

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1631**

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

Application for Partial Waiver of OAR 860-  
038-0580 Prevention of Cross-subsidization  
Between Competitive Operations and  
Regulated Operations.

NORTHWEST & INTERMOUNTAIN  
POWER PRODUCERS COALITION’S  
COMMENTS ON PGE’S WAIVER  
REQUEST

**COMMENTS**

The Northwest & Intermountain Power Producers Coalition (“NIPPC”) hereby respectfully submits these comments on Portland General Electric Company’s (“PGE”) waiver request filed on August 7, 2023 for the Oregon Public Utility Commission’s (“OPUC” or the “Commission”) review. NIPPC does not oppose PGE’s waiver request, but recommends the Commission grant PGE’s waiver request without opining on PGE’s reasonings, including PGE’s interpretation of House Bill 2021. Additionally, the Commission should clarify a customer of PGE could request the 5-year load forecast information from PGE and share that information with an electricity service supplier (“ESS”).

PGE requests a waiver of OAR 860-038-0580(1) to “to allow PGE to provide limited, load forecasting information generated by its regulated operations to the competitive operation that manages the Green Future Enterprise program without making that information public or providing it to [ESSs] and other entities.”<sup>1</sup> PGE provides four reasons why it believes this

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<sup>1</sup> Application of PGE for Partial Waiver of OAR 860-038-0580 at 1 (Aug. 7, 2023).

information does not need to be shared with ESSs, three of which relate to statutory changes from House Bill (“HB”) 2021 and one because the load forecast information is “only a forecast.”<sup>2</sup>

The Commission can grant the waiver without opining on the statutory changes from HB 2021.<sup>3</sup> NIPPC disagrees with some of PGE’s interpretation of the meaning and intent of the HB 2021 and does not believe this is the appropriate proceeding to adjudicate the substantive legal arguments PGE has raised, nor that granting the waiver requires addressing the meaning of those provisions in HB 2021, particularly the potential exceptions to the mitigation of market power language that is the new subsection (4) to ORS 757.646. If the Commission intends to interpret the statute changes from HB 2021, then NIPPC requests that an opportunity for legal briefing be provided.

The Commission should clarify that a PGE customer can request the 5-year load forecast and share it with an ESS as the customer should be able to determine who it shares that information with. The load forecast data may be confidential, but it pertains to the customer’s load, and the customer should be entitled to use that information to procure electricity related services like renewable energy certificates from whoever it wishes in the market. Otherwise, PGE could have an unfair advantage over ESSs by precluding a customer from using its own load forecast data.

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<sup>2</sup> Application of PGE for Partial Waiver of OAR 860-038-0580 at 3-5.

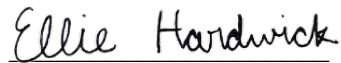
<sup>3</sup> NIPPC is not taking a position on whether OAR 860-038-0580 prevents PGE from sharing the information or whether the rule needs to be waived.

NIPPC recommends the Commission: 1) grant PGE's waiver request without opining on PGE's reasonings, and 2) clarify that a customer of PGE can request the 5-year load forecast information from PGE and share that information with an ESS.

Dated this 28th day of August 2023.

Respectfully submitted,

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