

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2032

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation into Treatment of Network
Upgrade Costs for Qualifying Facilities.

RULING

**DISPOSITION: PROCEDURAL SCHEDULE TEMPORARILY SUSPENDED
PENDING MOTION TO COMPEL**

On January 19, 2021, NewSun Energy LLC filed a motion to extend the deadline for reply testimony to be filed, and to revise the procedural schedule to accommodate this revision (NewSun’s Motion for Extension). As reply testimony is due on January 22, 2021, NewSun requested expedited treatment of the motion. NewSun represented that the Northwest & Intermountain Power Producers Coalition and the Renewable Energy Coalition support the motion for an extension of time but prefer more time to confer on a revised schedule, that Staff does not object, and that other parties had not provided input prior to filing. Expedited treatment was granted on January 20, 2021, and parties were given a deadline to respond motion. By this deadline, Portland General Electric Company, PacifiCorp dba Pacific Power, and Idaho Power Company (the Joint Utilities) filed a response that objects to NewSun’s motion, and the Community Renewable Energy Association provided informal support for NewSun’s motion.

NewSun seeks an extension “primarily due to the press of business and concerns about a potential discovery dispute with the Joint Utilities.”¹ NewSun requests that the deadline to file reply testimony to be extended 28 days until February 19, 2021. The motion advises that data request responses were expected on January 21, 2021, and that depending on the documents received, NewSun would determine whether to file a motion to compel. Should NewSun file a motion to compel, NewSun alternatively requests that the deadline to file reply testimony be delayed until 30 days after resolution of the motion to compel (either the Joint Utilities provide data request responses or the motion to compel is denied). NewSun emailed an update, on January 21, 2021, that it will file a motion to compel.

¹ NewSun’s Motion for Extension at. 2.

The Joint Utilities assert that NewSun fails to justify extending a deadline by 28 days, arguing that the data sought by NewSun may be premature, that NewSun's timing was inappropriate, and that NewSun has most of the information it requested. Even if an extension is granted, the Joint Utilities indicate that any wholesale schedule change should be discussed by the parties

Based on NewSun's advisement that it will file a motion to compel, I temporarily suspend the procedural schedule pending the resolution of the motion to compel. Following this resolution, a prehearing conference will be set to establish new dates for remaining schedule in this proceeding.

Dated this 21st day of January 2021, at Salem, Oregon.



Traci A. G. Kirkpatrick
Administrative Law Judge