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July 21, 2004

Honorable Kathryn Logan  
Administrative Law Judge  
Public Utility Commission of Oregon  
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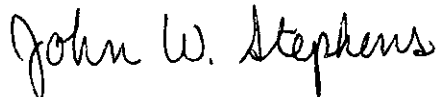
Re: In the Matter of Oregon Electric Utility Company, LLC et al., Application for  
Authorization to Acquire Portland General Electric Company, UM 1121

Dear Judge Logan:

Enclosed please find an original and five copies of the Testimony of Ann English  
Gravatt, Senior Policy Associate, Renewable Northwest Project.

Thank you.

Yours truly,



John W. Stephens

JWS/mec  
cc: Service List  
Client  
Enclosures

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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1121**

In the Matter of )  
)  
OREGON ELECTRIC UTILITY )  
COMPANY, LLC, *et al.*, )  
)  
Application for Authorization to Acquire )  
Portland General Electric Company )

Testimony of Ann English Gravatt  
Senior Policy Associate  
Renewable Northwest Project

July 21, 2004

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Of Attorneys for Renewable Northwest Project

My name is Ann English Gravatt. I am the Senior Policy Associate at the Renewable Northwest Project (“RNP”). My qualifications are attached as Exhibit 1.

I. Introduction

RNP believes the Oregon Electric Utility Company and its member companies (“Oregon Electric” or “Applicant”) must make a substantial commitment to increase the amount of renewable resources in PGE’s portfolio and to address issues affecting their development in the region before the Commission can find that Oregon Electric’s ownership would “serve the public utility’s customers in the public interest.” ORS 757.511. An approval conditioned on a commitment by Oregon Electric to acquire new renewable resources to meet at least 10% of its annual energy needs, on the other hand, would provide support, in combination with other benefits found to exist, for the Commission to conclude the merger provides a net benefit to PGE customers.

The Renewable Northwest Project is a regional non-profit organization that promotes wind, solar and geothermal resources in the four Northwestern states. Our members are a unique combination of environmental and consumer organizations, as well as business and manufacturers that develop renewable energy equipment and projects. RNP is a party to this proceeding because the application of Oregon Electric Utility Company to acquire Portland General Electric (PGE) raises issues of fundamental importance to RNP.

II. The Benefits of Renewable Resources

Since 1994, RNP has worked in the region to educate utilities and other stakeholders about the benefits of renewable energy. Currently, every major investor owned utility in the Northwest and many public utilities are planning to acquire wind power to serve their customers. We believe this fact is the best indication that utilities are recognizing the positive benefits that renewable energy can bring to a portfolio of resources.

Renewable resources provide resource diversity, reducing the risks associated with an over-reliance on any single source of electricity. PGE's current supply mix is comprised of approximately one-half fossil fuel resources and one-half hydropower resources. Other resources, such as wind power, supply only 1% of PGE's load. Most renewable energy resources have no fuel costs and are not subject to price swings of fossil fuels. As a consequence, renewable resources help to stabilize electric rates over the long term. Given the increasing frequency of dry or low water years,<sup>1</sup> the record high price of natural gas,<sup>2</sup> and the increasing likelihood of regulation of environmental emissions,<sup>3</sup> a diverse portfolio is essential for any prudent utility.

Another benefit of wind power, in particular is its short "lead time" between construction and operation. A wind project can be built and operational within 6-7 months. From a resource planning perspective, this reduces the risk of making acquisition decisions that result in over or under building generation.

Renewables also offer significant environmental benefits. Increased reliance on renewable resources can help reduce global greenhouse gases and other toxic emissions, such as sulfur dioxide, nitrogen oxides, carbon monoxide, particulate matter and volatile organic compounds associated with the burning of fossil fuels. In addition, most renewable resources do not create any environmental waste nor do they rely on the region's increasingly limited water supply.

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<sup>1</sup> If the water supply forecast for the remainder of 2004 proves to be true, the Columbia Basin will experience a fifth straight year of below average water (based on the 61 year average of 133.7 maf). It would be the first time a stretch of 5 consecutive below average water years has occurred in over 75 years, according to BPA.

