

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1875, UM 1876

In the Matters of

KLONDIKE SOLAR LLC (UM 1875); AND
SADDLE BUTTE SOLAR LLC (UM 1876),

Complainants,

v.

PORTLAND GENERAL ELECTRIC
COMPANY,

Defendant.

ORDER

DISPOSITION: DISMISSAL OF COMPLAINTS ACKNOWLEDGED; DOCKETS CLOSED

I. SUMMARY

Pursuant to Section 54 A(1) of the Oregon Rules of Civil Procedure (ORCP), in this order we acknowledge the dismissal without prejudice of the complaints filed by Klondike Solar LLC (Klondike) and Saddle Butte Solar LLC (Saddle Butte) against defendant Portland General Electric Company (PGE) as to all claims and close the dockets.

II. BACKGROUND AND PROCEDURAL HISTORY

On August 7, 2017, Klondike and Saddle Butte each filed a complaint against PGE pursuant to ORS 756.500 and OAR 860-001-0170 regarding an alleged failure by PGE to agree to purchase the net output from the complainants' qualifying facilities under the Public Utility Regulatory Policies Act of 1978, and ORS 75.505 et. seq. Pursuant to an agreement among the parties, PGE filed answers to the complaints on September 26, 2017.

A prehearing conference was held on January 24, 2018, where the parties asked that the proceedings be temporarily held in abeyance. By subsequent request of the parties, the proceedings continued to be suspended. The current suspension granted on May 20, 2019, was due to expire on August 20, 2019.

On June 5, 2019, Klondike and Saddle Butte each filed a voluntary notice of dismissal without prejudice as to all claims against defendant PGE and asked that their respective dockets be closed. No objection to either notice was interposed by PGE.

III. DISCUSSION

A. Applicable Law

We have adopted the ORCP to govern the conduct of our proceedings unless inconsistent with a Commission rule, order, or ruling. OAR 860-001-0000, which describes the applicability and purpose of our procedural rules, provides as follows:

- (1) These rules govern practice and procedure before the Public Utility Commission of Oregon (Commission). The Commission will liberally construe these rules to ensure just, speedy, and inexpensive resolution of the issues presented. The Oregon Rules of Civil Procedure (ORCP) also apply in contested case and declaratory ruling proceedings unless inconsistent with these rules, a Commission order, or an Administrative Law Judge (ALJ) ruling.
- (2) For limited purposes in specific proceedings, the Commission or ALJ may modify or waive any of the rules in this division for good cause shown. A request for exemption must be made in writing, unless otherwise allowed by the Commission or ALJ.

ORCP 54 governs dismissals and reads in part as follows:

A(1) **By plaintiff; by stipulation.** Subject to the provisions of Rule 32 D and of any statute of this state, a plaintiff may dismiss an action in its entirety or as to one or more defendants without order of court by filing a notice of dismissal with the court and serving the notice on all other parties not in default not less than 5 days prior to the day of trial if no counterclaim has been pleaded, or by filing a stipulation of dismissal signed by all adverse parties who have appeared in the action.

B. Commission Resolution

Complainants have permissibly withdrawn their complaints against PGE without prejudice and we acknowledge these withdrawals.¹

¹ See, e.g., *In the Matter of the Complaint of Bottlenose Solar LLC Against Portland General Electric Company et al*, Docket Nos. UM 1877-1882, 1884-1886 and 1888-1890, Order No. 19-001(January 2, 2019) and cases cited therein.

IV. ORDER

IT IS ORDERED that:

1. The complaints filed by Klondike Solar LLC and Saddle Butte Solar, LLC against Portland General Electric Company have been withdrawn without prejudice.
2. Dockets UM 1875 and UM 1876 are closed.

Made, entered and effective on Jun 18 2019.



Megan W. Decker
Chair



Stephen M. Bloom
Commissioner



Letha Tawney
Commissioner

