

WALKER Cheryl

From: GRANT Michael
Sent: Wednesday, July 06, 2011 8:54 AM
To: 'Jeff Lovinger'; WALKER Cheryl
Cc: PacifiCorp Oregon Dockets; r Allan@bjllp.com; Jordan White; Ken Kaufmann
Subject: RE: UM 1546 THREEMILE CANYON WIND I LLC VS PACIFICORP DBA PACIFIC POWER

Mr. Lovinger is correct – PacifiCorp’s answer is due within 20 days of service. No formal motion is necessary.

Cheryl, please docket this e-mail as clarifying the date for answer.

Michael Grant

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

From: Jeff Lovinger [<mailto:lovinger@klaw.com>]
Sent: Wednesday, July 06, 2011 8:03 AM
To: WALKER Cheryl
Cc: PacifiCorp Oregon Dockets; r Allan@bjllp.com; Jordan White; GRANT Michael; Ken Kaufmann
Subject: Re: UM 1546 THREEMILE CANYON WIND I LLC VS PACIFICORP DBA PACIFIC POWER
Importance: High

Ms. Walker:

Thank you for notice of UM 1546. Your letter indicates that PacifiCorp's answer is due July 15, 2011, per OAR 860-001-0400(4)(d). However, I believe the 10-day deadline to answer established by OAR 860-001-0400(4)(d) is inapplicable. The 10-day deadline applies to complaints under OAR 860-029-0100. Threemile's complaint is not made under OAR 860-029-0100 because the capacity of Threemile's facility is less than 10 MW. See Judge Grant's September 8, 2009 ruling in UM 1438 holding that OAR 860-029-0100 does not apply when a complaint is filed by a QF with capacity below 10 MW and applying the 20-day deadline for filing an answer to a complaint by a small QF (copy attached).

Per Judge Grant's September 8, 2009 ruling in UM 1438, the applicable deadline for filing an answer appears to be 20 days. Threemile filed its complaint with the Commission per ORS 756.500 on July 1, 2011. The Commission served PacifiCorp with the complaint per ORS 756.512(1) on July 5, 2011. Applying a 20-day deadline, it appears the answer should be due July 25, 2011.

I would be happy to discuss or file a formal motion if necessary.

Respectfully,

Jeff Lovinger
Of Attorneys for PacifiCorp