<sup>2</sup> From January to June 2004, natural gas prices increased by \$1.145/MMBtu based on the NYMEX natural Gas Futures Calendar year 2005 Price Strips. In January 2004, the forward 2005 price was approximately \$5/MMBtu and by June 2004, the price increased to \$6.15/MMBtu. In the past 18 months, the cost of natural gas has increased by over 50%.

<sup>3</sup> 43 Senators voted to pass the McCain-Liebman bill regulating CO2 emissions in October 2003. While the bill was defeated in 2003, it is a clear indication that support is growing for the U.S. to further regulate fossil fuel emissions.

Fossil fuel resources, on the other hand, have significant health and environmental impacts. According to the US EPA, air emissions from burning fossil fuels to generate electricity account for 69% of all sulfur dioxides, 40% of all carbon dioxide,<sup>4</sup> 33% of all mercury,<sup>5</sup> 22% of all nitrogen oxides, and 8 % of all particulate matter 2.5 and 3% of all particulate matter 10.<sup>6</sup> Fossil fuels are major sources of acid rain, pollution-caused illnesses, habitat destruction, smog and greenhouse gases. For these reasons, RNP believes it is essential for regional utilities to increase the amount of new renewable energy resources in their portfolios.

### III. Applicant's Proposal for Renewable Resources

The March 8 application states that Oregon Electric would “enhance” or “improve” PGE’s performance in the areas of renewable resources, energy efficiency and environmental protection. Application, pg. 21, lines 21-22. Oregon Electric later stated that “[e]nhancing and improving PGE’s performance in the areas of renewable resources, energy efficiency and environmental protection is one of Oregon Electric’s primary goals.” Applicant Response to Request OEUC 92. In the same response, Oregon Electric stated that “specific measures” had not been targeted and that specific actions to achieve the goal would only be appropriate after a new Board was selected.

Oregon Electric’s May 27, testimony does, however, provide specific relevant information about renewable resources. First, as part of its planned Review Process Plan, Oregon Electric states that long-term resource planning will be a focus of the new Board. Davis Supplemental Testimony, Exhibit 22, at 6. They will also work to “heighten awareness of

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<sup>4</sup><http://yosemite.epa.gov/OAR/globalwarming.nsf/content/ResourceCenterPublicationsGHGEmissionsUSEmissionsInventory2004.html>

<sup>5</sup><http://www.epa.gov/oar/mercury.html>

<sup>6</sup>Emission data for nitrogen oxides, sulfur dioxide and particulate matter are from the following website:  
<http://www.epa.gov/ttn/chieftrends/index.html>

opportunities that aid sustainability, greater use of renewable generation resources, energy efficiency, and environmental sensitivity.” Id.

Oregon Electric goes on to state that it supports PGE’s plans to acquire “long-term wind power” as part of PGE’s current IRP. Oregon Electric agrees to “appoint a manager with appropriate authority and responsibility” to work with environmental advocacy groups, as well as providing “periodic access to the PGE board” for these groups. Davis Supplemental at 11-12.

The Applicant also includes a specific target for renewable resources in its May 27 supplement. They state: “Oregon Electric is willing to commit to have PGE vigorously pursue a target of 10% of 1:2 peak capacity for load, whether contracted for or owned, from renewable resources by 2012, provided it can be accomplished economically.” Davis Supplemental at 12.

Finally, the Applicant notes that transmission access is an obstacle to the development of new renewable resources in the region and they commit that “PGE will work with stakeholders toward resolving the transmission, system integration, and other issues posed by wind and other renewable generation.” Davis Supplemental at 12.

#### IV. Response to Applicant’s Proposal for Renewable Resources

RNP appreciates Oregon Electric’s efforts over the past few months to become educated about renewable energy generation. We believe the commitments made in Kelvin Davis’ Supplemental Testimony reflect a growing understanding of the benefits of renewable resources as well as of the issues affecting further renewable development in Oregon and the Northwest. We address below each of the issues raised by the May testimony.

