

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1869

SSD CLACKAMAS 1, LLC,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

**PORTLAND GENERAL ELECTRIC
COMPANY'S MOTION FOR STAY
OR EXTENSION OF TIME TO
RESPOND TO COMPLAINANT'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Expedited consideration requested

Portland General Electric Company ("PGE") respectfully requests that Administrative Law Judge ("ALJ") Allan Arlow stay PGE's deadline to respond to Complainant's motion for partial summary judgment, or in the alternative grant a one-month extension of the deadline to respond, with a new response deadline of April 9, 2018.

On February 23, 2018, the parties reached verbal agreement in principle on the terms of a global settlement of all of the complaints filed by Strata Solar Development on August 7, 2017 (the complaints filed by QFs with "SSD" at the start of their name). The parties are currently working to memorialize the terms of their settlement in a written agreement. PGE provided the initial draft of this agreement to Complainant's counsel on March 5, 2018, and PGE anticipates settlement could be fully resolved in a matter of weeks. Despite having reached this agreement in principle on settlement terms, Complainant filed a motion for partial summary judgment on February 26, 2018.

Given these circumstances, responding to the pending motion for partial summary judgment is an unnecessary burden and may hinder PGE's ability to make progress toward finalizing the settlement. PGE has discussed these issues with counsel for Complainant and

repeatedly requested an extension of time to respond to the motion for partial summary judgment, but Complainant has refused.

It is PGE's understanding that Complainant is concerned to obtain a ruling on its motion before PGE's May 1 annual avoided cost rate update can become effective. PGE further understands that Complainant seeks a ruling on its motion as a precautionary measure so that it might secure today's avoided cost rates in the event settlement negotiations cannot be finalized and in the event Complaint's underlying complaint is denied.

PGE notes that if the Complainant prevails on its motion, it will secure today's rates whether a ruling on the motion is issued later this month or after PGE's May 1 rate update has become effective.¹ As a result, PGE believes there is no urgent need to resolve Complainant's pending motion for partial summary judgment.

Requiring PGE to respond to the motion for partial summary judgment when the parties have an agreement in principle on settlement, which they hope to finalize within weeks, is inefficient and unnecessary. PGE respectfully requests an indefinite stay of the obligation to respond to the motion for partial summary judgment. If such a stay is granted and the settlement agreement is abandoned, then PGE would expect for the stay to be lifted and would expect to respond to the pending motion for partial summary judgment. In the alternative, PGE requests a one-month extension of time to respond—until April 9, 2018.²

As an additional rationale in support of a stay, or alternatively a one-month extension of time to respond, PGE represents that given its workload in other QF complaint proceedings and

¹ PGE is not responding to the substance of the motion for partial summary judgment in this filing and reserves its right to advance all counter-arguments to the motion for partial summary judgment.

² PGE notes that a different group of QF developers (Cypress Creek, Pine Gate and Sabal) with August 2017 complaints against PGE, who are represented by the same counsel as Complainant, recently waited until the day before their response to PGE's motion for summary judgment was due before requesting an extension of time and waited until the day after that response was due to obtain a ruling from the ALJ extending their deadline to respond by a month. In that case, PGE had offered to extend the deadline by one week.

other QF-related dockets before the Commission, PGE's Staff would require an extension of time to respond to Complainant's motion for partial summary judgment even if there was no agreement in principle to settle the Strata cases.

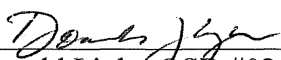
PGE's current deadline to respond to the motions for partial summary judgment is March 12, 2018. PGE requests expedited consideration of this motion to stay so that PGE will know before the end of this week whether it must respond on Monday, March 12, 2018.

PGE represents that it has devoted its resources to settlement negotiations since Complainant filed its motion and has been in continuous discussions with Complainant regarding an extension of time, but can no longer wait to obtain a resolution of this procedural question regarding the timing of its response to Complainant's pending motion. PGE represents that it has discussed this expedited motion with counsel for Complainant and Complainant opposes expedited consideration.


As an expedited schedule for consideration of this procedural motion, PGE proposes that the ALJ issue a ruling requiring that Complainant file any response to this motion by March 8, 2018, and that the ALJ issue a ruling no later than March 9, 2018. PGE is available to participate in a telephonic conference on this issue at any time this week if the ALJ would prefer.

Dated this 7th day of March 2018.

Respectfully submitted,



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