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August 7, 2017

Via Electronic Mail

Filing Center
Public Utility Commission of Oregon
P.O. Box 1088
Salem, OR 97308-1088
puc.filingcenter@state.or.us

**Re: In the Matter of Portland General Electric's Application to Lower the
Standard Price and Standard Contract Eligibility Cap for Solar Qualifying
Facilities
OPUC Docket No. UM 1854**

Attention Filing Center:

Attached for filing in the above-captioned docket is an electronic version of *Strata Solar Development, LLC's Petition to allow its Sur-Reply and Sur-Reply to Portland General Electric Company's Motion for Interim Relief with Affidavit of John Knight*.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Ken Kaufmann". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Ken Kaufmann
Attorney for Strata Solar Development, LLC

Attach.

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Attorney for Strata Solar Development, LLC

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

**In the Matter of Portland General
Electric Company's (PGE) Application
to Lower the Standard Price and
Standard Contract Eligibility Cap for
Solar Qualifying Facilities**

CASE NO. UM 1854

**Strata Solar Development, LLC's
Petition to allow its Sur-Reply and
Sur-Reply to Portland General
Electric Company's Motion for
Interim Relief**

Strata Solar Development, LLC (Strata) petition's the Commission to allow its brief Sur-Reply on one matter pleaded in Portland General Electric Company's (PGE's) August 3 Reply: whether PGE is continuing to timely process Schedule 201 PPA applications during this proceeding. Strata respectfully suggests that there is evidence that PGE is not following the timelines in Schedule 201. Specifically, Strata disputes PGE's assertion that, per the Schedule 201 timelines, PGE will not be required to provide executable PPAs prior to the Commission ruling on its Motion for Interim Relief.

Although the rules do not authorize this Sur-Reply, the Commission has allowed such pleadings where it found the information helpful and otherwise appropriate.¹ Here, PGE asserted in its Reply that there is no evidence PGE is failing to adhere to Schedule 201

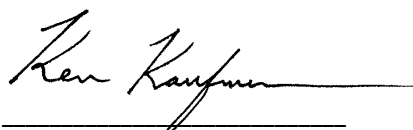
¹ See PGE's Reply in Support of Motion for Interim Relief, pp. 33-36. See, In the Matter of PORTLAND GENERAL ELECTRIC COMPANY, Docket No. UM 1234, Order No. 07-227 at 4 (June 8, 2007) (holding that the Commission has discretion to consider a reply that is not authorized by the rules where "appropriate").

and Schedule 202 timelines.² Because PGE first raised the issue of timeliness in its Reply, other parties did not have an opportunity to be heard on the issue. Strata wishes to dispute PGE's assertion and provides the attached Affidavit of its West Regional Director, John Knight, in support of its position. Under these circumstances it would be fair and appropriate to note that there is evidence that PGE has not followed the Schedule 201 timelines in processing pending Schedule 201 applications.

Conclusion

For the reasons above, Strata respectfully requests that the Commission allow this Sur-Reply and accompanying Affidavit of John Knight.

Submitted this 7th day of August 2017.

A handwritten signature in black ink, appearing to read "Ken Kaufmann", with a horizontal line underneath.

Kenneth Kaufmann OSB# 982672
Attorney for Strata Solar Development, LLC

² "There is no evidence that PGE is failing to adhere to the contracting and timing requirements in Schedules 201 and 202." PGE Reply at 35.

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Attorney for Strata Solar Development, LLC

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

Strata Solar Development, LLC

Complainant,

vs.

Portland General Electric Company

Respondent.

CASE NO. UM 1854

**Affidavit of John Knight in support
of Strata Solar Development, LLC's
Sur-Reply**

1 **Q. Did you previously submit an affidavit in this Docket on July 27, 2017 in**
2 **support of Strata Solar Development, LLC's (Strata's) Response?**

3 A. Yes.

4 **Q. What is the purpose of this affidavit?**

5 A. To rebut PGE's assertion, in its August 3 Reply, that Schedule 201 timelines do not
6 require PGE to provide executable power purchase agreements before the
7 Commission issues a decision on its motion for interim relief.

1 **Q. Please provide examples where PGE did not adhere to the Schedule 201**
2 **timelines:**

3 A: PGE does not follow Schedule 201 which, provides: "When both parties are in full
4 agreement as to all terms and conditions of the draft Standard PPA, the Company
5 will prepare and forward to the Seller a final executable version of the agreement
6 within 15 business days." Schedule 201, Sheet 201-2 (June 1, 2017). In several
7 instances, PGE has refused to send Strata a final executable PPA until after it sends a
8 final draft PPA which Strata agrees is 100% correct. By insisting on another cycle of
9 PPA drafting after the QF has agreed to all terms and conditions in the Draft PPA,
10 PGE has added at least 15 unauthorized business days to the Schedule 201 PPA
11 approval process timeline.

12 **Q. How is this relevant to PGE's August 3 Reply?**

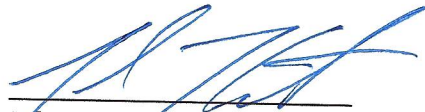
13 A: Because Strata has pending Schedule 201 PPA requests for executable PPAs where
14 PGE's tactic may be determinative. In several instances, Strata requested final
15 executable PPAs shortly after PGE filed its June 30, 2017 Motion for Interim Relief.
16 Strata contends that PGE's wrongful application of Schedule 201 rules prior to June
17 30, 2017 delayed the point where Strata and PGE reached full agreement on the
18 terms of several QF PPA requests. Nevertheless, where PGE and Strata agreed upon
19 all terms and conditions of the draft PPA in early July, PGE still has not provided a
20 final executable PPA. In fact, it has notified Strata that it does not plan to send it an
21 executable PPA prior to the Commission issuing its decision. In sum, Strata believes

1 PGE owed it final executable PPAs for multiple QF projects at the time PGE filed its
2 Reply on August 3, 2017.

3 **Q. Do you swear your testimony above is truthful to the best of your knowledge?**

4 A. Yes.

Dated this 7th day of August 2017.




John Knight
West Regional Director
Strata Solar, LLC

STATE OF UTAH)
) ss.
County of GRAND)

On this 7 day of August 2017, before me, a Notary Public in and for the State of Utah, personally appeared John Knight, known or identified to me and who subscribed said name to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal the day and year first above written.


_____, Notary Public for Utah
Residing at: 4 N Main St. Moab, VT 84532
My commission expires: 05/11/2021

