

January 25, 2019

**Via Electronic Filing**

Public Utility Commission of Oregon  
Filing Center  
201 High Street SE, Suite 100  
Salem, Oregon 97301-3398

**Re: UM 1931 - Portland General Electric Company v. Alfalfa Solar I LLC, et al.**

Attention Filing Center:

Enclosed for filing in the above-named docket is Complainant's, Defendants', and Intervenor's Joint Statement of Undisputed Facts.

Thank you for your assistance.

Very truly yours,

  
Jeffrey S. Lovinger

Enclosure

ALFA-PUC\ 829843

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1931**

PORTLAND GENERAL ELECTRIC	)	
COMPANY,	)	
	)	<b>COMPLAINANT’S, DEFENDANTS’, AND</b>
Complainant,	)	<b>INTERVENORS’ JOINT STATEMENT</b>
	)	<b>OF UNDISPUTED FACTS</b>
v.	)	
	)	
ALFALFA SOLAR I LLC, et al.	)	
	)	
Defendants.	)	

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Complainant Portland General Electric Company (“PGE”) respectfully submits the Joint Statement of Undisputed Facts attached hereto as Attachment 1. PGE is submitting this Joint Statement of Undisputed Facts on behalf of itself, on behalf of Defendants,<sup>1</sup> and on behalf of Intervenors.<sup>2</sup>

The Joint Statement of Undisputed Facts represents those facts that Complainant, Defendants, and Intervenors have agreed are undisputed. As provided for by Administrative Law Judge Allan Arlow’s November 19, 2018 ruling in this proceeding, PGE is filing a separate statement of additional facts that PGE contends are undisputed. Defendants and Intervenors are also filing a separate joint statement of any additional facts that they contend are undisputed.

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<sup>1</sup> Defendants are Alfalfa Solar I LLC, Dayton Solar I LLC, Fort Rock Solar I LLC, Fort Rock Solar II LLC, Fort Rock Solar IV LLC, Harney Solar I LLC, Riley Solar I LLC, Starvation Solar I LLC, Tygh Valley Solar I LLC, and Wasco Solar I LLC.

<sup>2</sup> Intervenors are Community Renewable Energy Association, Northwest and Intermountain Power Producers Coalition, and the Renewable Energy Coalition.

DATED this 25th day of January, 2019.

Respectfully submitted,



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## ATTACHMENT A

### UM 1931

#### Stipulated Material Facts

The following list provides the facts that the parties agree are undisputed.

1. PGE is an investor-owned public utility regulated by the Commission under ORS Chapter 757. PGE is headquartered at 121 Southwest Salmon Street, Portland, Oregon 97204.<sup>1</sup>
2. Alfalfa Solar I LLC, Dayton Solar I LLC, Fort Rock Solar I LLC, Fort Rock Solar II LLC, Fort Rock Solar IV LLC, Harney Solar I LLC, Riley Solar I LLC, Starvation Solar I LLC, Tygh Valley Solar I LLC, and Wasco Solar I LLC (collectively, the "NewSun Parties") are each single-member, Delaware limited liability companies, and each is the seller of the net output of a separate solar QF to PGE under the terms of the standard power purchase agreement (the "NewSun PPAs").<sup>2</sup>
3. On January 25, 2016, PGE entered into a standard renewable in-system variable power purchase agreement with Dayton Solar I LLC.<sup>3</sup>
4. On January 25, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Starvation Solar I LLC.<sup>4</sup>
5. On January 25, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Tygh Valley Solar I LLC.<sup>5</sup>
6. On January 25, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Wasco Solar I LLC.<sup>6</sup>
7. On April 27, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Fort Rock Solar I LLC.<sup>7</sup>

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<sup>1</sup> Complaint ¶ 2.

<sup>2</sup> Complaint ¶ 1.

<sup>3</sup> Complaint ¶ 16 and Ex. 2.

<sup>4</sup> Complaint ¶ 16 and Ex. 8 at 1.

<sup>5</sup> Complaint ¶ 16 and Ex. 9 at 1.

<sup>6</sup> Complaint ¶ 16 and Ex. 10 at 1.

<sup>7</sup> Complaint ¶ 16 and Ex. 3 at 1.

8. On April 27, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Fort Rock Solar II LLC.<sup>8</sup>
9. On June 26, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Alfalfa Solar I LLC.<sup>9</sup>
10. On June 26, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Fort Rock Solar IV LLC.<sup>10</sup>
11. On June 27, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Harney Solar I LLC.<sup>11</sup>
12. On June 27, 2016, PGE entered into a standard renewable off-system variable power purchase agreement with Riley Solar I LLC.<sup>12</sup>
13. Each of the NewSun PPAs is based on PGE's Standard Renewable Off-System Variable Power Purchase Agreement or PGE's Renewable In-System Variable Power Purchase Agreement, which the Public Utility Commission of Oregon ("Commission" or "OPUC") approved for use by PGE in Order No 15-289 (hereafter collectively referred to as the "2015 Standard Renewable Contract Form").<sup>13</sup> PGE filed those contract forms with the Commission on May 27, 2015, and the Commission approved them on September 22, 2015, in Order No. 15-289. Order No. 15-289 at 1; see PGE/100, Macfarlane/25; PGE/107, Macfarlane (PGE Compliance Filing dated May 27, 2015).
14. The Authorized Representative who signed the PPAs for each of the NewSun Parties is Jacob Stephens. Mr. Stephens negotiated and executed each of the NewSun PPAs at issue in this proceeding on behalf of each of the NewSun Parties as their manager.<sup>14</sup>
15. Mr. Stephens first contacted Bruce True in PGE's Wholesale Power Operation group, in October 2015, and requested via email on October 14, 2015, that Mr. True send him PGE's then-current standard variable PPA for both in-system and out-of-system qualifying facilities.<sup>15</sup>

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<sup>8</sup> Complaint ¶ 16 and Ex. 4 at 1.

<sup>9</sup> Complaint ¶ 16 and Ex. 1 at 1.

<sup>10</sup> Complaint ¶ 16 and Ex. 5 at 1.

<sup>11</sup> Complaint ¶ 16 and Ex. 6 at 1.

<sup>12</sup> Complaint ¶ 16 and Ex. 7 at 1.

<sup>13</sup> Complaint ¶¶ 3, 17; Answer at ¶ 3.

<sup>14</sup> NewSun Parties/100, Stephens/1.

<sup>15</sup> NewSun Parties/100, Stephens/12.

16. The parties expressed disagreement to each other prior to execution of the NewSun PPAs as to whether the completed versions of the 2015 Standard Renewable Contract Form would require payment by PGE at the fixed renewable prices in Tables 6a and 6b of Schedule 201 for fifteen years after execution of the agreement or fifteen years after the Commercial Operation Date.<sup>16</sup>
17. After PGE representatives expressed their position that the 2015 Standard Renewable Contract Form only provided fixed prices for fifteen years after execution of the agreement, Mr. Stephens expressed his disagreement with that position to multiple PGE representatives and expressed his belief that PGE's 2015 Standard Renewable Contract Form entitles a QF to be paid at the fixed prices for fifteen years after the Commercial Operation Date.<sup>17</sup>
18. The Parties' refer the Commission to their individual statements of additional undisputed facts for each parties' view of which detailed facts at issue are undisputed and for each parties' characterization of those facts.

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<sup>16</sup> *E.g.* NewSun Parties/100, Stephens/18.

<sup>17</sup> *E.g.* NewSun Parties/100, Stephens/17-18, 25-26, 33.