

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1971

In the Matter of

WACONDA SOLAR, LLC,
Complainant,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

NOTICE OF INTENT TO FILE
MOTION FOR SUMMARY
JUDGMENT AND REQUEST FOR
POSTPONEMENT OF ORAL
ARGUMENT

I. INTRODUCTION

Waconda Solar, LLC (“Waconda Solar” or “Waconda”) respectfully files this Notice of Intent to file Waconda Solar’s Motion for Summary Judgment. Waconda Solar also requests that the Oregon Public Utility Commission (the “Commission”) and Administrative Law Judge (“ALJ”) not set a schedule for oral arguments on Portland General Electric Company’s (“PGE’s”) Modified Second Motion for Summary Judgment until after Waconda Solar files its own Motion for Summary Judgment. Waconda Solar intends to file a Motion for Summary Judgment after the Commission issues its final order in Zena Solar, LLC’s (“Zena Solar”) complaint against PGE in Docket No. UM 2164 because that proceeding is also addressing the appropriate legal standard for the review of an Independent System Impact Study (“iSIS”), one of the issues that Waconda Solar will seek summary judgment on. Waconda Solar is not certain conferring is required, but Waconda Solar has conferred with PGE which opposes scheduling oral

argument after the Commission's order in Zena Solar and after Waconda Solar's Motion for Summary Judgment is fully briefed.

II. NOTICE

Waconda Solar intends to file its own Motion for Summary Judgment on a few discrete issues, and oral argument should not be scheduled until after Waconda Solar's motion has been filed. Waconda Solar is not taking a position on whether oral argument should occur and defers to the Commission regarding whether it wishes to hold oral argument.

One of the issues that Waconda Solar's Motion for Summary Judgment will address is the standard of review under which a utility must review an interconnection customer's iSIS under OAR 860-082-0060(7)(h). Waconda Solar is aware that the same issue has been raised in Zena Solar's complaint in UM 2164.¹ An order in UM 2164 is expected on March 17, 2022.² As a Commission order in UM 2164 could resolve issues in this proceeding, Waconda Solar requests the opportunity to file its Motion for Summary Judgment after a Commission order is issued in UM 2164 and oral arguments be postponed until after Waconda Solar files its Motion for Summary Judgment.

Postponing oral arguments until after resolution of the iSIS standard of review issue in UM 2164 could save time and resources of all parties involved.³ If oral

¹ *Zena Solar, LLC v. PGE*, Docket No. UM 2164, Zena Solar's Closing Brief on Legal Issues at 9-14 (Dec. 15, 2021).

² Docket No. UM 2164, ALJ Ruling at 2 (Dec. 29, 2021).

³ Waconda Solar notes that PGE does not want the Commission to address the appropriate legal standard for its review of an iSIS. *See* Docket No. UM 2164, PGE's Motion for Partial Summary Judgment at 7-10, 12-16 (July 2, 2021),

arguments are postponed and the issue is resolved in UM 2164, then the Commission would not need to hear oral arguments and decide on the issue twice, and PGE would not need to argue the issue twice and respond to Waconda Solar's Motion for Summary Judgment on the issue. Further, it would save time and resources of Waconda Solar because Waconda Solar would not need to address that issue in its Motion for Summary Judgment if the issue is resolved in UM 2164. Thus, judicial economy of all parties is served by postponing oral arguments until after resolution of the iSIS issue in UM 2164.

III. CONCLUSION

For all the reasons herein, Waconda Solar requests that the Commission postpone scheduling oral arguments until after Waconda Solar.

Dated this 30th day of December 2021.

PGE's Opening Brief at 46-54, 58-63 (Dec. 2, 2021), PGE's Closing Brief at 9-14, 19-22 (Dec. 15, 2021). In both Waconda Solar and Zena Solar, PGE is making efforts to prevent interconnection customers from knowing their legal rights when they conduct an iSIS. If the Commission does not resolve the appropriate legal standard for an iSIS in Zena Solar, then Waconda Solar's Motion for Summary Judgment will present that issue for the Commission's resolution in this proceeding.

Respectfully submitted,

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