

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 2090

In the Matter of

CUSACK SOLAR, LLC;

Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

NOTICE OF DISMISSAL WITH
PREJUDICE, IN PART, AND
WITHOUT PREJUDICE IN PART

Pursuant to OAR 860-001-0000 and Oregon Rule of Civil Procedure (“ORCP”) 54 A(1) Cusack Solar, LLC (“Cusack Solar”) hereby files this voluntary Notice of Dismissal as to all claims in this proceeding against defendant Portland General Electric Company (“PGE”). As required by the Settlement Agreement (“Settlement Agreement”) entered by PGE and Cusack Solar (among other parties) that was submitted to the Public Utility Commission of Oregon (“Commission”) as a supplemental filing of Advice No. 20-09 on May 15, 2020, Cusack Solar is dismissing with prejudice all claims related to the specific prayers for relief of Cusack Solar’s ability to terminate its Public Utility Regulatory Policies Act power purchase agreement (“PPA”) and dismissing without prejudice any other remaining claims that are not directly relevant to the specific prayers for relief of Cusack Solar’s ability to terminate the PPA. Cusack Solar has consulted PGE, and PGE does not oppose dismissal of the complaint on this basis. Cusack Solar respectfully requests that the Commission close the docket.

Cusack Solar and PGE each reserve their respective rights to argue and maintain positions regarding the effect of this Notice of Dismissal on possible future claims and litigation. In particular, Cusack Solar maintains that any claims that may exist now or in the future regarding Cusack Solar's ability to terminate its PPA for any reason other than participating in the community solar program were not raised in this complaint and therefore will not be in any way affected, including but not limited to being barred from future consideration before the Commission or any other tribunal. PGE reserves its right in any future dispute or litigation with Cusack Solar to take any position consistent with the first paragraph of this Notice of Dismissal and the Settlement Agreement, including but not limited to positions that may contradict Cusack Solar's position set forth in this paragraph.

Dated this 23rd day of September 2020.

Respectfully submitted,



Irion A. Sanger
Joni L. Sliger
Sanger Law, PC
1041 SE 58th Place
Portland, OR 97215
Telephone: 503-756-7533
Fax: 503-334-2235
irion@sanger-law.com

Of Attorneys for Cusack Solar, LLC