

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1971

WACONDA SOLAR, LLC,

vs.

PORTLAND GENERAL ELECTRIC
COMPANY,

Pursuant to ORS 756.500.

RULING

**DISPOSITION: WACONDA MAY FILE A REPLY TO PGE’S RESPONSE TO
WACONDA’S MOTION TO STAY**

On October 5, 2021, Waconda Solar, LLC (Waconda), filed a motion requesting to stay the deadline for its response to PGE’s second motion for summary judgment (MSJ) until three weeks after a decision has been reached in docket DR 57.¹ Docket DR 57 is a request for a declaratory ruling from this Commission, filed by a group of Interconnection Trade Associations on legal issues surrounding an interconnection customer’s right and ability to employ an independent system impact study and what information and system access must be supplied by a utility to assist with such a study.²

In its motion, Waconda states that, because the same legal issues in this docket with regard to independent system impact studies will be decided in the declaratory ruling, its response to PGE’s MSJ should be delayed until three weeks after the declaratory ruling is issued. According to Waconda, this will promote judicial economy by deciding these issues in one docket and engender greater participation by more parties interested in the decision of these legal issues. In addition, Waconda requested expedited consideration of the motion and that PGE file its response to the motion by October 8, 2021.

PGE opposes the motion to stay. In its October 6, 2021 correspondence, PGE that the expedited schedule proposed by Waconda provides inadequate time for the company to consider and respond to Waconda’s motion. PGE proposed an alternative schedule,

¹ The current deadline is October 19, 2021 (per the ALJ ruling issued August 4, 2021).

² The Interconnection Trade Associations that jointly filed the October 5, 2021 request for declaratory ruling are: Renewable Energy Coalition, Community Renewable Energy Association, and Oregon Solar plus Storage Industries Association.

whereby PGE would respond to Waconda's motion by October 20, 2021, and require Waconda's response to its MSJ to be delayed until November 9, 2021.

PGE then filed its full response to Waconda's motion on October 12, 2021. PGE reiterates its proposal to modify the procedural schedule and extend the deadline for Waconda's response to PGE's MSJ to November 9, 2021. PGE states that because it considers Waconda's motion to be procedural, it submitted its response within the timeline provided in the administrative rules for such a filing, and notes that the moving party is not permitted to file a reply to a procedural motion response without the ALJ's permission.³

Waconda filed correspondence on October 13, 2021 stating its intent to file a reply and requesting clarification on the current deadline for its response to PGE's MSJ.

RULING

I will allow Waconda to file a reply to PGE's response with a due date of October 19, 2021, by 3pm.⁴ Subsequent to that, I will consider the Waconda's motion to stay and modify the existing procedural schedule further if necessary.

Dated this 15th day of October, 2021, at Salem, Oregon.



Christopher J. Allwein
Administrative Law Judge

³ PGE response at 3.

⁴ OAR 860-001-0420(5).