

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1794

In the Matter of

PACIFICORP, dba PACIFIC POWER

Investigation into Schedule 37 - Avoided
Cost Purchases from Qualifying Facilities
of 10,000 kW or Less.

RULING

**DISPOSITION: SCHEDULE SUSPENDED PENDING RULINGS ON
MOTIONS TO CLARIFY AND CERTIFY TO THE
COMMISSION**

PacifiCorp, dba Pacific Power, the Renewable Energy Coalition (the Coalition) and the Community Renewable Energy Association (CREA) have each filed motions for clarification and responses with respect to the scope of this proceeding and to have the schedule suspended pending such clarification. The Commission Staff has also responded in support of clarification.

Background

On October 6, 2016, an expedited telephone conference was held to facilitate resolution of a discovery dispute, which was ultimately unsuccessful. Subsequently, motions to compel discovery were filed by CREA on October 19, 2016 and by the Coalition on October 31, 2016, both of which were opposed by PacifiCorp.

By ruling of November 2, 2016, I denied the portion of the CREA motion seeking information with respect to all bids for wind projects in the 2016 RFP. I granted the portion of the motion to compel with respect to the Wyoming Wind Farm characteristics.

By ruling of November 18, 2016, I denied the Coalition motion to compel PacifiCorp to initiate computer program runs with various scenarios and to provide copies of proprietary computer programs.

In each instance, I set forth the legal standard and my analysis of the Staff report adopted by the Commission in Order No. 16-307 and its application to the discovery process in this docket.

Motions for clarification and/or certification were filed by PacifiCorp on October 12, 2016 and jointly by CREA and the Coalition on November 17, 23, and 30, 2016, to which opposing parties responded accordingly. During the course of the dispute, the schedule for expedited responses was set and the overall schedule for the proceeding was modified pending issuance of rulings with respect to the motions to compel. Under the amended schedule, response testimony is due December 9, 2016, supplemental testimony (if necessary) December 19, 2016, and reply testimony January 11, 2017.

RULING

The motion to suspend schedule filed jointly by CREA and the Coalition on November 28, 2016 is granted. In light of the uncertainty of the parties and Staff with respect to the scope of this proceeding and the need to clarify that scope in order for the parties to prepare and submit relevant testimony, I find that good cause has been shown to suspend the proceedings pending clarification of the scope of this docket.

Dated this 7th day of December, 2016 at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge