC

RAYMOND S. KINDLEY

ADMITTED IN OREGON AND WASHINGTON

July 18, 2014

VIA ELECTRONIC AND U.S. MAIL

PUC Filing Center
Public Utility Commission of Oregon
P.O. Box 2148
Salem, OR 97308-2148

**Re: UM1670 – Columbia Basin Electric Cooperative vs Pacific Power &
North Hurlburt Wind LLC**

Attention Filing Center:

Enclosed for filing in docket UM-1670, are an original and two copies of Columbia Basin Electric Cooperative's List of Discovery Issues for the July 21, 2014, prehearing conference.

A copy of this filing has been served on all parties to this proceeding as indicated on the attached certificate of service.

Please contact this office with any questions.

Sincerely,

/s/ Raymond S. Kindley

Raymond S. Kindley
Attorney for Columbia Basin Electric Cooperative, Inc.

cc: UM 1670 Service List

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July 2014, I served the foregoing document upon the persons named on the service list by electronic mail only as all parties have waived paper service.

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DATED: July 18, 2014

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5
6 **BEFORE THE**
7 **PUBLIC UTILITY COMMISSION OF OREGON**

8 COLUMBIA BASIN ELECTRIC) Docket No. UM 1670
COOPERATIVE, INC. an Oregon)
9 cooperative corporation) COLUMBIA BASIN ELECTRIC
Complainant,) COOPERATIVE, INC'S LIST OF
10 vs.) DISCOVERY ISSUES
PACIFICORP, dba Pacific Power, an)
11 Oregon business corporation,)
Defendant,)
12)
13 NORTH HURLBURT WIND, LLC, a)
foreign limited liability company,)
14 Defendant,)
15)
16 SOUTH HURLBURT WIND, LLC, a)
foreign limited liability company,)
Defendant,)
17)
18 Horseshoe Bend Wind, LLC, a)
foreign limited liability company,)
Defendant,)
19 and)
20 Caithness Shepherds Flat, LLC, a)
foreign limited liability company,)
21 Defendant.)

22 Pursuant to the Order dated July 2, 2104, in this proceeding concerning notice of a
23 telephonic prehearing conference, Columbia Basin Electric Cooperative, Inc. (the "Cooperative")
24 hereby files the list specific discovery that it seeks and has been unable to obtain.

25 Since the beginning of this proceeding, the Cooperative has submitted two sets of data
26 requests to North Hurburt Wind, LLC, one dated November 2, 2013, and the second dated
November 6, 2013. The Cooperative also submitted one set of data requests to Pacific Power

1 dated November 7, 2013, and one set of data requests to Caithness Shepherds Flat, LLC dated
2 July 1, 2014. The following provides a list of data requested but not provided.

3 1. Caithness Shepherds Flat, LLC has not provided any responses to the Cooperative's first
4 set of data requests. A copy of that set of the Cooperative's data requests is attached.

5 2. In its first set of data requests to North Hurlburt Wind, LLC ("North Hurlburt"), data
6 request number 1, the Cooperative requested an accurate diagram of the electric interconnection
7 facilities between the Slatt Substation and each collector substations for each wind project. The
8 Cooperative requested North Hurlburt to designate on that diagram the ownership of each power
9 line, each substation, ring bus and other similar equipment. In response, North Hurlburt only
10 provided a simple one line drawing that the Bonneville Power Administration developed. North
11 Hurlburt claims that it does not have any other diagrams of its electrical facilities.

12 3. In the first set of data requests to North Hurlburt, number 2, the Cooperative requested all
13 agreements, documents, notes, communications and other information concerning the ownership
14 of the electric facilities jointly owned by the three wind projects. North Hurlburt initially
15 provided a public document entitled "Shared Facilities Agreement (FERC)" that it had filed
16 with the Federal Energy Regulatory Commission ("FERC"). Much later, North Hurlburt
17 provided a similar document called the "Shared Facilities Agreement (Non-FERC)" that it
18 apparently did not file with FERC. It claimed the second document was confidential. The two
19 documents differ in the description of the jointly owned electrical facilities owned by the three
20 wind projects. While the two Shared Facilities Agreements do provide some description of the
21 jointly owned facilities, they conflict and they alone do not satisfy the Cooperative's request for
22 all agreements, documents, notes and other records concerning the joint ownership of the
23 electrical facilities. The Cooperative knows North Hurlburt has other documents that are
24 responsive to its request.

25 4. In the first data set of data requests, number 3, the Cooperative made a request for all
26 agreements, documents and other records concerning the operation of the jointly owned

1 electrical facilities. North Hurlburt only provided copies of the Shared Facilities Agreement.
2 The Cooperative knows North Hurlburt has other documents that are response to its request.

3 5. In the first set of data requests to North Hurlburt, numbers 11, 12, and 13, the
4 Cooperative requested copies of each wind project's power sales agreement with the purchasers
5 of the wind generation. North Hurlburt claimed that information was not relevant to this
6 litigation and has refused to provide such copies. The Cooperative wants these copies to prove
7 whether or not the projects are self-supplying electricity for their own use and, if so, to what
8 extent.