##### **A. Designated Manager**

RNP supports the commitment by the Applicant to appoint a PGE manager to work with clean energy and environmental advocacy groups. The key issue of designated staff, however, is that the manager is charged with sufficient authority to follow-through on the company’s plans to

acquire renewable resources. Designating a renewables “go to” person is important, but that person must have clear authority within the company to implement these commitments.

**B. Renewables Target**

We commend Oregon Electric for including a commitment to pursue a target for new renewable generation, as well as for recognizing the value of portfolio diversity and reducing reliance on fossil fuels. But we believe this commitment is vague and too modest to represent a real benefit to customers.

First, the term “1:2 peak capacity for load” is not a term of art with which we are familiar. We are interpreting this provision to mean that PGE would pursue acquiring new renewable resources to meet 10% of their January peak load by 2012. According to the Final Action of the 2002 IRP, PGE’s January peak load would be approximately 4,500 MW. See PGE Final Action Plan, 2002 IRP, page 30. It would appear, therefore, that the Applicant would commit PGE to pursue approximately 450 MW of new renewable resources over the next 8 years.

PGE currently has about 25 MW of wind power capacity (or 7aMW) in their portfolio from the Vanscyle wind project. The 2002 IRP final action plan states that they intend to acquire 65aMW (approximately 195 MW capacity) of wind power by 2007. In theory, therefore, PGE will have around 220 MW of wind power in their portfolio within the next three years. Oregon Electric’s plans to include 450 MW by 2012 would require an additional 230 MWs to be added between 2007-2012, a span of five years. We believe this is an overly modest goal. We note, too, that it is only a goal. The Applicant only states that they will commit to having PGE “vigorously pursue” the target.

RNP believes Oregon Electric should commit, instead, to acquire renewable energy to supply 10% of PGE’s total energy load within ten years. PGE projects that their total energy

load in 2014 would be approximately 2900 aMW. See PGE Final Action Plan, 2002 IRP, page 30. Ten percent would, therefore be around 290 aMW (870 MW capacity, if wind power).

Again, if PGE follows through on its 2002 IRP Action Plan, they will have 220 MW of wind power within the next 3 years. That would leave an additional 650 MW approximately to be acquired over the next seven years. The pace of acquisition for the additional 650 MW would be sustained and orderly over that period, providing the company a chance to build experience with wind and other renewable resources. PGE's current plans to acquire wind, and the help of the Energy Trust over this period make this goal reasonable and achievable.

These calculations assume wind power is used to meet the 10% target because it is the most cost-effective renewable resource available today. Over the next ten years, however, the price of other renewables, such as geothermal, biomass and solar will continue to decline. We would hope the Applicant would pursue a variety of renewable resources to meet any target.

While RNP works in all four Northwestern states, we are based in Portland and many of our members have offices in Portland as well. Like many Portlanders, we live here for a reason: quality of life and a history of visionary leadership in the region. PGE's purchase from the Vansycle Ridge wind project in 1998 made them an early leader in the region. RNP believes it's time for PGE to stand out again with a strong commitment to renewable resources. A plan to meet 10% of energy supply with renewable resources is achievable and would represent a real benefit to PGE's customers in terms of rate stability, resource diversity and environmental benefits.

### **C. Availability of Resources**

RNP understands there is skepticism about this level of acquisition of wind or other renewables. There is concern that this amount of renewable energy may not be realistically



available. In reality, however, wind is an abundant resource in the Pacific Northwest and the achievable potential far exceeds 290 aMW.

There are currently 680 MW of wind resources operating and serving customers in the Northwest. Over 650 MW have been approved for construction in Oregon, Washington, Idaho and Montana. There are an additional 3,000 MW proposed or in the permitting process throughout the Northwest.

In addition, the Tellus Institute issued a report *Clean Electricity Options for the Pacific Northwest* in October 2002.<sup>7</sup> This report is an assessment of energy efficiency and renewable energy potentials in the Northwest through the year 2020. The study identifies 1,938 aMW of achievable wind power potential in Washington, 1,482 aMW in Oregon and 303 aMW in Idaho – roughly 11,169 MW of capacity total for the three states.<sup>8</sup> Finally, in the recent PacifiCorp Renewable Energy Request for Proposals, they received 5600 MW of projects.<sup>9</sup>

#### **D. Economic Considerations**

The Applicant states that renewable energy will benefit customers if it is “economically competitive, taking all relevant circumstances into consideration” and that Oregon Electric will pursue its renewables target “provided it can be accomplished economically.” Davis Supplemental at 12. RNP believes that Oregon Electric needs to articulate its interpretation of what makes a resource “economic” and what the “relevant circumstances” are that should be considered in making that determination.

