

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2090

CUSACK SOLAR, LLC,

Complainant

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

RULING

DISPOSITION: COMPLAINT DISMISSED WITH PREJUDICE IN PART, WITHOUT PREJUDICE IN PART; DOCKET CLOSED

On September 23, 2020, Cusack Solar, LLC (Cusack Solar) filed a voluntary Notice of Dismissal With Prejudice as to all claims directly relevant to the specific prayers for relief of Cusack Solar’s ability to terminate its power purchase agreement (“PPA”) with defendant Portland General Electric Company (PGE) and without prejudice as to all other claims in this proceeding against PGE pursuant to OAR 860-001-0000 and Oregon Rule of Civil Procedure 54 A(1).¹ Cusack Solar represents that it has consulted PGE, and PGE does not oppose dismissal.

In this proceeding, Cusack Solar sought to terminate the Public Utility Regulatory Policies Act (PURPA) standard power purchase agreement (PPA) between PGE and Cusack Solar. In motions to stay filed May 27, 2020, and September 15, 2020, PGE and Cusack Solar represented that they are parties to a settlement agreement, filed as a supplement to Advice No. 20-09, Schedule 136, under which PGE agreed to provide an option for Cusack Solar to terminate the PPA. In those motions, PGE and Cusack Solar agreed that the Commission’s actions at the May 19, 2020 Public Meeting satisfied the terms of the settlement agreement regarding Schedule 136.

¹ Cusack Solar and PGE each reserve the right to dispute the effect of the Notice of Dismissal on possible future claims.

The settlement of disputes by mutual agreement is an efficient means of furthering the public interest. Cusack Solar's complaint is dismissed with prejudice with respect to all claims directly relevant to the specific prayers for relief of Cusack Solar's ability to terminate the PPA with PGE and without prejudice as to all other claims in this proceeding against PGE. This docket is closed.

Dated this 25th day of September, 2020, at Salem, Oregon.



Alison Lackey
Administrative Law Judge