

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1794

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF)	RENEWABLE ENERGY COALITION
OREGON)	AND COMMUNITY RENEWABLE
)	ENERGY ASSOCIATION MOTION TO
Investigation Into Schedule 37- Avoided)	SUSPEND SCHEDULE
Cost Purchases from Qualifying Facilities)	
of 10,000 kw or Less.)	EXPEDITED CONSIDERATION
)	REQUESTED
_____)	

Pursuant to OAR §§ 860-001-0390(2)(b) and 860-001-0420(1), the Renewable Energy Coalition (“Coalition”) and Community Renewable Energy Association (“CREA”) (jointly, “Joint QF Parties”) move that Administrative Law Judge (“ALJ”) Allan Arlow suspend the procedural schedule pending the outcome of the Joint QF Parties’ motions to certify two ALJ rulings on discovery disputes and a separate motion to clarify the scope of the proceeding in light of statements contained in those two discovery rulings. Submitting testimony prior to understanding the proper scope of the case and prior to obtaining important materials that may be ultimately provided through discovery would unnecessarily waste the resources of the parties and the Oregon Public Utility Commission (the “Commission”). Commission Staff, Oregon Solar Energy Industries Association, and Renewable Northwest do not oppose this motion for a stay, but PacifiCorp opposes the motion.

ALJ Arlow has ruled against the Joint QF Parties on two different motions to compel discovery. While only addressing discovery disputes, those two rulings contained statements that appeared to narrow the scope of this proceeding and issues that

RENEWABLE ENERGY COALITION AND COMMUNITY RENEWABLE ENERGY
ASSOCIATION MOTION TO SUSPEND SCHEDULE

may be raised. The Joint QF Parties have requested ALJ certification for Commission review of the first ruling and are in the process of filing a request for certification of the second ruling. If the Joint QF Parties are ultimately able to obtain the requested evidence, then they would utilize it in developing their pre-filed testimony. The record would be more clear for the Commission's resolution if this material is available for use in the pre-filed testimony, warranting a stay of the proceedings until the Commission has resolved whether the Joint QF Parties should be provided with the requested discovery.

Even more important, ALJ Arlow's rulings have raised questions about what issues may be properly within the scope of this case. Unlike many proceedings under the Public Utility Regulatory Policies Act, an issues list was not adopted in this case, and it is unclear if the Joint QF Parties will be able to litigate the issues that they have been asking to have resolved since PacifiCorp filed its new avoided cost rates. The Joint QF Parties filed a motion for clarification of the scope of the proceeding on November 23, 2016, which provides detailed background on the scope of the proceeding and the Joint QF Parties' concerns regarding the scope of the proceeding that we will not repeat here. Until that motion is finally resolved (perhaps also through direction from the Commissioners), the Joint QF Parties cannot know what issues they may address in their testimony. Understanding what issues are within the scope of this proceeding will allow the Joint QF Parties to prepare their testimony accordingly so as to not have it ignored or stricken from the record, further supporting the need for a stay of the proceeding at this time.

Unlike PacifiCorp or ratepayer advocates, the Joint QF Parties have limited financial resources because they are not supported by intervenor or ratepayer funding to

participate in Commission proceedings. Instead, in order to submit testimony, the Joint QF Parties normally rely upon in-house resources or volunteer time from their members. Given the significance of this case, the Joint QF Parties have taken the unusual step of retaining an outside consultant, whose testimony may be irrelevant depending on what issues can be addressed. The scope of the proceeding and all discovery disputes should be resolved prior to the next round of testimony.

No party will be harmed by this motion because PacifiCorp's current avoided cost rates are at historic lows, and the parties that benefit from expediting the proceeding are the QFs themselves. PacifiCorp's resource sufficiency period for renewable and non-renewable rates extends to 2028, which is the key demarcation between very low and higher rates.¹ This means that a QF beginning to sell its power in 2016 has 12 years of low prices based on PacifiCorp's avoided energy costs and only three years of higher prices based on both energy and capacity costs. Without moving the sufficiency demarcation up, few new QFs will be built and some existing QFs may shut down.² Thus, setting aside any procedural advantages PacifiCorp may gain by requiring the Joint QF Parties to file testimony without an understanding of the scope of the case, delaying the case only benefits PacifiCorp on the merits by keeping the current, very low rates in place and reducing the opportunities for new and existing QFs.

¹ PacifiCorp's on-peak renewable rates range from 2.03 to 2.34 cents per kilowatt hour in 2016 and increase to 7.56 to 10.26 cents per kilowatt hour in 2028.

² See Commission Investigation Into QF Contracting and Pricing, Docket No. UM 1610, Joint QF Parties Comments at 2 (Nov. 3, 2016) (discussing drop in new QF development).

Dated this 28th day of November 2016.

Respectfully submitted,



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