

BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON

IN THE MATTER THE PUBLIC UTILITY)	
COMMISSION OF OREGON)	CASE NO. UM 1610
Investigation Into Qualifying Facility)	
Contracting and Pricing)	JOINT RESPONSE IN SUPPORT OF
)	REQUEST FOR CLARIFICATION BY
)	THE COMMUNITY RENEWABLE
)	ENERGY ASSOCIATION,
)	ONEENERGY, INC., AND
)	RENEWABLE NORTHWEST PROJECT

The Community Renewable Energy Association, OneEnergy, Inc., and Renewable Northwest Project (the “Joint Renewable Parties”) hereby respectfully submit this Response in Support of Obsidian Renewables LLC’s (“Obsidian”) Motion for Clarification.

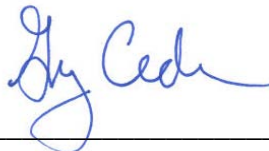
Almost three years ago, the Federal Energy Regulatory Commission (“FERC”) issued its landmark determination that a state could implement a multi-tiered avoided cost rate, and thereby provide eligible QFs with a rate that takes into “account actual procurement requirements, and resulting costs, imposed on utilities” by state law. *Cal. Pub. Util. Commn.*, 133 FERC ¶ 61,059, P 26 (2010), *rehearing denied*, 134 FERC ¶ 61,044 (2011). The Public Utility Commission of Oregon (“OPUC”) promptly issued a *sua sponte* request for comments on whether the OPUC should implement FERC’s order. *In re Public Utility Commission of Oregon: Investigation Into Resource Sufficiency Pursuant to Order No. 06-538*, OPUC Docket No. UM 1396, Order No. 10-488, 9 (2010). Then, over a year and half ago, in December 2011, the OPUC “require[d] PGE and Pacific Power to file proposed renewable resource avoided costs, with supporting testimony and work papers.” *In re Public Utility Commission of Oregon: Investigation Into Resource Sufficiency Pursuant to Order No. 06-538*, OPUC Docket No. UM 1396, Order No.

11-505, 11 (2011). The OPUC further directed that the “filings and rate calculations will be subject to evidentiary hearings, wherein parties will have the opportunity to review the material, conduct discovery, and propose changes.” *Id.* The utilities’ compliance filings have languished since that time because they were swept into the larger UM 1610 docket.

Issues regarding calculation of the renewable rates have now been addressed. Further delay in making the renewable rates available until after Phase II is unwarranted. Although additional contracting policies may change in Phase II, the OPUC regularly makes the utilities’ QF schedules and rates available for those QFs wishing to obligate themselves to the existing policies notwithstanding the fact that the policies are under examination. *See, e.g.*, Order No. 12-146 at 2 (noting prices and terms of contracts entered into during processing of UM 1610 will not change even if policies change in UM 1610). In Docket No. UM 1129, the OPUC also conducted its investigation of electric utility purchases from qualifying facilities in two phases. At the conclusion of Phase I, the OPUC ordered the utilities to make rate filings in conformance with its Phase I final order (Order No. 05-584). *In re Staff’s Investigation into Electric Utility Purchases from Qualifying Facilities*, OPUC Docket No. UM 1129, Order No. 05-899 (2005). It ordered that, notwithstanding unresolved issues to be addressed in Phase II, the rate filings be allowed to take effect. *Id.* at 3. Consistent with OPUC precedent, the renewable rate should be made available at the conclusion of Phase I.

RESPECTFULLY SUBMITTED this 29th day of July 2013.

RICHARDSON ADAMS, PLLC



Gregory M. Adams (OSB No. 101779)
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-2236
greg@richardsonadams.com
Of Attorneys for the Community Renewable
Energy Association

LOVINGER KAUFMANN LLP



Kenneth Kaufmann (OSB No. 982672)
825 N.E. Multnomah, Suite 925
Portland, Oregon 97232
Telephone: (503)230-7715
lovinger@klaw.com
Attorneys for OneEnergy, Inc.

