

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**UM 1987**

In the Matter of

Portland General Electric Company,

Request to Update Schedule 201 and Standard  
Power Purchase Agreements.

NORTHWEST & INTERMOUNTAIN  
POWER PRODUCERS COALITION,  
RENEWABLE ENERGY COALITION,  
AND COMMUNITY RENEWABLE  
ENERGY ASSOCIATION’S REQUEST  
FOR CLARIFICATION OF DUE DATE OR  
IN THE ALTERNATIVE MOTION FOR  
EXTENSION OF TIME

**EXPEDITED CONSIDERATION  
REQUESTED**

**INTRODUCTION**

The Northwest & Intermountain Power Producers Coalition (“NIPPC”), the Renewable Energy Coalition (the “Coalition”), and the Community Renewable Energy Association (“CREA”) (collectively the “QF Parties”) respectfully request that the Administrative Law Judge issue a ruling that the due date to file a Response to Portland General Electric Company’s (“PGE”) Motion to Lift Stay is January 15, 2021, or in the alternative move for extension of the due date until January 15, 2021.

PGE filed the Motion to Lift Stay on December 31, 2020. If PGE’s Motion is deemed a procedural motion, the due date for responses under OAR 860-001-0420(4) would be January 7, 2021, but if PGE’s Motion is deemed a substantive motion, the due date for responses under that

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rule would be January 15, 2021. For the reasons stated herein, NIPPC, the Coalition, and CREA propose that the due date for responses should be January 15, 2021.

Given the impending deadline that might apply absent such ruling, NIPPC, the Coalition, and CREA request expedited ruling establishing the due date be issued on or before January 7, 2021.

NIPPC, REC, and CREA attempted to confer with all parties to this proceeding prior to filing this procedural motion and request for expedited relief. Staff and Evergreen Bioenergy, LLC support this Motion. PGE stated that it considers its Motion to Lift Stay to be substantive and therefore does not oppose clarification that January 15, 2021, is the due date for responses. The Alliance of Western Energy Consumers does not oppose this Motion. The remaining party to this proceeding, Oregon Citizens Utility Board, did not respond with its position by the time of filing.

### **REQUEST FOR CLARIFICATION OF DUE DATE**

NIPPC, the Coalition, and CREA request clarification that the due date to file responses to PGE's Motion to Lift Stay should be January 15, 2021. The applicable administrative rule establishes a 15-day deadline to file a response to a "substantive motion" and a seven-day deadline to file a response to a "procedural motion." OAR 860-001-0420(4). However, the rule does not define "procedural" or "substantive" motions or provide further guidance on how to distinguish such types of motions. NIPPC, the Coalition, and CREA submit that the intent of the rule is to provide parties sufficient time to respond to motions that raise substantive points as opposed to more ministerial procedural issues, and in this case PGE's Motion to Lift Stay

implicates such substantive issues that warrant application of the 15-day deadline. PGE's Motion to Lift Stay contains a number of assertions that are substantive in nature. For example, PGE's Motion asks the Commission to balance: (1) the interests of the parties, (2) efficiency, and (3) the interests of nonlitigants and the public. Those are substantive considerations. Additionally, PGE has indicated it considers its Motion to be substantive, and PGE did not confer with the other parties or state their positions on its Motion, which is required under OAR 860-001-0420(2) for procedural motions. Accordingly, the 15-day deadline for responses to substantive motions should apply.

#### **MOTION FOR EXTENSION OF TIME**

In the alternative, if the Administrative Law Judge deems PGE's Motion to Lift Stay to be a procedural motion, NIPPC, the Coalition, and CREA move for an extension of time for the deadline to file responses until January 15, 2021. As noted above, PGE's Motion to Lift Stay raises substantive considerations and will have a significant impact on the parties. The Order granting the stay in this proceeding acknowledged the significant impact on the parties by proceeding with PGE's Application to Update its Standard Power Purchase Agreement while concurrently conducting a rulemaking on the same subject in AR 631. Previously in this docket, the ALJ established a 14-day deadline for parties to file responses to NIPPC, the Coalition, and CREA's Motion to Stay this proceeding, *see ALJ Ruling* (Nov. 14, 2019), and it would be appropriate to have a similar timeframe for response to PGE's Motion to Lift the Stay, which implicates issues of similar complexity. Additionally, PGE's Motion to Lift Stay was filed on Thursday, December 31, 2020, which was New Year's Eve, and resulted in the response period

including the New Year's Day holiday, diminishing the business days available to respond to the Motion. Undersigned counsel will be unable to complete a full response to PGE's Motion to Lift Stay before January 15, 2021, and accordingly request that an extension until that date be granted.

### CONCLUSION

For the reasons stated above, NIPPC, the Coalition, CREA respectfully request a ruling that the due date for responses to PGE's Motion to Lift Stay is January 15, 2021.

Dated: January 6, 2021.

Respectfully submitted,

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