

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1971

WACONDA SOLAR, LLC,

vs.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Pursuant to ORS 756.500.

RULING

**DISPOSITION: MOTION GRANTED IN PART AND DENIED IN PART**

On September 3, 2019, the Public Utility Commission of Oregon held a conference in this docket. Representatives appeared on behalf of Waconda Solar, LLC, and Portland General Electric Company.

On August 29, 2019, Waconda Solar filed a motion to hold its response to PGE's second motion for summary judgment in abeyance. On August 30, 2019 PGE filed a response in opposition. Waconda Solar claims that more time to develop a response is necessary, unlimited discovery is appropriate given PGE's second motion and the affidavits supporting it, and judicial economy will be served by extending the schedule into October to synchronize the possible filing of a motion for summary judgment made by Waconda Solar. PGE responds that discovery at this stage is not necessary, because Waconda Solar has made insufficient representation to invoke ORCP 47 F, under which the Commission may allow extended discovery or depositions for reasons stated. PGE further asserts that it is entitled to a timely ruling on its motion, regardless of the plans of Waconda Solar to file a motion for summary judgment in the future.

I grant in part, and deny in part Waconda Solar's motion to hold its response. I grant a two week extension to Waconda Solar to respond to PGE's second motion for summary judgement. 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 judgement. As contemplated by ORCP 47 F, if Waconda Solar cannot present facts necessary to justify opposition to the second motion for summary judgment without extensive discovery or deposition, Waconda Solar may make and detail such a claim as part of its response.

All other discovery and scheduling questions will be resolved following a yet-to-be scheduled prehearing scheduling conference.

Dated this 3<sup>rd</sup> day of September, 2019, at Salem, Oregon.

A handwritten signature in blue ink, appearing to read "Nolan Moser", is positioned above a horizontal line.

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Nolan Moser  
Chief Administrative Law Judge