

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1690

In the Matter of
PUBLIC UTILITY COMMISSION OF
OREGON,
Voluntary Renewable Energy Tariffs for Non-
Residential Customers.

STAFF'S RESPONSE TO PORTLAND
GENERAL ELECTRIC'S PETITION TO
AMEND ORDER NO. 16-251 AND REOPEN
DOCKET

Pursuant to OAR 860-001-0400(4)(a), Staff of the Public Utility Commission of Oregon (Staff) hereby responds to Portland General Electric's (PGE or Company) Petition to Amend Order No. 16-251 and Reopen Docket UM 1690.

The Commission opened docket UM 1690 in accordance with House Bill (HB) 4126, which directed the Commission to conduct a study to consider the impact of allowing electric companies to offer voluntary renewable energy tariffs (VRETs) to their non-residential customers.¹ The Commission accepted the VRET Study in Phase 1 of this proceeding, closing Phase 1 and opening Phase 2 in order to address the threshold statutory question: whether, and under what conditions, it is reasonable and in the public interest to allow electric companies to provide voluntary renewable energy tariffs to nonresidential customers.²

In Phase 2 of the proceeding, the Commission deferred its decision on whether it is in the public interest to allow utilities to offer VRETs, instead inviting PGE and PacifiCorp to file draft VRETs for consideration in accordance with nine guidelines, which it indicated would help inform its determination.³ PGE and PacifiCorp subsequently declined the Commission's invitation to file draft VRETs or program designs, generally stating that they were unable to

¹ *In re Public Utility Commission of Oregon*, OPUC Docket No. UM 1690, Order No. 15-258 at 1 (Aug. 26, 2015).

² *Id.*

³ *In re Public Utility Commission of Oregon*, OPUC Docket No. UM 1690, Order No. 15-405 at 1 (Dec. 15, 2015).

1 design a program that addressed concerns from the Commission, Staff and other stakeholders
2 while providing a product that their customers had asked for.⁴ Accordingly, in Order No. 16-
3 251, the Commission adopted Staff's recommendation and closed docket UM 1690.⁵ Staff noted
4 in its public meeting memo that utilities are permitted by law to petition to amend or rescind
5 Order No. 16-251 in order to resume the docket at a future date under appropriate
6 circumstances.⁶

7 On April 13, 2018, PGE filed a Petition to Amend Order No. 16-251 and Reopen Docket,
8 in which it requested that the Commission amend its Order No. 16-251 and reopen docket UM
9 1690 to permit review of the Company's green tariff, or in the alternative, that the Commission
10 open a new docket to consider the Company's testimony and draft green tariff. In its Petition,
11 PGE argues that there is a change in circumstances since Order No. 16-251 was entered—
12 namely, that the Company "has worked with its customers and stakeholders to develop a
13 voluntary green tariff that the Company believes satisfies the conditions and requirements the
14 Commission set forth for VRETs in Order No. 15-405."⁷

15 Staff does not oppose the Commission's consideration of the unanswered statutory
16 question from Phase 2 of this docket—whether it is reasonable and in the public interest to allow
17 electric companies to provide voluntary renewable energy tariffs to nonresidential customers—
18 nor does Staff oppose addressing the question with the benefit of a specific utility proposal as
19 was contemplated in Phase 2. However, because PGE has proposed a specific program for its
20 customers and requests that the Commission consider its testimony in support of that program
21 design and draft green tariff, Staff recommends that the Commission adopt PGE's alternative
22 recommendation to do so in a new docket, rather than docket UM 1690. Doing so provides

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24 ⁴ UM 1690 – PacifiCorp Letter filed April 14, 2018; UM 1690 – PGE Letter filed April 14, 2018.

25 ⁵ *In re Public Utility Commission of Oregon*, OPUC Docket No. UM 1690, Order No. 16-251 at
26 1 (July 5, 2016).

⁶ *Id.* at Appendix A, page 5.

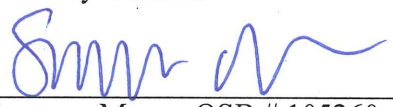
⁷ UM 1690 - PGE's Petition to Amend Order and Reopen Docket at 2.

1 flexibility to determine whether PGE's filing should proceed as a contested case and ensures a
2 clear record upon which the Commission may base its decision whether to approve PGE's green
3 tariff program.

4 DATED this 3rd day of May, 2018.

5 Respectfully submitted,

6 ELLEN F. ROSENBLUM
7 Attorney General

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10 Assistant Attorney General
11 Of Attorneys for Staff of the Public Utility
12 Commission of Oregon