

KINDLEY LAW, PC

RAYMOND S. KINDLEY

ADMITTED IN OREGON AND WASHINGTON

March 6, 2017

Via Electronic Mail

Public Utility Commission
Attn: Filing Center
201 High St. S.E., Suite 100
P.O. Box 1088
Salem, OR 97308-1088

Re: UM 1818 Columbia Basin Electric Cooperative v. Umatilla Electric Cooperative

Dear Filing Center:

Please find enclosed Columbia Basin Electric Cooperative's Motion for Leave to Reply to Greg te Velde's Arguments in UM 1818 filed pursuant to OAR 860-001-0420(1). This Motion was filed at the Commission's filing center email address puc.filingcenter@state.or.gov.

Thank you for your assistance.

Sincerely,

/s/ Raymond S. Kindley
Raymond S. Kindley
KINDLEY LAW, P.C.
Of attorneys for Columbia Basin
Electric Cooperative, Inc.

Enclosures

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON
UM 1818**

COLUMBIA BASIN ELECTRIC COOPERATIVE, INC. an Oregon cooperative corporation Complainant,)	COLUMBIA BASIN ELECTRIC COOPERATIVE'S MOTION FOR LEAVE TO REPLY TO GREG TE VELDE'S ARGUMENTS
vs.)	
UMATILLA ELECTRIC COOPERATIVE, INC., an Oregon cooperative corporation, Defendant)))))	

Pursuant to OAR 860-001-0420(1), Columbia Basin Electric Cooperative, Inc. ("Columbia Basin") moves the Oregon Public Utility Commission ("Commission") to issue a ruling permitting Columbia Basin to submit a Reply to Arguments of Greg te Velde In Support of Umatilla Electric Cooperative's Motion to Bifurcate. te Velde represents Willow Creek Dairy and is doing business as Willow Creek Dairy. Pursuant to 860-001-0420(2), counsel for Columbia Basin conferred with counsel for Greg te Velde, who indicated his client would not object to Columbia Basin's Motion for Leave to Reply. Counsel for Umatilla Electric Cooperative ("Umatilla") states that Umatilla objects to this Motion. Counsel for Columbia Basin attempted to confer with counsel for Wheatridge Wind Energy, LLC ("Wheatridge") but is so far unable to determine if Wheatridge will take a position regarding this Motion.

This Motion is based on the materials in the record in this proceeding and is supported by the points and authorities set forth below.

POINTS AND AUTHORITIES

I. Introduction

On February 28, 2017, a prehearing conference was held in this proceeding. During that prehearing conference, the Administrative Law Judge granted permission for Wheatridge and Willow Creek Dairy to submit a response to Umatilla Electric Cooperative's Motion to Bifurcate and/or Columbia Basin's Response to that Motion. In response to a request by Columbia Basin during the prehearing conference, the Administrative Law Judge granted permission to Columbia Basin to file a Motion for Leave to Reply if Wheatridge or Willow Creek Dairy filed any response.

On March 3, 2017, the Oregon PUC received a filing entitled "Arguments of Greg te Velde in Support of Umatilla Electric Cooperative's Motion to Bifurcate." ("Arguments of te Velde")

II. Basis for Motion for Leave to Reply

Columbia Basin notes, as set forth in the Arguments of te Velde, that te Velde, dba Willow Creek Dairy, is not a party to this proceeding. Additionally, the Arguments of te Velde provide that te Velde and Willow Creek Dairy do not want to become a party unless the proceeding is bifurcated.

The Arguments of te Velde also contend that Columbia Basin cites no facts to support the assertion Columbia Basin's claims against Willow Creek Dairy and Wheatridge are related.

Columbia Basin wants to respond to the Arguments of te Velde regarding te Velde's or Willow Creek Dairy's party status in this proceeding and right to submit "arguments" under Oregon Public Utility Commission's administrative rules. Also, Columbia Basin wants to reply

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to the assertions there is no relationship between Columbia Basin's claims against Wheatridge and Willow Creek Dairy.

Columbia Basin would be prejudiced by an inability to Reply to the arguments raised in the Arguments of te Velde. The Arguments of te Velde raise new and unique arguments that could influence the outcome of this proceeding. Absent the right to file a Reply, Columbia Basin would not have any ability to submit its positions and defenses to those arguments.

CONCLUSION

Columbia Basin respectfully requests the Commission to issue a ruling granting leave to Columbia Basin to file a Reply to "Arguments of Greg te Velde in Support of Umatilla Electric Cooperative's Motion to Bifurcate."

DATED this 6th day of March, 2017.

By /s/ Raymond S. Kindley
RAYMOND S. KINDLEY, OSB 964910
KINDLEY LAW, PC
Email: kindleylaw@comcast.net
Tel: (503) 206-1010
Of Attorneys for Columbia Basin Electric
Cooperative, Inc.

CERTIFICATE OF FILING

I hereby certify that on March 6, 2017, on behalf of Columbia Basin Electric Cooperative, Inc. I filed the foregoing COLUMBIA BASIN ELECTRIC COOPERATIVE'S MOTION FOR LEAVE TO REPLY TO GREG TE VELDE'S AGRUMENTS in UM 1818 with the Public Utility Commission; Att'n Filing Center, by electronic transmission to puc.filingcenter@state.or.gov.

By /s/ Raymond S. Kindley
Raymond S. Kindley, OSB No. 964910
KINDLEY LAW PC
Email: kindleylaw@comcast.net
Tel: (503) 206-1010
Of Attorneys for Complainant
Columbia Basin Electric Cooperative, Inc.