

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1931

PORTLAND GENERAL ELECTRIC
COMPANY,

Complainant,

vs.

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, WASCO SOLAR I LLC,

Defendants.

RULING

DISPOSITION: REQUEST FOR EXPEDITED PROCESSING DENIED

On November 19, 2018, I issued a ruling adopting a briefing schedule jointly filed by all of the parties to this proceeding. On December 7, 2018, pursuant to that schedule, complainant Portland General Electric Company (PGE) filed direct testimony and exhibits of Robert MacFarlane (PGE/100-108, Macfarlane), Bruce True (PGE/200-215, True) and Ryin Khandoker (PGE/300-301, Khandoker).

On December 14, 2018, 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 (defendants or NewSun QFs) filed a joint motion to strike portions of the Macfarlane and True testimony and the Khandoker testimony in its entirety.

In addition to the specific relief requested above, defendants also request expedited consideration of their motion “to ensure that the resolution of this dispute is not further protracted and delayed.” In support of that request, defendants assert that their counsel made a good faith effort to reach agreement with the other parties and that, while PGE opposes an expedited schedule, intervenors Northwest and Intermountain Power Producers Coalition, Renewable Energy Coalition and Community Renewable Energy Association (intervenors) do not oppose expedited processing.

In opposing the defendants' request for expedited consideration, PGE states that defendants are seeking to compress PGE's response deadline from fifteen days to seven and defendants own reply deadline from January 4, 2019 to December 28, 2018, or from seven days to five. PGE asserts that the defendants have submitted no evidence that a one-week difference in PGE's response will, as claimed, impact the viability of their projects and notes that no decision on the motion to strike will be issued before defendants' response testimony is due on December 28, 2018.

Resolution

Good cause has not been shown for an expedited schedule to address the pending motion to strike. The existing schedule was proposed and agreed to by the parties a little over a month ago and expedited responses would fall in the midst of a period of time when the Commission will be closed on two business days for national holidays. There are no compelling practical reasons for the slight compression of the response schedule in the face of the countervailing likely hardships such a schedule would engender and the unlikely event that such a compression would significantly accelerate the issuance of a ruling by the Commission on the defendants' motion to strike.

RULING

The request for expedited processing of defendants' motion to strike testimony and exhibits is denied.

Dated this 21st day of December, at Salem, Oregon.



Allan J. Arlow
Administrative Law Judge