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<sup>7</sup> Lazarus, M., D. von Hippel, & S. Bernow. *Clean Electricity Options for the Pacific Northwest*. 10/02.

<sup>8</sup> To determine achievable potential, the authors excluded some land types (e.g. local, state and national parks; lands greater than 6,000 feet in elevation, water bodies, and lands over 20 miles from a transmission line). They considered only wind sites categorized as Class 4 and above, and restricted to 25% the wind potential within each class that would be developed to reflect competing land uses and local concerns). The result: no more than .7% of the land area in any state would be utilized for wind power, and typically less than 5% of this land would be occupied by wind turbines, electrical equipment and access roads.

<sup>9</sup> <http://www.pacificorp.com/File/File38893.pdf>

RNP believes that any economic analysis of resources requires a review of both the costs and benefits of each resource. Renewables are “economically competitive” if their risk mitigation benefits are considered. Compared to fossil fuel-fired generation, renewable resources offer utilities at least three kinds of risk mitigation. First, they provide fuel cost risk protection because renewables have no fuel cost. Renewables offer a fixed price for a 20 to 30 year period; this should be balanced against the availability of a fixed-price, long term gas contract. Second, renewables provide protection against the risk of fuel availability. The supply reliability of renewables should be balanced against the reality of dwindling gas and coal supplies. Finally, renewables offer protection against the risk of future environmental regulation of carbon emissions. Fossil resources are vulnerable to any carbon tax imposed in the future. The value of these risk reduction benefits should be factored into any analysis of whether renewable resources are “economically competitive.”

It is worth noting a recent example of the cost effectiveness of renewable resources from Puget Sound Energy’s (PSE) recent round of Request for Proposals for wind and other generation resources. According to PSE, the levelized energy cost for their short-listed wind bids range from \$45-\$50/MWh for delivered energy, as compared to \$60-\$65/MWh for the best natural gas bids (also for delivered energy). We understand that coal power resources are in the range of the low \$50s/MWh.

#### **E. Production Tax Credit**

We understand that the uncertainty around the federal Production Tax Credit for renewable resources is a concern for PGE and other utilities who are interested in acquiring wind power. The PTC is critical to making wind power a cost competitive resource today. The PTC expired on December 31, 2003 and the duration and form of its extension is still somewhat uncertain. However, the PTC is broadly supported in Congress on a bipartisan basis. As of July

16, the PTC extension has been passed by both the House and the Senate as part of corporate tax legislation. The Senate passed S. 1637 in May and the House passed H.R. 4520 in June. Both versions include an extension of the PTC, although in different forms. A conference committee has been named and will convene soon to work out the differences in the bill.

**F. Transmission**

Oregon Electric rightly recognizes that there are transmission obstacles to reaching a renewables target. Realizing the potential in the Northwest for the generation of wind and other renewables can only be reached if the transmission constraints are resolved. RNP appreciates the commitment by Oregon Electric that PGE will work with stakeholders to address transmission constraints.

There are transmission issues unique to renewable resources, specifically wind power, due to their often remote location and intermittent generation patterns. In the short run, additional renewables can be accommodated by more efficient use of the existing transmission system, for example using offers of partial-firm service, and new products like storage and shaping. PGE can be more proactive in its work on and support of the efforts of Grid West to create an independent regional planning organization that can help to accommodate the unique characteristics of renewable resources and make more efficient use of the Northwest transmission system for all resources.

RNP also notes and supports the conditions related to reducing transmission constraints for renewables that the PUC staff has recommended as part of the acknowledgement of PGE's Final Action Plan for its Integrated Resource Plan. See Staff Report, Docket No. LC 33, May 19, 2004. RNP believes the Applicant must commit to PGE following-through on these essential tasks.

