

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1931

<p>PORTLAND GENERAL ELECTRIC COMPANY,</p> <p style="padding-left: 40px;">Complainant,</p> <p>v.</p> <p>ALFALFA SOLAR I LLC, et al.</p> <p style="padding-left: 40px;">Defendants.</p> <hr style="width: 40%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>DEFENDANTS’ MOTION FOR ORAL ARGUMENT ON MOTIONS FOR SUMMARY JUDGMENT</p>
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Pursuant to OAR 860-001-0420, defendants 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 “Defendants” or “NewSun Parties”) hereby move the Oregon Public Utility Commission (the “Commission”) to schedule oral argument on the pending motions for summary judgment at a time after briefing is complete on March 1, 2019, and sufficiently before the procedural schedule’s target date for Commission decision on April 5, 2019.

The NewSun Parties have conferred with Complainant Portland General Electric (“PGE”), Intervenor Northwest and Intermountain Power Producers Coalition, Intervenor Renewable Energy Coalition, and Intervenor Community Renewable Energy Association

(collectively “Intervenors”) regarding this motion, and none of those parties oppose scheduling of oral argument.

The NewSun Parties previously moved for oral argument on their Motion for Summary Disposition, filed on July 2, 2018. After that motion was denied, all parties agreed in their jointly filed motion to set the procedural schedule, filed on November 16, 2018, that oral argument should be held on cross motions for summary judgment. The current procedural schedule therefore contains a placeholder for oral argument to be held after summary judgment briefing is complete on March 1, 2019, and before the target date for Commission decision on April 5, 2019, in this expedited proceeding. The NewSun Parties, PGE, and the Intervenors each filed a motion for summary judgment on January 29, 2019. PGE reiterated its request for oral argument concurrently with the filing of its motion for summary judgment. The NewSun Parties likewise reiterate their request for oral argument on the cross motions for summary judgment through this filing.

Oral argument will assist the Commission in understanding the issues, evidence, and arguments raised by the pending summary judgment motions. Oral argument is further warranted because the NewSun Parties initially filed the underlying declaratory judgment action in the United States District Court, and oral argument would ordinarily occur in court on such cross motions for summary judgment. Additionally, the Commission granted oral argument under summary judgment standards in the only other qualifying facility contract dispute that was concurrently pending in court. *See Portland General Elec. Co. v. Pacific Northwest Solar, LLC*, OPUC Docket No. UM 1894.

For the reasons stated above, the NewSun Parties respectfully request that the Commission schedule oral argument on the pending motions for summary judgment at a time

after briefing is complete on March 1, 2019, and sufficiently before the procedural schedule's target date for Commission decision on April 5, 2019.

DATED this 6th day of February 2019.

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