

From: [GRANT Michael](#)
To: "[Apperson, Erin](#)"; [Irion Sanger](#); [KIRKPATRICK Traci](#)
Cc: [Till, Dustin](#); [Sidney Villanueva](#); [MENZA Candice](#)
Subject: RE: UM 1610 Discovery Dispute Conference Request Per OAR 860-001-0500(6)
Date: Wednesday, September 14, 2016 10:23:53 AM

I have consulted Judge Kirkpatrick on this matter. She plans on convening the conference tomorrow as scheduled.

If REC files a formal motion to compel today, at the conference Judge Kirkpatrick will defer to PacifiCorp on whether to proceed with the informal conference, or whether to forgo the conference and allow PacifiCorp the opportunity to file a written response.

Michael Grant

Chief Administrative Law Judge
Public Utility Commission of Oregon
(503) 378-6102

From: Apperson, Erin [mailto:Erin.Apperson@pacificcorp.com]
Sent: Tuesday, September 13, 2016 4:51 PM
To: Irion Sanger; KIRKPATRICK Traci; GRANT Michael
Cc: Till, Dustin; Sidney Villanueva
Subject: RE: UM 1610 Discovery Dispute Conference Request Per OAR 860-001-0500(6)

Copying Chief Grant to this communication regarding the discovery dispute in UM 1610 because I spoke to him this morning about scheduling this conference. Please see below for PacifiCorp's concerns regarding REC's assertion that it intends to file a motion to compel tomorrow in advance of the scheduled discovery conference. I believe I may have included the incorrect email for Chief Grant in the prior chain.

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From: Apperson, Erin
Sent: Tuesday, September 13, 2016 4:19 PM
To: 'Irion Sanger'; traci.kirkpatrick@state.or.us; 'michael.w.grant@doj.state.or.us'
Cc: Till, Dustin; Sidney Villanueva
Subject: RE: UM 1610 Discovery Dispute Conference Request Per OAR 860-001-0500(6)

ALJ Kirkpatrick,

PacifiCorp thanks the Commission for responding to its request and scheduling a telephone conference to resolve this discovery dispute with REC. PacifiCorp believes that this discovery dispute can be resolved through the conference as permitted by OAR 860-001-0500(6). REC's assertion that it intends to file a motion to compel, even in light of the scheduled conference, defeats the purpose of this dispute resolution process. PacifiCorp would be unfairly disadvantaged if REC files its motion just one day before the conference and PacifiCorp would either be forced to respond to REC's motion in just 24 hours, which is not practicable, or would need to subsequently file its response, which would undermine the purpose of holding the conference.

The only issue remaining in this proceeding is how to calculate and assign third-party transmission costs attributable to a QF in Oregon. This discovery dispute centers around what information is relevant to the resolution of this limited issue.

PacifiCorp would like to participate in this conference to resolve this dispute. In the event that the conference on Thursday does not provide a resolution as REC suggests, REC could then file a motion to compel. PacifiCorp believes that this would be the most efficient approach to resolving this discovery dispute.

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From: Irion Sanger [<mailto:irion@sanger-law.com>]
Sent: Tuesday, September 13, 2016 3:05 PM
To: Apperson, Erin; traci.kirkpatrick@state.or.us
Cc: Till, Dustin; Sidney Villanueva
Subject: [INTERNET] Re: UM 1610 Discovery Dispute Conference Request Per OAR 860-001-0500(6)

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ALJ Kirkpatrick

REC welcomes your assistance to resolve the discovery dispute. In order to provide you with additional information to understand the nature of the dispute and in case the conference does not resolve the issues, REC intends to file our motion to compel tomorrow morning.

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From: "Apperson, Erin" <Erin.Apperson@pacificorp.com>
Date: Monday, September 12, 2016 at 1:38 PM
To: "traci.kirkpatrick@state.or.us" <traci.kirkpatrick@state.or.us>
Cc: Dustin Till <Dustin.Till@pacificorp.com>, Irion Sanger <irion@sanger-law.com>
Subject: UM 1610 Discovery Dispute Conference Request Per OAR 860-001-0500(6)

ALJ Kirkpatrick,

I am reaching out regarding a discovery dispute in UM 1610 arising from data requests that

PacifiCorp has received from the Renewable Energy Coalition (REC) in this proceeding. PacifiCorp and REC attempted to resolve this dispute informally telephonically on Friday, September 2, and PacifiCorp is now requesting a conference to facilitate the resolution of this dispute as permitted by OAR 860-001-0500(6). On September 9, PacifiCorp informed REC that it intended to request this conference. PacifiCorp understands that REC would like to file a motion to compel, but PacifiCorp believes this dispute can be resolved through a conference and PacifiCorp is available for such a conference tomorrow or later this week.

The dispute involves REC's 11th and 12th data request sets (specifically, 11.1, 11.2, 11.3, 11.7, 11.8, 11.9, 11.12, 12.2, 12.3, and 12.4).

PacifiCorp looks forward to your response regarding this request.

Thank you,

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