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May 27, 2014

***VIA ELECTRONIC FILING  
AND OVERNIGHT DELIVERY***

Public Utility Commission of Oregon  
3930 Fairview Industrial Drive SE  
Salem, Oregon 97302-1166

Attn: Filing Center

**RE: DR 48 – The Renewable Energy Coalition and PacifiCorp’s Motion to Withdraw**

Intervenor PacifiCorp d/b/a Pacific Power and Petitioner Renewable Energy Coalition (the “Coalition”) enclose for filing a joint motion to withdraw the Coalition’s petition for declaratory ruling (the “Petition”) in the above-referenced proceeding. As indicated on the attached certificate of service, a copy of this filing is being served on all parties on the service list.

If you have questions about this filing, please contact Natasha Siores, Directory Regulatory Affairs and Revenue Requirement at (503) 813-6583.

Sincerely,

R. Bryce Dalley  
Vice President, Regulation

Enclosure

cc: Service List – DR 48

## CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the Motion to Withdraw Petition on the parties listed below via electronic mail and/or US mail in compliance with OAR 860-001-0180.

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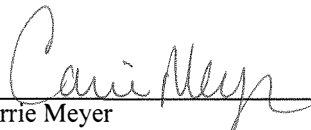
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Dated this 27<sup>th</sup> Day of May, 2014.

  
Carrie Meyer  
Supervisor, Regulatory Operations

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**DR 48**

In the Matter of	)	
	)	
THE RENEWABLE ENERGY	)	THE RENEWABLE ENERGY
COALITION Petition for	)	COALITION AND PACIFICORP'S
Declaratory Ruling,	)	MOTION TO WITHDRAW
	)	
Petitioner.	)	<b>EXPEDITED CONSIDERATION</b>
	)	<b>REQUESTED</b>
_____	)	

**I. INTRODUCTION**

Petitioner Renewable Energy Coalition (the “Coalition”) and intervenor PacifiCorp jointly move the Public Utility Commission of Oregon (the “Commission”) to withdraw the Coalition’s petition for declaratory ruling (the “Petition”). Further, the Coalition and PacifiCorp request that the Commission not open an investigation into the interpretive issue raised by the Petition, but instead address on a prospective basis the issue raised in this Petition in Phase II of docket UM 1610.

**II. MOTION TO WITHDRAW**

On February 10, 2014, the Coalition filed the Petition on the meaning of provisions in PacifiCorp’s (or the “Company”) Commission-approved standard form Power Purchase Agreement for New Firm Qualifying Facilities with 10,000 kW Facility Capacity Rating, or Less and not an Intermittent Resource (the “Small Firm Contract”). The Commission docketed the Petition as DR 48. The Coalition and PacifiCorp request that the Commission allow the Petition to be withdrawn, and that the Commission not open a separate investigation into the issue raised in the Petition.

The Coalition, four of its members, and PacifiCorp have resolved the outstanding issues that gave rise to the need for the Commission's interpretation of the provisions at issue in the Petition. The Petition requested the Commission rule on the appropriate demarcation between resource sufficiency and deficiency for purposes of determining PacifiCorp's right to terminate a Qualifying Facility ("QF") for default related to failure to meet the commercial operation date. The Small Firm Contract provisions at issue in the Petition are Section 11.1.5 (default due to a delay in commercial operation date) and Section 11.3.1 (ability to terminate for a delay in commercial operation date when PacifiCorp is resource deficient).

Since filing the Petition, the Coalition, PacifiCorp, and four projects with executed Small Firm Contracts that currently are in default or are likely in the near term to be at risk of default under Section 11.1.5 (the "Projects") have resolved their dispute. Specifically, PacifiCorp has agreed not to terminate the Projects' Small Firm Contracts due to a default under Section 11.1.5.

PacifiCorp avers that it has reached agreement on the interpretive issue raised in the Petition, either as part of the settlement of DR 48 or on a case-by-case basis, with all of the QF projects that are in or near a delayed commercial operation date. Finally, the Company avers that there are three remaining QF projects that have commercial operation dates beginning in 2015 or 2016; at this time, these QF projects are neither at immediate risk of default under Section 11.1.5 of their Small Firm Contracts nor is it clear that default will occur in the future.<sup>1</sup>

The Coalition and PacifiCorp agree that a Commission investigation on this issue is not necessary at this time given that PacifiCorp avers that: 1) there are currently no projects at risk of termination due a default under Section 11.1.5; and 2) no projects could potentially default under Section 11.1.5 of their Small Firm Contracts until at least 2015.

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<sup>1</sup> PacifiCorp has provided the factual information in this paragraph, and the Coalition has not independently verified the factual information in this paragraph.

The Coalition and PacifiCorp further agree that resolution of this interpretive issue on a going-forward basis is more appropriately addressed in Phase II of docket UM 1610 in which the Commission will consider generic QF contracting issues. Therefore, the Commission will soon have an opportunity to review and address the issue that gave rise to the Petition.

The Coalition and PacifiCorp also urge the Commission to allow the Petition to be withdrawn on an expedited basis. The Coalition avers that more than one of the Projects are experiencing financing issues directly related to the uncertainty associated with whether PacifiCorp can terminate their Small Firm Contracts due to a delay in commercial operation at this time. Expeditious withdrawal of the Petition will remove this cloud of uncertainty over these Projects.<sup>2</sup>

Two other parties--the Community Renewable Energy Association and Renewable Northwest—have petitioned to intervene in docket DR 48. The Coalition has reached out to each of these intervenors and no intervenor has raised an objection to this motion. Therefore, the Coalition and PacifiCorp move to withdraw its Petition in this docket.

### **III. CONCLUSION**

The Coalition and PacifiCorp respectfully request that the Commission allow the Coalition to withdraw its Petition. In addition, the Coalition and PacifiCorp respectfully request expedited consideration of this motion.

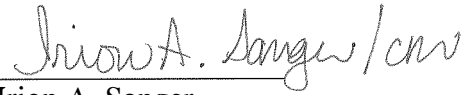
Dated May 27, 2014

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<sup>2</sup> The Coalition has provided the factual information in this paragraph, and PacifiCorp has not independently verified the factual information in this paragraph.

Respectfully submitted,

SANGER LAW, PC

A handwritten signature in cursive script that reads "Irion A. Sanger / cns".

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Of Attorneys for the Renewable Energy Coalition