RENEWABLE NORTHWEST PROJECT



Megan W. Decker (OSB No. 034878)
Renewable Northwest Project
421 SW 6th Avenue, Ste. 1125
Portland, OR 97204
Telephone: (503) 223-4544
megan@rnp.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of July, 2013, a true and correct copy of the within and foregoing **RESPONSE IN SUPPORT OF MOTION FOR CLARIFICATION BY THE COMMUNITY RENEWABLE ENERGY ASSOCIATION, ONEENERGY, INC., AND RENEWABLE NORTHWEST PROJECT** was served as shown to:

ADAM BLESS (C)
BRITTANY ANDRUS (C)
PUBLIC UTILITY COMM. OF OREGON
PO BOX 2148
SALEM OR 97308-2148
adam.bless@state.or.us
brittany.andrus@state.or.us

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

JAY TINKER (C)
PORTLAND GENERAL ELECTRIC
121 SW SALMON ST – 1WTC0702
PORTLAND OR 97204
pge.opuc.filings@pgn.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

J RICHARD GEORGE (C)
PORTLAND GENERAL ELECTRIC
121 SW SALMON ST – 1WTC1301
PORTLAND OR 97204
richard.george@pgn.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

JOHN W STEPHENS (C)
ESLER STEPHENS & BUCKLEY
888 SW FIFTH AVE STE 700
PORTLAND OR 97204-2021
stephens@eslerstephens.com
mec@eslerstephens.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

DONOVAN E WALKER
JULIA HILTON
IDAHO POWER COMPANY
PO BOX 70
BOISE ID 83707-0070
dwalker@idahopower.com
dockets@idahopower.com
jhilton@idahopower.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

LISA F RACKNER
MCDOWELL RICKNER & GIBSON PC
419 SW 11th AVE STE 400
PORTLAND OR 97205
dockets@mcd-law.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

MEGAN WALSETH DECKER (C)
RNP DOCKETS
RENEWABLE NORTHWEST PROJECT
421 SW 6TH AVE STE 1125
PORTLAND OR 97204-1629
megan@rnp.org
dockets@rnp.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

STEPHANIE S ANDRUS (C)
PUC STAFF – DEPARTMENT OF JUSTICE
1162 COURT ST NE
SALEM OR 97301-4096
stephanie.andrus@state.or.us

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

THOMAS H NELSON
PO BOX 1211
WELCHES OR 97067-1211
nelson@thnelson.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

RENEE M FRANCE (C)
OREGON DEPARTMENT OF JUSTICE
1162 COURT ST NE
SALEM OR 97301-4096
renee.m.france@state.or.us

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

R BRYCE DALLEY
PACIFIC POWER
825 NE MULTNOMAH ST STE 2000
PORTLAND OR 9732
bryce.dalley@pacificorp.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

MARY WIENCKE
825 NE MULTNOMAH ST STE 1800
PORTLAND OR 97232-2149
mary.wiencke@pacificorp.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

PACIFICORP dba PACIFIC POWER
825 NE MULTNOMAH ST STE 2000
PORTLAND OR 97232
oregondockets@pacificorp.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

JOHN LOWE
RENEWABLE ENERGY COALITION
12050 SW TREMONT ST
PORTLAND OR 97225-5430
jravenesanmarcos@yahoo.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

IRION A SANGER (C)
MELINDA J DAVISON (C)
S BRADLEY VAN CLEVE (C)
DAVISON VAN CLEVE PC
333 SW TAYLOR – STE 400
PORTLAND OR 97204
ias@dvclaw.com
mjd@dvclaw.com; mail@dvclaw.com
bvc@dvclaw.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

BILL EDDIE (C)
ONE ENERGY RENEWABLES
206 NE 28TH AVE
PORTLAND OR 97232
bill@oneenergyrenewables.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

GLENN MONTGOMERY
OREGON SOLAR ENERGY INDUSTRIES
ASSOCIATION
PO BOX 14927
PORTLAND OR 97293
glenn@oseia.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