9 6. In the first set of data requests to North Hurlburt, number 17, the Cooperative requested
10 all communications, documents, notes and other communications or information relating to
11 Pacific Power's position that it has the legal right to serve the station-power loads of each of the
12 three wind projects. North Hurlburt did not provide this information arguing that such
13 information is protected under the attorney client privilege or as attorney work product.

14 7. In the first set of data requests to North Hurlburt, number 20, the Cooperative requested
15 the commercial operation date of each wind project. North Hurlburt has not provided that
16 information.

17 8. In the first set of data requests to North Hurlburt, numbers 24, 25, and 25, the
18 Cooperative requested the identity of all direct and indirect owners of each of the three wind
19 projects. North Hurlburt has not provided this information.

20 9. In the first set of data requests to North Hurlburt, number 27, the Cooperative requested a
21 copy of an agreement entitled "Operations Support Agreement" dated May 26, 2011. North
22 Hurlburt has refused to provide a copy. It did, however, permit the Cooperative's counsel to
23 review, eyes-only, similar agreements at North Hurlburt's attorneys' offices. The Cooperative
24 has again requested copies of all similar agreements.

25 10. In the second set of data requests to North Hurlburt, number 2-NH-4, the Cooperative
26 requested copies of all invoices that Pacific Power has sent to Caithness Shepherds Flat, LLC for

1 power purchases used to supply the three wind projects. North Hurlburt has provided one year's
2 of invoices, but not all since the projects commenced operations.

3 11. In the second set of data requests to North Hurlburt, number 2-NH-7, the Cooperative
4 requested records concerning how Caithness Shepherds Flat, LLC allocates the power costs from
5 Pacific Power to each wind project. To date North Hurlburt has provided only one record
6 concerning one month's of power costs allocations.

7 12. In the second set of data requests to North Hurlburt, number 2-NH-8, the Cooperative
8 requested the calculations and the monthly savings that each wind project realizes by Pacific
9 Power's aggregation of the three wind project's demand factor into a single aggregated demand
10 factor. North Hurlburt Wind, LLC has not provided this information.

11 13. In the second set of data requests to North Hurlburt, number 2-NH-9, the Cooperative
12 again requested a map of the electric facilities owned by each wind project and the electric
13 facilities jointly owned by each project. North Hurlburt has not supplied such a map.

14
15 DATED this 18TH day of July 2014.

16 **KINDLEY LAW PC**

17 By /s/ Raymond S. Kindley

18 RAYMOND S. KINDLEY, OSB 964910

19 Email: kindleylaw@comcast.net

20 Tel: (503) 206-1010

21 Attorney for Columbia Basin Electric
22 Cooperative, Inc.

KINDLEY LAW PC

RAYMOND S. KINDLEY

ADMITTED IN OREGON AND WASHINGTON

VIA E-MAIL

July 1, 2014

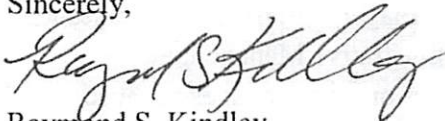
John Cameron
Davis, Wright, Tremaine, LLP
1300 S.W. Fifth Avenue, Suite 2400
Portland, OR 97201-5610

RE: OR Docket UM 1670
First Set of Data Requests to Caithness Shepherds Flat, LLC

Please find enclosed an original and copy of the Columbia Basin Electric Cooperative's first set of data requests to Caithness Shepherds Flat, LLC.

If you have any questions, please contact me at (503) 206-1010.

Sincerely,



Raymond S. Kindley
Attorney for Columbia Basin Electric Cooperative, Inc.

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*Attachment to
List of Discovery Issues*

OREGON PUBLIC UTILITY COMMISSION
Docket UM 1670
Columbia Basin Electric Cooperative's First Set of Data Requests to
Caithness Shepherds Flat, LLC
Date July 1, 2014
Data Requests No. 1-CSF-1 to 1-CSF-25

Data Request No. 1:

1. Please provide any and amendments, revisions, modifications or other changes to the power sales agreement between Pacific Power and Caithness initially dated April 15, 2011. This is a continuing request for Cooperative to receive all future amendments, revisions, modifications or other changes to the power sales agreement.

Data Request No. 2:

2. Please provide all agreements between Shepherds Flat Management, LLC and North Hurlburt Wind, LLC, including but not limited to, the Administrative Management Agreement, and any amendments, revisions, modifications or other changes to those agreements.

Data Request No. 3:

3. Please provide all agreements between Shepherds Flat Management, LLC and South Hurlburt Wind, LLC, including but not limited to, the Administrative Management Agreement, and any amendments, revisions, modifications or other changes to those agreements.

Data Request No. 4:

4. Please provide all agreements between Shepherds Flat Management, LLC and Horseshoe Bend Wind, LLC, including but not limited to, the Administrative Management Agreement, and any amendments, revisions, modifications or other changes to those agreements.

