

----- Forwarded Message -----

From: MOSER Nolan <nolan.moser@state.or.us>

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Cc: DAVIS Diane <diane.davis@state.or.us>

Sent: Tuesday, February 25, 2020, 12:12:29 PM PST

Subject: RE: AR 629 DISPUTE RESOLUTION FOR PURPA CONTRACTS - DRAFT PUBLIC MEETING MEMO ATTACHED

Hello everyone –

In the interests of full disclosure – I had an unanticipated conversation with QF representatives today at a break in the public meeting about the scope of this docket, and want to share what I shared in that conversation with everyone.

One thing I want to make clear – to all stakeholders – the ADR process is intended to provide an opportunity for all participants to reduce costs and prevent unnecessary complaints. The goal of an individual ADR process is consensus on a common solution to a conflict. Trust in the ADR process on the part of all participants is essential to achieve that goal.

Accordingly, though we may put difficult decisions before the Commission in this docket, I do not anticipate recommending ADR process rules that we cannot get broad consensus around. ADR is unlikely to be successful unless there is general agreement among litigants on the process and its fairness.

Accordingly, I'm endeavoring to bring parties together around a common recommendation in this docket, and don't plan to propose rules to the Commission that are fundamentally opposed

by one constituency or another. I appreciate your efforts to propose solutions and compromises as part of this docket to allow us as a group to have a set of rules that ultimately everyone can support, even with some reservations.

Thank you for your consideration.

If you have any questions – please feel free to contact me.

Nolan

From: MOSER Nolan

Sent: Friday, February 21, 2020 4:33 PM

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Cc: DAVIS Diane <ddavis@puc.state.or.us>

Subject: AR 629 DISPUTE RESOLUTION FOR PURPA CONTRACTS - DRAFT PUBLIC MEETING MEMO ATTACHED

Good afternoon everyone,

Attached is a draft scoping memo. Please submit any suggested comments or changes by COB next Friday, February 28, 2020. I plan to post a final memo on March 3rd, and plan to hold to the schedule we sent out a few weeks ago, outlined below. Please let me know if you have any questions.

| Date | Event |
|-----------|--|
| 2/28/2020 | Draft scoping memo comments requested |
| 3/3/2020 | Public Meeting Memo Posted |
| 3/10/2020 | Public Meeting on Scope of Complaint Rule Changes |
| 3/24/2020 | Draft rules circulated |
| 3/31/2020 | Redlines to draft rules requested |
| 4/9/2020 | Workshop |
| 5/5/2020 | Rules put before Commission at public meeting to open formal phase |

Thank you,

NM

From: MOSER Nolan

Sent: Thursday, February 13, 2020 5:23 PM

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Cc: DAVIS Diane <ddavis@puc.state.or.us>

Subject: RE: AR 629 DISPUTE RESOLUTION FOR PURPA CONTRACTS - DRAFT ADR PROCESS RULES ATTACHED

Good afternoon everyone,

Attached are draft ADR rules, in word form to facilitate easier redlines.

There are some policy judgements made in this draft; please know that no portion of this draft represents a firm, final recommendation on our behalf – and we remain willing to review and discuss all components.

The next step in our schedule is a draft memo to the Commissioners reviewing the scoping options for this docket. This memo will be previewed to you all for comment prior to filing in the docket. I will send it out on February 20th.

Please let me know if you have any questions, and thanks.

NM

From: MOSER Nolan

Sent: Monday, February 10, 2020 9:13 AM

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Cc: DAVIS Diane <ddavis@puc.state.or.us>

Subject: AR 629 DISPUTE RESOLUTION FOR PURPA CONTRACTS - REVISED SCHEDULE

Good morning AR 629 stakeholders,

I'm writing you to follow up on the workshop we held at the end of last month in this docket.

At that workshop, participants provided valuable feedback on our draft rule concepts, and we discussed the idea of doing broader reform on PURPA related complaints. There was consensus that though there are many issues to work out, a rulemaking addressing a broader reform of complaint elements would be a worthwhile effort. We discussed taking this concept to the Commission for review, to get guidance on scope.

Accordingly, I'm revising our schedule for the remainder of this rulemaking. We've had some discussion of the universe of reforms we could make to the Complaint process to streamline that, so I do feel comfortable with producing a summary memo for the Commission, so that this may get on an upcoming public meeting agenda. Of course, like any other public meeting agenda item – you'll have the opportunity to comment on my memo, and will have the opportunity to comment directly to the Commissioners at the public meeting. With these issues in mind I'd like to propose the following revised schedule for this docket –

| Date | Event |
|-------------|--|
| 2/13/2020 | Draft rules (ADR process only) circulated |
| 2/20/2020 | Draft scoping memo circulated |
| 2/28/2020 | Draft scoping memo comments requested |
| 3/3/2020 | Public Meeting Memo Posted |
| 3/10/2020 | Public Meeting on Scope of Complaint Rule Changes |
| 3/24/2020 | Draft rules circulated |
| 3/31/2020 | Redlines to draft rules requested |
| 4/9/2020 | Workshop |
| 5/5/2020 | Rules put before Commission at public meeting to open formal phase |

Please let me know if you have any questions or issues associated with this schedule. I will be sending out draft rules on the ADR process this week, but don't expect any comment or action on that draft until after we get guidance from the Commission on the scope of the broader rulemaking.

Thank you,

Nolan Moser | Chief Administrative Law Judge

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