

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1971

WACONDA SOLAR, LLC,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Pursuant to ORS 756.500.

MEMORANDUM

On December 30, 2021, Waconda Solar, LLC (Waconda), filed a Notice of Intent to file a motion for summary judgment and a request for postponement of an oral argument (Notice). On January 5, 2022, PGE filed a response requesting that Waconda's proposed delay in these proceedings be denied. Waconda filed a reply on January 10, 2022.

In its Notice, Waconda states that it intends to file its own summary judgment motion, but only after a Commission order is issued in docket UM 2164.¹ Waconda declares that both proceedings have at issue the standard of review under which a utility must review an interconnection customer's Independent System Impact Study (iSIS) under OAR 860-082-0060(7)(h). Waconda notes that its eventual summary judgment motion will feature the iSIS standard of review "as one of the issues that Waconda Solar will seek summary judgment on."² In addition, Waconda requests that the Commission schedule no oral argument in this proceeding until after its summary judgment motion is filed. Waconda concludes that the requested delay "could save time and resources of all parties involved."³

In its response, PGE characterized Waconda's notice and request for postponement as a motion to stay and requests that such a stay be denied. PGE disagrees with Waconda that the legal standard for the review of an iSIS or the corresponding administrative rule are at issue in either proceeding. PGE describes the issue in docket UM 2164 as the enforcement of a fully executed interconnection agreement and a related settlement

¹ *In the Matter of ZENA SOLAR, LLC vs. PORTLAND GENERAL ELECTRIC COMPANY, Pursuant to ORS 756-500 and OAR 860-082-0085.*

² *Waconda Solar, Notice of Intent to File Motion for Summary Judgment and Request for Postponement of Oral Argument* at 1 (Dec 30, 2021).

³ *Id.* at 2.

agreement entered into between Zena Solar, LLC (Zena) and PGE. PGE notes agreement between the parties (Zena and PGE) that Zena could perform an iSIS after the parties executed the interconnection agreement, and that PGE would evaluate and address the Zena iSIS consistent with what it terms “Good Utility Practice.”⁴

In this case, PGE states that it sees the issue is its refusal to provide system information and access to allow Waconda to conduct an iSIS. PGE notes that Waconda has not conducted an iSIS and that PGE has not been called upon to evaluate any alternative findings under a Waconda iSIS.⁵ PGE concludes that it is speculative and premature to decide what standard of review would apply to any alternative findings in a future Waconda iSIS.

Waconda’s January 10, 2022 Reply reiterates its postponement request and notes its disagreement with PGE’s characterizations of the issues in both cases.

To the extent that Waconda Solar, LLC’s notice is a request for deliberate delay in these proceedings, it is denied. Such a delay at this point is based on speculation. It is uncertain at this point that any order issued in docket UM 2164 will address the iSIS standard of review in a way that will resolve any issues here. I note that Waconda is free to submit pleadings or filings allowed under commission rules and in order to protect and advance its interests.

Dated this 12th day of January, 2022, at Salem, Oregon.



Christopher J. Allwein
Administrative Law Judge

⁴ PGE’s *Response to Waconda Solar, LLC’s Notice of Intent to File Motion for Summary Judgment and Request for Postponement of Oral Argument* at 2 (Jan 5, 2022).

⁵ *Id.* at 3.