

September 11, 2019

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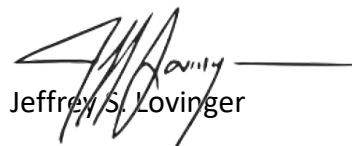
**Re: Waconda Solar, LLC v. Portland General Electric Company  
PUC Case No. UM 1971**

Attention Filing Center:

Enclosed for filing today in the above-named docket is a Joint Motion to Extend Time. **Please note that expedited consideration has been requested.**

Thank you for your assistance.

Very truly yours,

  
Jeffrey S. Lovinger

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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1971**

WACONDA SOLAR, LLC,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

**JOINT MOTION TO EXTEND  
TIME**

*Expedited Consideration Requested*

Pursuant to OAR 860-001-0420, Complainant Waconda Solar, LLC (“Waconda Solar”) and Defendant Portland General Electric Company (“PGE”) jointly move Chief Administrative Law Judge (“ALJ”) Nolan Moser for a ruling:

- (1) Extending the time for Waconda Solar to file its response to PGE’s second motion for summary judgment by 14 days (i.e., Waconda Solar’s current deadline of September 18, 2019, would change to October 2, 2019); and
- (2) Adopting an agreement of the parties to limit discovery during this period of extension, such that: (a) for any depositions noticed by Waconda Solar from September 3, 2019, through September 18, 2019, the required notice period will be extended by 14 days (i.e., the required notice period will be 24 days); and (b) for any data requests or other discovery requests advanced by Waconda Solar from September 3, 2019, through September 18, 2019, PGE’s required response date is extended by an additional 14 days.<sup>1</sup> The parties have also agreed that Waconda

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<sup>1</sup> For context, this agreement is intended to keep PGE and Waconda Solar in the same position, with respect to data requests or other discovery, as they are without a two-week extension of Waconda’s deadline to respond to PGE’s second motion for summary judgment. Given the need for time to attempt to resolve any disputes regarding the proper scope of discovery and given certain scheduling constraints, the parties have agreed that Waconda Solar will extend the date of its noticed depositions from September 16, 2019 to September 30, 2019, so long as Waconda Solar’s deadline to respond to PGE’s second motion for summary judgment is also extended by two weeks. PGE is agreeable to this approach, so long as Waconda Solar agrees not make additional discovery requests (including depositions or data requests) during the interim that would, because of the extension, become due prior to Waconda Solar’s response to the second motion for summary judgment. The parties therefore agreed that if the extension of time sought in this joint motion is granted, then PGE’s response date for data requests advanced from September 3<sup>rd</sup> through September 18<sup>th</sup> should be extended by an additional two weeks and the notice period associated with any depositions noticed from September 3<sup>rd</sup> through September 18<sup>th</sup> should also be extended by two weeks. As explained further below, PGE reserves its rights to object to discovery (including depositions) as outside the limits established by the ALJ’s September 3, 2019 ruling, or on any other applicable grounds.

Solar will extend the date of depositions noticed by Waconda Solar from September 16, 2019 to September 30, 2019.

Waconda Solar and PGE request expedited consideration of this joint motion and a ruling by September 12, 2019.

Good cause exists to issue the requested ruling. On September 3, 2019, Chief ALJ Moser issued a ruling granting Waconda Solar until September 18, 2019, to file its response to PGE's motion for summary judgment. In that order Judge Moser stated:

This will provide time for Waconda Solar to examine and develop responses, including appropriate affidavits or requests for deposition, to the claims and assertions made by PGE in its second motion for summary judgment. Discovery is not stayed, but limited in this period to requests for information associated with PGE's affidavits filed with its second motion for summary judgment.

On September 6, 2019, Waconda Solar notified PGE that it seeks document production related to previously submitted data requests, which it contends fall within the scope of the ALJ's September 3, 2019 ruling. Waconda Solar also provided notice to PGE that it intends to conduct two depositions before its September 18, 2019 deadline to respond to PGE's second motion for summary judgment.

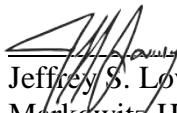
Granting the requested relief will: (1) provide time for the parties to determine if they can agree on what discovery will occur and on the limits that will apply to such discovery; (2) provide time for either party to seek a ruling from the ALJ if necessary to resolve any discovery dispute; (3) allow time for the review and production of appropriate documents (if any); and (4) accommodate pre-existing vacation schedules that would otherwise be impacted by the timing of the depositions noticed by Waconda Solar. There is good cause for expedited consideration of this motion because the current deadlines for deposition and for Waconda to respond to PGE's motion for summary judgment are next week.

Both parties reserve their rights with respect to discovery and the depositions that Waconda Solar has requested (or may request hereafter). Specifically, PGE reserves its right to object to any of the discovery requests or notices of deposition issued by Waconda Solar and reserves its right to seek a protective order regarding any discovery requests made by Waconda Solar. Similarly, Waconda solar reserves its right to seek information from PGE, consistent with the ALJ's September 3, 2019 ruling, except as limited by this joint motion.

DATED this 11th day of September, 2019.

Respectfully submitted,

PORTLAND GENERAL ELECTRIC  
COMPANY

  
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WACONDA SOLAR LLC

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