

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**UM 1694**

In the Matter of

LOYD FERY FARMS, LLC

Complainant;

v.

PACIFICORP d/b/a PACIFIC POWER

Defendant.

LOYD FERY FARMS, LLC'S MOTION TO DISMISS

Loyd Fery Farms, LLC (“Complainant”) hereby respectfully move to dismiss all claims in this proceeding as set forth below.

**I. NATURE OF THE CASE**

On May 4, 2014, Complainant filed a complaint with the Public Utility Commission of Oregon (the “Commission”) objecting to PacifiCorp’s installation of bi-directional meters and sale of station power under Schedule 37 to Complainant’s Qualifying Facility. Complainant also alleged that PacifiCorp’s Schedule 37 pricing model was flawed.

On August 24, 2016, Complainant and PacifiCorp entered into a Settlement Agreement and Release (“Settlement Agreement”) resolving all such claims and counterclaims.

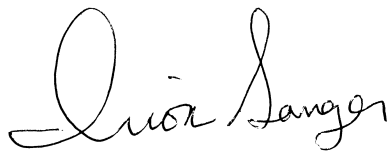
**II. REQUESTED RELIEF**

Because the parties have entered into the Settlement Agreement and there are no remaining unresolved issues relating to Complaint’s allegations, Complainant now respectfully move the Commission for an order dismissing its claims against PacifiCorp with prejudice, except that Complainant expressly reserves the right to challenge the avoided cost pricing applicable to their projects in a separate docket. Complainant’s agreement to pay applicable station service charges

and fees on a prospective basis does not prevent Complainant from proposing to disconnect and no longer receive station service power. If an engineering solution is found and the Complainant disconnects, Complainant shall: (1) bear the risk of any outages; and (2) remain responsible for any station service deliveries if the engineering solution failed.

Dated this 6th day of September 2016.

Respectfully submitted,

A handwritten signature in cursive script that reads "Irion Sanger".

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