

DRAFT RESBEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

UM 1829

Blue Marmot V LLC
Blue Marmot VI LLC
Blue Marmot VII LLC
Blue Marmot VIII LLC
Blue Marmot IX LLC,
Complainants,

v.

Portland General Electric Company,
Defendant.

PORTLAND GENERAL ELECTRIC
COMPANY'S RESPONSE TO BLUE
MARMOTS' MOTION FOR
EXTENSION OF TIME

1 On the day their Direct Testimony was due, the above-captioned Blue Marmot LLCs (Blue
2 Marmots) filed a motion for extension of time to file their Direct Testimony to allow the Blue
3 Marmots and Portland General Electric Company (PGE) to attempt to reach agreement on the
4 characterization of settlement negotiations in the Blue Marmots' testimony.¹ The Blue Marmots
5 requested an extension of indefinite duration "pending resolution of th[e] disagreement" regarding
6 settlement discussions.²

7 PGE opposes an indefinite extension of the Blue Marmots' testimony deadline. To date,
8 the parties have not reached agreement regarding the characterization of settlement discussions in
9 testimony, and the Blue Marmots are not permitted to file testimony characterizing the parties'
10 settlement discussions without PGE's written consent.³ Therefore, PGE requests that the Blue
11 Marmots be required to promptly file their testimony without reference to the contents of
12 settlement discussions, unless otherwise agreed by the parties. Alternatively, the Blue Marmots
13 may file a petition with the Public Utility Commission of Oregon (Commission) if they wish to

¹ Blue Marmots' Motion for Extension of Time at 1 (Jan. 31, 2020).

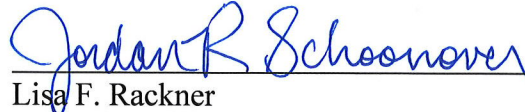
² Blue Marmots' Motion for Extension of Time at 2.

³ OAR 860-001-0350 ("Without the written consent of all parties, any statement, admission, or offer of settlement made during settlement discussions is not admissible in any Commission proceedings, unless independently discoverable or offered for other purposes allowed under ORS 40.190.").

- 1 admit the evidence over PGE's objection. However, there is no reason for the Blue Marmots to
- 2 further delay the filing of their testimony.

Dated February 7, 2020

MCDOWELL RACKNER GIBSON PC



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