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August 4, 2021

Via Electronic Filing

Public Utility Commission of Oregon
Attn: Filing Center
PO Box 1088
Salem, OR 97308-1088


Re: UM 1971 - Waconda Solar, LLC v. Portland General Electric Company

Attention Filing Center:

Enclosed for filing today in the above-named docket is the parties' Joint Motion to Modify Procedural Schedule. **Please note that expedited consideration has been requested.**

Thank you for your assistance.

Very truly yours,


Jeffrey S. Lovinger

Attachment
1171807

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

WACONDA SOLAR, LLC,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

**JOINT MOTION TO MODIFY
PROCEDURAL SCHEDULE**

Expedited Consideration Requested

Pursuant to OAR 860-001-0420, Complainant Waconda Solar, LLC (“Waconda Solar”) and Defendant Portland General Electric Company (“PGE”) jointly move the Administrative Law Judge (“ALJ”) for a ruling modifying the procedural schedule in this matter. The parties have conferred and agree to the following procedural schedule to facilitate a return to litigation and the resolution of PGE’s pending Second Motion for Summary Judgment:

Event	Date
PGE to file modified Second Motion for Summary Judgment and modified supporting affidavits (collectively “PGE’s modified MSJ”)	September 15, 2021
Waconda Solar response to PGE’s modified MSJ	October 19, 2021
PGE reply regarding PGE’s modified MSJ	November 8, 2021
Oral argument on PGE’s modified MSJ (requested by PGE) ¹	TBD
Prehearing conference to address procedural schedule for any claims that are not resolved through summary judgment	TBD

PGE’s pending Second Motion for Summary Judgment was filed on August 20, 2019. Given the passage of time and the occurrence of a number of potentially relevant events since PGE filed its Second Motion for Summary Judgment, the parties have agreed that PGE should have an opportunity to file an “updated” or modified Second Motion for Summary Judgment and

¹ If the Commission holds oral argument. Waconda Solar takes no position on PGE’s request for oral argument.

the opportunity to file modified affidavits in support of the modified motion for summary judgment.

At present, Waconda Solar has noticed the deposition of the PGE employees who filed affidavits in support of PGE's Second Motion for Summary Judgment. The parties anticipate that Waconda Solar may decide the depositions are no longer necessary after PGE submits its modified motion for summary judgment and modified affidavits in support. As a result, the parties have agreed that Waconda Solar will inform PGE by September 21, 2021, whether Waconda Solar intends to conduct the noticed depositions of Jason Zappe and Bruce Barney. The parties further agree that, if the depositions will occur, they are scheduled to occur on October 12, 2021 (subject to PGE confirming the availability of the deponents on that date). The parties further agree that discovery conducted in advance of the completion of briefing on PGE's motion for summary judgment will be subject to the limits on discovery imposed by the ALJ's September 3, 2019, ruling in this matter. The parties agree that if PGE modifies its affidavits in support of its motion for summary judgment, then the modified affidavits should be considered to be "PGE's affidavits filed with its second motion for summary judgment" for purposes of the September 3, 2019, ruling.

Except for differences expressly stated above, it is the intent of the parties to preserve their relative positions as they existed on September 26, 2019, when the parties first requested an extension of litigation deadlines to explore settlement. Both parties reserve their right to file additional motions.² Except as limited or addressed in this motion, both parties reserve their rights with respect to discovery and the depositions that Waconda Solar has noticed.

² For example, and without limitation, Waconda Solar reserves its right to file its own motion for summary judgment or to move to file a sur-response to PGE's reply in support of PGE's motion for summary judgment. PGE reserves its right to oppose either of these motions if filed by Waconda Solar. PGE is not agreeing in advance that either type of motion would be appropriate.

Good cause exists to issue the requested ruling because it will facilitate an orderly return to litigation. The Parties request expedited consideration of this joint motion and a ruling granting the motion as soon as practicable.

DATED this 4th day of August, 2021.

Respectfully submitted,

PORTLAND GENERAL ELECTRIC
COMPANY

s/ Jeffrey S. Lovinger

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