

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2074

In the Matter of

ZENA SOLAR, LLC,

Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

Pursuant to ORS 756.500.

RULING

DISPOSITION: MOTION FOR CONFERENCE ON MARCH 27, 2020 DENIED;
MOTION FOR INTERIM RELIEF AND PRELIMINARY INJUNCTION
GRANTED THROUGH APRIL 17, 2020.

On March 27, 2020, Zena Solar, LLC (Zena) submitted a complaint against Portland General Electric Company (PGE), alleging that PGE “failed to comply with the Commission’s rules in offering interconnection service for Zena * * *.”¹ Zena requests various forms of relief. In addition, Zena filed two motions. The first requested a conference for this afternoon to discuss an alleged threat by PGE to remove Zena from the first position in its interconnection queue. The second motion requested interim relief and a preliminary injunction to prevent PGE from removing Zena from the interconnection queue “during the pendency of this case.” Both motions requested expedited consideration. It was noted that PGE objected to the motion for conference. PGE was aware that the motion for interim relief would be filed, but no statement was included in this motion regarding PGE’s position.

According to the complaint, the Zena project will be a 2.5 MW solar project located in Polk County when it is completed. Zena states that it will suffer irreparable harm if Zena’s position in the queue is not maintained. Specifically, Zena notes that if its project deemed withdrawn by PGE, it will lose significant sunk costs and go out of business.²

I find that Zena’s motion for a conference prejudicial to PGE. PGE has not seen the substance of the complaint (which was filed later in the afternoon on March 27). To schedule a conference on short notice on this issue in this particular case in which no foundation is established via a substantive pleading does not provide the defendant the ability to adequately respond. Therefore, the motion for conference is denied.

¹ *Zena Solar LLC, Complainant, v. Portland General Electric Company, Defendant*, Docket UM 2074, complaint at 1 (Mar 27, 2020).

² *Zena Motion for Preliminary Injunction* at 7 (Mar 27, 2020).

I find good cause to grant, on a temporary basis, the interim relief requested by Zena regarding their queue position. OAR 860-082-0025(7)(B)(e) states in part:

The applicant [for interconnection] must return an executed interconnection agreement to the public utility **or request negotiation of a non-standard interconnection agreement** within 15 business days of receipt of the application is withdrawn.³

In the complaint, Zena states that it requested to negotiate a non-standard agreement.⁴ Zena further stated that the next project in the queue does not object to Zena remaining first.⁵ Finally, Zena states that it will suffer irreparable harm. Zena has requested that the interim relief be granted for the pendency of the case.

Therefore, I grant Zena's motion for preliminary relief and direct PGE to keep Zena in its current position in the queue. PGE should have time to review today's filings and respond. A telephone conference will be scheduled on Wednesday, April 1, 2020 at 3pm, to determine next steps in these proceedings and whether the temporary relief will be extended beyond April 17, 2020, and if so, for what duration.

Zena and PGE are encouraged to continue their negotiations and work toward resolution.



Christopher J. Allwein
Administrative Law Judge

³ (Emphasis added) 860-082-0025(7)(B)(e).

⁴ Zena Complaint at 3 (Mar 27, 2020).

⁵ *Declaration of Jonathan Nelson* at paragraph 11 (Mar 27, 2020).