

ISSUED: December 18, 2009

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1452

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Investigation into Pilot Programs to
demonstrate the use and effectiveness of
Volumetric Incentive Rates for Solar
Photovoltaic Energy Systems.

RULING

DISPOSITION: STAFF MOTION GRANTED; RNP MOTION DISMISSED

By motion dated December 17, 2009, the Staff of the Public Utility Commission of Oregon (Staff) requests that the date for filing Opening Comments in this docket be postponed “indefinitely,” while the parties discuss jurisdictional issues.

In support of its motion, Staff refers to an apparent conflict between the provisions of the enabling statute (House Bill 3039) and the Federal Power Act, which confers exclusive jurisdiction on the Federal Energy Regulatory Commission (FERC) to set wholesale electric prices.

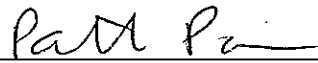
Staff had presented a “Straw Proposal” in this docket that was to be the subject of the Opening Comments. Whether the terms of that proposal fit within the jurisdictional construct is an issue that merits further consideration. Accordingly, Staff states that it will “inform the parties of the reasoning underlying its concerns regarding jurisdictional limitations and [to] describe potential regulatory routes to avoid FERC preemption.” Staff intends to provide this information by close of business on December 21, 2009.

Staff has shown good cause to have the date for filing Opening Comments postponed. Staff’s motion is GRANTED.

Also on December 17, 2009, Renewable Northwest Project (RNP) filed a motion for an extension of time for parties to file Opening Comments. RNP asked that time for filing be extended to December 22, 2009.

In light of my ruling on Staff's motion, RNP's motion is moot and is DISMISSED.

Dated at Salem, Oregon, this 18th day of December, 2009.



Patrick Power
Administrative Law Judge