

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1829, UM 1830, UM 1831, UM 1832, UM 1833  
PHASE II

BLUE MARMOT V LLC (UM 1829),  
BLUE MARMOT VI LLC (UM 1830),  
BLUE MARMOT VII LLC (UM 1831),  
BLUE MARMOT VIII LLC (UM 1832),  
BLUE MARMOT IX LLC (UM 1833),

Complainants,

vs.

PORTLAND GENERAL ELECTRIC  
COMPANY,

Defendant.

ORDER

Pursuant to ORS 756.500.

**DISPOSITION: PARTIES' JOINT STIPULATED MOTION TO DISMISS WITH  
PREJUDICE GRANTED; DOCKETS CLOSED**

The complainants are five 10 MW qualifying facility solar projects that began the standard contract negotiation process with Portland General Electric Company in 2016. A dispute between Blue Marmot V-IX LLCs (Blue Marmots) and PGE arose over the issue of whether PGE had behaved reasonably in refusing to execute power purchase agreements (PPAs) proffered by Blue Marmots.

By Order No. 19-322, entered September 30, 2019, the Commission granted in part and denied in part, Blue Marmots' claims for relief. At page 20 of the order, the Commission stated "that there is insufficient evidence on the record to demonstrate that achievement of the Blue Marmots' stated CODs<sup>1</sup> is not possible due to litigation, and accordingly we decline to order an extension. The Blue Marmots may assert such a claim following this order, and PGE will be entitled, as it requests in its reply brief, to a full evidentiary proceeding with discovery as we consider this question."

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<sup>1</sup> Commercial Operation Dates.

The second phase of these proceedings (Phase II) was opened and a procedural schedule was adopted in the prehearing conference memorandum of December 20, 2019.

On June 24, 2020, PGE and the Blue Marmots jointly moved to dismiss with prejudice all claims raised in Phase II of this docket. The joint motion notes that the parties have reached settlement as to the appropriate CODs for the projects.

Consistent with Order No. 19-032, the Chief Administrative Law Judge has been delegated the authority to issue orders closing a docket where, prior to an evidentiary hearing, the parties to a complaint have reached a settlement and request the docket to be closed. Exercising that authority, I find good cause to grant the joint motion, dismiss with prejudice the subject claims, and close this docket.

### **I. ORDER**

IT IS ORDERED that:

1. The joint stipulated motion to dismiss filed by Blue Marmot V LLC, Blue Marmot VI LLC, Blue Marmot VII LLC, Blue Marmot VIII LLC, Blue Marmot IX LLC, and Portland General Electric Company is granted.
2. The complaints filed by Blue Marmot V LLC, Blue Marmot VI LLC, Blue Marmot VII LLC, Blue Marmot VIII, LLC, and Blue Marmot IX LLC against Portland General Electric Company are dismissed with prejudice.
3. Dockets UM 1829, UM 1830, UM 1831, UM 1832, and UM 1833 are closed.

Made, entered and effective on Jul 2, 2020.



A handwritten signature in blue ink, appearing to read "Nolan Moser".

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**Nolan Moser**  
Chief Administrative Law Judge