V. Applicants Plan to Hold PGE

The Applicant states in the March 8 application that the life of funds managed by the Texas Pacific Group generally range from 10 to 12 years. Application, Exhibit 3, page 4. There is a likelihood, or at least the possibility, that Applicants would hold PGE for significantly less than 12 years. We believe the Applicant's plan for renewable resource acquisition must be considered in light of this reality. A commitment to a renewables target over eight to ten years is not a benefit if PGE is sold before the commitment is realized.

VI. Senate Bill 1149

RNP believes that the Applicant must demonstrate sustained support for the policy direction of Senate Bill 1149. Oregon Electric has stated that they will continue to "support the efforts of the Energy Trust of Oregon to invest wisely in energy efficiency and renewable resources." Application, pg. 21. They have also indicated support for the 3% public purpose charge which is part of Senate Bill 1149. Response to Request CUB/OEUC 3, subpart b. RNP appreciates these positive statements and refers to joint testimony submitted by RNP, CUB, NWEC, etc. for a more detailed discussion of the issues in Senate Bill 1149.<sup>10</sup>

The 1999 legislation also directed investor owned utilities to offer at least one renewable energy option and other portfolio options for residential and small business customers. PGE's voluntary green power options have been very successful and are ranked among the top programs in the nation. RNP believes that even more can be done to improve the programs. Much of PGE's customer base supports sustainable, clean energy and customers consistently report that they value the utility for offering the options. A few examples of how the program can be improved include: PGE setting specific goals for customer participation; dedicating additional staff and resources to promote the program more aggressively, both internally and

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<sup>10</sup> Joint Public Interest Parties Testimony 100.

externally; and, committing to working more effectively with third-party marketers. We believe the programs should be given higher priority within the company.

VII. Conclusion

RNP appreciates the Applicant's initial commitment to renewable resource acquisition and development. However, in addition to the plan to appoint a designated manager to work on renewable resource issues and the commitment to actively work to resolve transmission barriers to additional renewable resource development, the additional commitments must be strengthened and further refined. In order to represent a real benefit to PGE customers, the Applicant's commitments should include the following:

1. Commit to meeting 10% of PGE's total energy load with new, nonhydro renewable resources by 2014. The Applicant should also demonstrate that this target is genuine and will be achieved notwithstanding the fact that they may not own PGE in ten years.
2. The Applicant should clarify the statements on page 12 of Kelvin Davis' Supplemental Testimony related to the economic competitiveness of renewable resources. The risk mitigation benefits of renewable resources should be included in any determination of whether the resources are "economic."
3. The Applicant should commit to improving PGE's green power programs.

RNP Testimony  
Exhibit 1  
Qualification Statement of Ann English Gravatt

Ann Gravatt is Senior Policy Associate with the Renewable Northwest Project (RNP). At RNP she promotes policy initiatives for wind, solar and geothermal resources in Oregon, Washington and Montana. She works with utilities, renewable developers, other environmental organizations, industry groups and government agencies throughout the Northwest to build consensus on issues related to renewable energy. Ann often appears before state legislatures and utility commissions as an advocate for renewable energy policies.

Prior to joining RNP, Ann served as Finance Director for a successful region-wide political campaign in Portland, Oregon. From 1998-2001, Ann practiced natural resources, environmental and energy law in Portland and Washington, D.C. Her career began as an associate with a public relations and government affairs firm in Washington, D.C.

Ann holds a J.D. from George Washington University and a B.A. from the University of Richmond.

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **TESTIMONY OF ANN ENGLISH GRAVATT, SENIOR POLICY ASSOCIATE, RENEWABLE NORTHWEST PROJECT** on the following persons on July 21, 2004, by hand-delivering, faxing, or mailing (as indicated below) to each a copy thereof, and if mailed, contained in a sealed envelope, with postage paid, addressed to said attorneys at the last known address of each shown below and deposited in the post office on said day at Portland, Oregon:

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DATED this 21<sup>st</sup> day of July, 2004.

ESLER STEPHENS & BUCKLEY

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