

April 17, 2020

Via Electronic Filing

Public Utility Commission of Oregon - Filing Center
PO Box 1088
Salem, OR 97308-1088


**Re: Zena Solar, LLC v. Portland General Electric Company
PUC Case No. UM 2074**

Attention Filing Center:

Enclosed for filing today in the above-named docket is a Joint Motion to Modify Schedule. **Please note that expedited consideration has been requested.**

Thank you for your assistance.

Very truly yours,


Jeffrey S. Lovinger

Enclosure
987308

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 2074**

ZENA SOLAR, LLC,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

**JOINT MOTION TO MODIFY
SCHEDULE**

Expedited Consideration Requested

On April 7, 2020, Complainant Zena Solar, LLC (“Zena Solar”) and Defendant Portland General Electric Company (“PGE”) filed a joint motion to extend deadlines. The motion asked the Public Utility Commission of Oregon (“Commission”) to modify several deadlines in this case to give the parties more time to negotiate a mutually agreed procedural schedule. On April 8, 2020, Administrative Law Judge (“ALJ”) Christopher Allwein issued a ruling approving the extended deadlines requested by the parties. The parties have reached agreement on a procedural schedule and now jointly move the Commission and ALJ Allwein to approve that schedule.

Under the agreed procedural schedule, the parties are asking the Commission to:

1. Extend the end date of the temporary interim relief period from April 30, 2020, to June 19, 2020;
2. Extend PGE’s deadline to respond to Zena Solar’s motion for interim relief and preliminary injunction from April 24, 2020, to May 29, 2020 (and to eliminate the deadline in favor of the deadlines found in Path 2 if the parties agreed to pursue a consolidated and expedited resolution of the merits and the motion for interim relief and preliminary injunction under Path 2 outlined below);
3. Maintain PGE’s current deadline to answer the complaint on April 29, 2020;
4. Set May 13, 2020, as the deadline for Zena Solar to respond to any counterclaims PGE may assert in its response to the complaint; and
5. Set May 15, 2020, as the deadline for the parties to elect which procedural path they will pursue, either: (A) Path 1 which involves first resolving the motion for interim

relief and preliminary injunction by June 19, 2020; or (B) Path 2 which involves the consolidated and expedited resolution of the merits of this case and the motion for interim relief and preliminary injunction, as authorized by ORCP 79 C(2). If both parties agree to pursue Path 2 and file a statement to that effect on or before May 15, 2020, then the schedule will follow Path 2; otherwise, the schedule will follow Path 1.

More specifically, the parties respectfully request that the Commission or its ALJ approve the following procedural schedule:

Initial Schedule

| | |
|----------------|--|
| April 17, 2020 | Parties submit proposed procedural schedule |
| April 20, 2020 | ALJ issues ruling approving procedural schedule and extending temporary interim relief through June 19, 2020 |
| April 29, 2020 | PGE response to complaint |
| May 13, 2020 | Zena response to counterclaims (if needed) |
| May 15, 2020 | Parties elect path (Path 2 if both parties agree, otherwise Path 1) |

Path 1 – Resolve Motion for Interim Relief and Preliminary Injunction (“PI Motion”) First

| | |
|-----------------|---|
| May 29, 2020 | PGE response to PI Motion |
| June 5, 2020 | Zena reply re PI Motion |
| June 9, 2020 | Parties indicate whether they agree to waive hearing on PI Motion |
| Week of June 15 | Hearing on PI Motion (if not waived) |
| June 19, 2020 | Decision on PI Motion |
| June 24, 2020 | Prehearing conference regarding remaining schedule |

Path 2 – Consolidated and Expedited Resolution of Merits and PI Motion

| | |
|-----------------|---|
| May 15, 2020 | Temporary interim relief extended to August 14, 2020, and deadline to respond to data requests shortened to 7-calendar-days |
| May 21, 2020 | Parties submit stipulated facts |
| June 8, 2020 | Simultaneous opening briefs and testimony/declarations |
| July 1, 2020 | Simultaneous response briefs and testimony/declarations |
| July 15, 2020 | Simultaneous reply briefs |
| July 17, 2020 | Parties indicate whether they waive a live hearing |
| Week of July 27 | Hearing, if not waived |
| August 14, 2020 | Decision on the merits and on the PI Motion |

The parties believe this procedural schedule will facilitate the orderly and efficient resolution of this case. Neither party waives its rights to a more traditional procedural schedule in other proceedings.

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The parties respectfully request that ALJ Allwein approve the above procedural schedule by April 20, 2020.

DATED this 17th day of April 2020.

Respectfully submitted,

PORTLAND GENERAL ELECTRIC
COMPANY

ZENA SOLAR LLC

s/ Jeffrey S. Lovinger

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