

BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON

UM 1734

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF OREGON,)	
)	PETITION TO INTERVENE OF
Application to Reduce the Qualifying)	GARDNER CAPITAL SOLAR
Facility Contract Term and Lower the)	DEVELOPMENT, LLC
Qualifying Facility Standard Contract)	
Eligibility Cap.)	

Gardner Capital Solar Development, LLC (“Gardner Solar”) hereby petitions the Public Utility Commission of Oregon (“Commission”), pursuant to ORS § 756.525 and OAR 860-001-0300, to intervene in the above captioned proceeding and to appear and participate as a party. In support of its petition, Gardner Solar states the following:

1. The name and address of the Intervenor is:

Gardner Capital Solar Development, LLC
c/o Joseph Benga
1414 East Primrose, Suite 100
Springfield, Missouri 65804
(415) 760-3193
jbenga@gardnercapital.com

2. Gardner Solar will be represented in this docket by:

Ms. Shao-Ying Mautner
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3. Copies of all pleadings, production requests, production responses, Commission orders and other documents in this proceeding should be provided to the following:

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4. Gardner Solar has a direct and substantial interest in this proceeding and its interests cannot be represented by any other party. Gardner Solar is the owner and developer of a number of qualifying facility (“QF”) solar projects in Oregon and as such it will be impacted by the Commission’s decision with respect to the obligations of PacifiCorp (d/b/a Pacific Power) to execute power purchase agreements with QFs pursuant to the Public Utility Regulatory Policies Act (PURPA). Gardner Solar has been actively involved in Commission dockets UM 1610 and UM 1725 and filed a complaint against Idaho Power Company in docket UM 1733.¹ The issues involved in this proceeding generally parallel those in Commission dockets UM 1610, UM 1725 and UM 1733; therefore, any decisions made and precedent established in this proceeding will directly affect Gardner Solar.

5. Gardner Solar’s intervention will not prejudice any party and it accepts the record, procedural schedule and scope of this proceeding as it stands.

¹ See Protest and Opposition of Gardner Solar filed May 13, 2015 in UM 1725; Gardner Solar’s Response to Idaho Power’s Motion to Stay filed June 2, 2015 in UM 1725; Opening Testimony of Joe Benga on behalf of Gardner Solar filed May 22, 2015 in UM 1610, Phase II; Response Testimony of Joe Benga on behalf of Gardner Solar filed July 24, 2015 in UM 1610, Phase II; Complaint of Gardner Solar and Request for Expedited Treatment against Idaho Power filed May 18, 2015 in UM 1733.

6. For all of the above reasons, it is in the public interest to grant Gardner Solar’s Petition to Intervene.

WHEREFORE, Gardner Solar respectfully request that the Commission grant its Petition to Intervene with full party status in this proceeding.

Dated this 29th day of July, 2015.

FOLEY & LARDNER LLP

By /s/ Thomas McCann Mullooly
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