

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2057

ST. LOUIS SOLAR, LLC,

Complainant,

vs.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

RULING

Pursuant to ORS 756.500.

DISPOSITION: MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT  
GRANTED

By ruling of October 5, 2020, I denied the motion of St. Louis Solar, LLC (SLS) to file its First Amended Complaint and directed SLS to file a Second Amended Complaint “utilizing the complaint filed with the Commission on February 3, 2020, tracking all language stricken and all language added to the complaint so as to comport with the intent of my July 15, 2020 oral ruling as expressly clarified in this ruling.”

On October 19, 2020, SLS filed a Motion for Leave to File Second Amended Complaint with the Second Amended Complaint appended, including the tracked language. On October 26, 2020, Portland General Electric Company filed comments on the complaint, asserting that some of the proposed amendments went beyond the scope of the October 5 ruling, and that the introduction and Paragraphs 367 and 377 should be stricken or the motion denied. On November 2, 2020, SLS filed a Reply in Support of Motion for Leave to File Second Amended Complaint.

SLS has proposed the following revisions to which PGE objects:

309.367. Alternatively, requiring PGE to extend the COD and fixed-price period under the PPA to reflect the delay from the date that ~~PGE represented that~~ St. Louis Solar was constructed and could have achieved commercial operations (i.e., January 23, 2019)

~~likely to achieve commercial operations~~ to when the interconnection was actually finalized (i.e., an extension of approximately 14.5 months).<sup>1</sup>

PGE asserts that these changes were not consistent with my ruling because under the original request, the start date for measuring the delay period was an unspecified date that was allegedly identified by PGE as the date SLS was likely to achieved commercial operation. In the modified request for relief, SLS has changed the start date of the delay period to the date the project was allegedly constructed and allegedly could have achieved commercial operation – January 23, 2019.<sup>2</sup> PGE argues that SLS could have asserted this claim in the original complaint but did not do so.

PGE cites the following paragraph as the impermissible assertion of a new claim for relief which violates the scope of my October 5, 2020 ruling:

377. Ordering PGE to refund St. Louis Solar for any costs for interconnection service that were wrongly incurred due to PGE’s mistakes or misdeeds.<sup>3</sup>

PGE objects to Paragraph 377 because it seeks a refund of costs for alleged mistakes or misdeeds that occurred before the filing of the original complaint on February 3, 2020, or after the filing of the answer on May 26, 2020.<sup>4</sup>

Finally, PGE objects to the revised introduction of the complaint, stating that doing so will not alter the number of factual allegations or requests for relief.

In reply, SLS states that the Second Amended Complaint is compliant with my October 5, 2020 ruling and that PGE is incorrect in its understanding of Paragraphs 367 and 377. With respect to Paragraph 376, SIS states that, in revising the paragraph for alternative relief, it changed the relief based upon several dates to a single date and reserves the right to seek alternative requests as a result of discovery.

With respect to Paragraph 377, SLS argues that the request for refunds is not “new” insofar as the original request included a claim for refunds and the ruling allowed for claims based on new facts because it is related to new information. With respect to the introduction, SLS notes that they are procedurally unnecessary and is used to provide the party’s view of the case.

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<sup>1</sup> SLS Motion for Leave to File Second Amended Complaint, Attachment A at 56.

<sup>2</sup> PGE Comments at 3.

<sup>3</sup> PGE Comments at 4.

<sup>4</sup> PGE Comments at 4.

I find good cause to grant the motion. Upon review of the record, I find that the second amended complaint substantially complies with my ruling of October 5, 2020, is closely related to the existing pleadings, and does not prejudice PGE.

**RULING**

St. Louis Solar, LLC's Motion for Leave to File Second Amended Complaint is granted.

Portland General Electric Company must file its response within 20 days from the date of the ruling, or February 24, 2021.

Dated this 4th day of February, 2021, at Salem, Oregon.



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Allan J. Arlow  
Administrative Law Judge