Data Request No. 5:

5. Please provide a copy of the Large Generator Interconnection Agreement between Caithness Shepherds Flat, LLC and the Bonneville Power Administration dated October 13, 2009, together with all agreements, schedules, appendices, exhibits and other documents ancillary thereto. Please provide any amendments, revisions, modifications or other changes to that agreement.

Data Request No. 6:

6. Please provide the number of employees employed by Caithness Shepherds Flat, LLC and a list of those employees' job titles and duties.

Data Request No. 7:

7. Please provide the number of employees employed by North Hurlburt Wind, LLC and a list of those employees' job titles and duties.

Data Request No. 8:

8. Please provide the number of employees employed by South Hurlburt Wind, LLC and a list of those employees' job titles and duties.

Data Request No. 9:

9. Please provide the number of employees employed by Horseshoe Bend Wind, LLC and a list of those employees' job titles and duties.

Data Request No. 10:

10. Please provide the number of employees employed by Shepherds Flat Management, LLC and a list of those employees' job titles and duties.

Data Request No. 11:

11. Please provide the generation source, e.g., system, wind, solar, etc, for the power that Pacific Power provides under the power sales agreement between Pacific Power and

Caithness Shepherds Flat, LLC initially dated April 15, 2011, as amended, modified, revised or changed.

Data Request No. 12:

12. Please provide copies of the Approved Shared Facilities O & M Budget, as discussed in section 4.6 of the Shared Facilities Agreement (Non-FERC), for years 2011, 2012, 2013 and 2014.

Data Request No. 13:

13. Please provide copies of all the O&M Agreements, as that term is defined in the Shared Facilities Agreement (Non-FERC), between the Operator, i.e., General Electric International, Inc. and Shepherds Flat Management, LLC, North Hurlburt Wind, LLC, South Hurlburt Wind, LLC, Horseshoe Bend Wind, LLC and Caithness Shepherds Flat, LLC, including any amendments, modifications or revisions to such agreements.

Data Request No. 14:

14. Does North Hurlburt Wind, LLC own any equipment for the operation or maintenance of transmission power lines or facilities other than its share of the Shared Equipment as that term is defined in the Shared Facilities Agreement (Non-FERC)? If it does, please provide a list that that equipment.

Data Request No. 15:

15. Does South Hurlburt Wind, LLC own any equipment for the operation or maintenance of transmission power lines or facilities other than its share of the Shared Equipment as that term is defined in the Shared Facilities Agreement (Non-FERC)? If it does, please provide a list that that equipment.

Data Request No. 16:

16. Does Horseshoe Bend Wind, LLC own any equipment for the operation or maintenance of transmission power lines or facilities other than its share of the Shared Equipment as

that term is defined in the Shared Facilities Agreement (Non-FERC)? If it does, please provide a list that that equipment.

Data Request No. 17:

17. Please identify the entity, or entities, that do(es) all the maintenance on the Shared Facilities as that term is defined in the Shared Facilities Agreement (Non-FERC).

Data Request No. 18:

18. Please identify which Shared Facilities Agreement, i.e., the version filed with the Federal Energy Regulatory Commission ("FERC") or the Non-FERC version, the parties operate under.

Data Request No. 19:

19. Please explain why the Shared Facilities Agreement (Non-FERC) is different than the version of the Shared Facilities Agreement that was filed with the Federal Energy Regulatory Commission.

Data Request No. 20:

20. Please explain why the description of Shared Facilities in Exhibit C of the Shared Facilities Agreement (FERC version) is different than the description of Shared Facilities in Exhibit C-1 of the Shared Facilities Agreement (Non-FERC version).

Data Request No. 21:

21. Please provide a copy of the Option Agreement between Saddle Butte and the Co-Tenants as described in section 17.16.10 in the Shared Facilities Agreement (version filed with the Federal Energy Regulatory Commission).

Data Request No. 22:

22. Please provide all records of Caithness Shepherds Flat, LLC's monthly allocations to North Hurlburt Wind, LLC, South Hurlburt Wind, LLC and Horseshoe Bend Wind, LLC of the monthly power bill received from Pacific Power for station service loads of the three wind projects.

Data Request No. 23:

23. Please provide all records of monthly power usage by Caithness Shepherds Flat, LLC to service its electrical facilities.

Data Request No. 24:

24. Please provide a list of all electrical facilities owned by Caithness Shepherds Flat, LLC.

Data Request No. 25:

25. Please provide a copy of the project drawings, which are the Exhibit Ks to each of the Amended and Restated Operation and Support Agreements, for North Hurlburt Wind, LLC, South Hurlburt Wind, LLC and Horseshoe Bend Wind, LLC.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July 2014, I served the foregoing document upon the persons named on the service list by electronic mail only as all parties have waived paper service.

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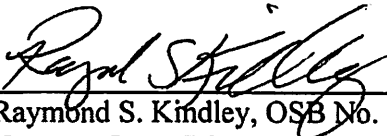
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DATED: July 1, 2014


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