

AR 555 Part 2

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
1-15-16 11:43 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Public Utility Commission of Oregon 860
Agency and Division Administrative Rules Chapter Number
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Rules Coordinator Telephone
Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088
Address

RULE CAPTION

In the Matter of Amendments to OAR 860-038-0300(2), Regarding Information to Residential Customers.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

860-038-0300(2)

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS Ch. 183, 756, 757

Other Authority:

Statutes Implemented:

ORS 756.040, 757.600-757.667

RULE SUMMARY

AR 555 Part 2 -- This rulemaking proposes changes to the rule language regarding the price, power source, and environmental impact information provided to residential customers of the electric companies subject to the rule. The proposed frequency of reporting this information is changed from quarterly to annually.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 555 on comments and file them as a WORD or PDF attachment to an e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=16912>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

02-25-2016 5:00 p.m. Diane Davis diane.davis@state.or.us
Last Day (m/d/yyyy) and Time Rules Coordinator Name Email Address
for public comment

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
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Public Utility Commission of Oregon
Agency and Division

860
Administrative Rules Chapter Number

In the Matter of Amendments to OAR 860-038-0300(2), Regarding Information to Residential Customers.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amendments to OAR 860-038-0300(2), Regarding Information to Residential Customers.

Statutory Authority:

ORS Ch. 183, 756, 757

Other Authority:

Statutes Implemented:

ORS 756.040, 757.600-757.667

Need for the Rule(s):

In its Order No. 14-067, the Commission directed the rulemaking participants to address the frequency of when price, power source, and environmental impact information is provided to customers.

Documents Relied Upon, and where they are available:

OAR 860-038-0300 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_038.html

Order No. 14-067 found online at <http://apps.puc.state.or.us/orders/2014ords/14-067.pdf>

ORS 757.600 through 757.667 found online at https://www.oregonlegislature.gov/bills_laws/ors/ors757.html

Fiscal and Economic Impact:

There is no direct economic impact to the general public. Portland General Electric Company anticipates annual savings of \$60,000 and PacifiCorp, dba Pacific Power anticipates annual savings of \$20,000.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no cost of compliance for state agencies, units of local government or the public.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Small businesses are not subject to the reporting requirement of the rule. As noted above, there are two investor-owned electric companies subject to the rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

As noted above, the two subject electric utilities anticipate savings due to the decreased frequency of reporting the information.

c. Equipment, supplies, labor and increased administration required for compliance:

As noted above, the two subject electric utilities anticipate savings due to the decreased frequency of reporting the information.

How were small businesses involved in the development of this rule?

Small businesses are not subject to any requirements by this rule amendment. PUC staff conducted workshops and held discussions with the appropriate stakeholders.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

PUC staff held workshops and solicited comments from the industry representatives and other stakeholders identified in previous proceedings in this docket.

02-25-2016 5:00 p.m.	Diane Davis	diane.davis@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

860-038-0300

Electric Company and Electricity Service Suppliers Labeling Requirements

(1) The purpose of this rule is to establish requirements for electric companies and electricity service suppliers to provide price, power source, and environmental impact information necessary for consumers to exercise informed choice.

(2) For each service or product it offers, an electric company must provide price, power source, and environmental impact information to all residential consumers **quarterly annually, or at a frequency prescribed by the Commission.** The information must be based on the available service options. The information must be supplied consistent with the requirements prescribed by the Commission. The electric company must report price information for each service or product for residential consumers **as based on** the average monthly bill and price per kilowatt-hour for **monthly usage levels of 250, 500, 1,000 and 2,000 kilowatt-hours,** for the available service options.

(3) An electric company and an electricity service supplier must provide price, power source and environmental impact information to nonresidential consumers consistent with the requirements and frequency prescribed by the Commission. An electric company and an electricity service supplier must report price information for nonresidential consumers as follows:

(a) The price and amount due for each service or product that a nonresidential consumer is purchasing;

(b) The rates and amount of state and local taxes or fees, if any, imposed on the nonresidential consumer;

(c) The amount of any public purpose charge; and

(d) The amount of any transition charge or credit.

(4) For power supplied through its own generating resources, the electric company must report power source and environmental impact information based on the company's own generating resources, not the unspecified market purchase mix. An electric company's own resources include company-owned resources and wholesale purchases from specific generating units, less wholesale sales from specific generating units. An electric company's own resources do not include the non-energy attributes associated with purchases under the provisions of a net metering tariff or other power production tariff unless the electric company has separately contracted for the purchase of the Tradable Renewable Certificates. For net market purchases, the electric company must report power source and environmental impact information based on the unspecified market purchase mix. The electric company must report power source and environmental impact information for standard offer sales based on the unspecified market purchase mix.

(5) For purposes of power source and environmental impact reporting, an electric company and an electricity service supplier should use the most recent unspecified market purchase mix unless the electric company or electricity service supplier is able to demonstrate a different power source mix and environmental impact. A demonstration of a different mix must be based on projections of the mix to be supplied during the current calendar year. Power source must be reported as the percentages of the total product supply including the following:

(a) Coal;

- (b) Hydroelectricity;
- (c) Natural gas;
- (d) Nuclear; and
- (e) Other power sources including but not limited to new renewable resources, if over 1.5 percent of the total power source mix.

(6) Environmental impact must be reported for all retail electric consumers using the annual emission factors for the most recent available calendar year applied to the expected production level for each source of supply included in the electricity product. Environment impacts reported must include at least:

- (a) Carbon dioxide, measured in lbs./kWh of CO₂ emissions;
- (b) Sulfur dioxide, measured in lbs./kWh of SO₂ emissions;
- (c) Nitrogen oxides, measured in lbs./kWh of NO_x emissions; and
- (d) Mercury, measured in lbs/kWh of Hg emission.

(7) Every bill to a direct access consumer must contain the electricity service supplier's and the electric company's toll-free number for inquiries and instructions as to those services and safety issues for which the consumer should directly contact the electric company.

(8) The electricity service supplier must provide price, power source, and environmental impact in all contracts and marketing information.

(9) The electric company must provide price, power source, and environmental impact in all standard offer marketing information.

(10) By September 1, each electric company and each electricity service supplier making any claim other than unspecified market purchase mix must file a reconciliation report for the prior calendar year on forms prescribed by the Commission. The report must provide a comparison of the power source mix and emissions of all of the seller's certificates, purchase or generation with the claimed power source mix and emissions of all of the seller's products and sales.

(11) Each electricity service supplier and electric company owning or operating generation facilities shall keep and report such operating data about its generation of electricity as may be specified by order of the Commission.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 17-2000, f. & cert. ef. 9-29-00 (Order No. 00-596); PUC 7-2005, f. & cert. ef. 11-30-05 (Order No. 05-1229); PUC 7-2009, f. & cert. ef. 6-25-09 (Order No. 09-225); PUC 3-2014, f. & cert. ef. 3-7-14 (Order No. 14-067)