

October 6, 2021

Via Email Only

The Honorable Christopher Allwein
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088

Re: Waconda Solar, LLC v. Portland General Electric Company
PUC Case No. UM 1971

Dear ALJ Allwein:

Yesterday, October 5, 2021, Waconda Solar LLC (Waconda) filed a motion for stay and requested expedited consideration. Waconda requested that Portland General Electric Company's ("PGE") 15-day response period be shortened to three days (PGE's response would be due on October 8, 2021). Waconda further requested that it be granted a four-day reply period (Waconda's reply to be due on October 12, 2021). This is inadequate time for PGE to review the 20-page motion for stay, the related 48-page petition for declaratory ruling, and to develop its response.

The current timing dilemma in this case was created by Waconda. Waconda's response to PGE's motion for summary judgment (MSJ) is due on October 19, 2021. Waconda has known since at least September 14, 2021, that it intended to file a motion for stay, and that PGE opposes that motion. Waconda waited to file its motion until less than two weeks before its response to the MSJ is due. PGE should not be penalized by the timing dilemma that Waconda has created.

PGE proposes the following solution:

- (1) Waconda's deadline to respond to the MSJ (currently October 19, 2021) be extended by three weeks (until November 9, 2021); and
- (2) PGE be allowed 15 days to respond to Waconda's motion for stay.

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This puts Waconda in no worse position than if its request for expedited schedule were granted (indeed a better position). And this approach would give the Commission more time to rule on the motion for stay before the deadline for Waconda to respond to the MSJ. Waconda asks you to require PGE to provide a response to the motion for stay by October 8, 2021, which is **11 days** before Waconda's response to PGE's MSJ is due on October 19, 2021. Under PGE's proposal, PGE's response would be due on October 20, 2021, which is **20 days** before Waconda's response to PGE's MSJ would be due under an extended November 9, 2021, deadline.

Regarding the substance of Waconda's motion, Waconda has moved to stay this case (Docket No. UM 1971) pending resolution of a petition for declaratory ruling that was filed yesterday by certain trade associations (Docket No. DR 57). Waconda asserts the petition for declaratory ruling will resolve issues in this case. PGE disagrees. PGE intends to oppose the motion for stay. PGE's position is that this case should not be stayed and that Waconda should be required to respond to PGE's pending MSJ.

PGE conferred with Waconda regarding PGE's proposal. Waconda opposes PGE proposal.

If you do not adopt the above proposal, PGE respectfully requests that you adopt a schedule that gives PGE more than three days to respond to Waconda Solar's motion. Three days is inadequate given the amount of material to be reviewed, the need for time to consult with my client and draft a brief, and the press of other business.

I am available for a conference this week to discuss if that would be useful.

Very truly yours,



Jeffrey S. Lovinger