KATHLEEN NEWMAN
OREGONIANS FOR RENEWABLE
ENERGY POLICY
1553 NE GREENSWORD DR
HILLSBORO OR 97214
kathleenoipl@frontier.com
k.a.newman@frontier.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

MARK PETE PENGILLY
OREGONIANS FOR RENEWABLE
ENERGY POLICY
PO BOX 10221
PORTLAND OR 97296
mpengilly@gmail.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

TONI ROUSH
ROUSH HYDRO INC
366 E WATER
STAYTON OR 97383
tmroush@wvi.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

JAMES BIRKELUND (C)
SMALL BUSINESS UTILITY ADVOCATES
548 MARKET ST STE 11200
SAN FRANCISCO CA 94104
james@utilityadvocates.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

DAVID A LOKTING
STOLL BERNE
209 SW OAK STREET STE 500
PORTLAND OR 97204
dlokting@stollberne.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

KENNETH KAUFMAN (C)
JEFFREY S LOVINGER (C)
LOVINGER KAUFMANN LLP
825 NE MULTNOMAH STE 925
PORTLAND OR 97232-2150
kaufmann@lklaw.com
lovinger@lklaw.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

ROBERT JENKS (C)
G CATRIONA MCCrackEN (C)
CITIZENS' UTILITY BOARD OF OREGON
610 SW BROADWAY STE 400
PORTLAND OR 97205
dockets@oregoncub.org
bob@oregoncub.org
catriona@oregoncub.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

DAVID TOOZE
CITY OF PORTLAND
1900 SW 4TH STE 7100
PORTLAND OR 97201
David.tooze@portlandoregon.gov

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

ELAINE PRAUSE
JOHN M VOLKMAN
ENERGY TRUST OF OREGON
421 SW OAK ST STE 300
PORLTAND OR 97204
elaine.prause@energytrust.org
john.volkman@energytrust.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

LOYD FERY
11022 RAINWATER LANE SE
AUMSVILLE OR 97325
dlchain@wvi.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

MATT KRUMENAUER (C)
KACIA BROCKMAN (C)
OREGON DEPARTMENT OF ENERGY
1162 COURT ST NE
SALEM OR 97301-4096
matt.krumenauer@state.or.us
kacia.brockman@state.or.us

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

MIKE MCARTHUR
ASSOCIATION OF OR COUNTIES
PO BOX 12729
SALEM OR 97309
mmcarthur@aocweb.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

WILL K CAREY
ANNALA CAREY BAKER ET AL PC
PO BOX 325
HOOD RIVER OR 97031
wcarey@hoodriverattorneys.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

RICHARD LORENZ (C)
J LAWRENCE CABLE
CHAD STOKES
CABLE HUSTON BENEDICT
HAAGENSEN & LLOYD LLP
1001 SW FIFTH AVE STE 2000
PORTLAND OR 97204-1136
rlorenz@cablehuston.com
lcable@cablehuston.com
cstokes@cablehuston.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

DIANE HENKELS (C)
CLEANTECH LAW PARTNERS PC
6228 SW HOOD
PORTLAND OR 97239
dhenkels@cleantechlawpartners.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

CYNTHIA FONNER BRADY
EXELON BUSINESS SERVICES CO LLC
100 CONSTELLATION WAY STE 500C
BALTIMORE MD 21202
cynthia.brady@constellation.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

JOHN HARVEY (C)
EXELON WIND LLC
4601 WESTOWN PARKWAY STE 300
WEST DES MOINES IA 50266
john.harvey@exeloncorp.com


Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

DARREN ANDERSON
NORTHWEST ENERGY SYSTEMS CO LLC
1800 NE 8TH ST STE 320
BELLEVUE WA 98004-1600
da@thenescogroup.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

DONALD W SCHOENBECK (C)
REGULATORY & COGENERATION
SERVICES INC
900 WASHINGTON ST STE 780
VANCOUVER WA 98660-3455
dws@r-c-s-inc.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

By 
Gregory M Adams