

BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON

In the Matter of PUBLIC UTILITY	)	UM 1690
COMMISSION OF OREGON,	)	
Voluntary Renewable Energy Tariffs for Non-	)	COMMENTS OF NOBLE AMERICAS
Residential Customers.	)	ENERGY SOLUTIONS LLC ON
	)	STAFF'S RECOMMENDATION

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In accordance with the directives of the Staff of the Public Utility Commission of Oregon (“OPUC” or “Commission”), Noble Americas Energy Solutions LLC (“Noble Solutions”) hereby submits its comments on Staff’s Recommendation dated November 20, 2015 (“Staff’s Recommendation”). Noble Solutions appreciates the opportunity to participate and comment in this matter, which could have a very significant effect on Noble Solutions’ operations as an electricity service supplier (“ESS”) in Oregon.

Staff recommends that the Commission allow electric companies to offer voluntary renewable energy tariffs (“VRET”) to nonresidential customers but proposes several conditions on the VRET program. Generally speaking, Noble Solutions supports the comments of the Northwest and Intermountain Power Producers Coalition (“NIPPC”) submitted in this matter today, and will not repeat those comments here. In sum, Noble Solutions commends the effort and thoughtfulness reflected in the Staff’s Phase I Study and its more recently filed Recommendation, and generally agrees with the conclusions of Staff’s Recommendation with the few exceptions highlighted in NIPPC’s comments and one further issue that Noble Solutions finds particularly deserving of clarification.

Specifically, Staff recommends that the VRET program size initially be capped in a manner identical to each utility's direct access programs, which is 300 average megawatts ("aMW") for Portland General Electric Company's ("PGE") long-term opt-out programs and 175 aMW for PacifiCorp's five-year opt-out program.<sup>1</sup> Staff proposed this limitation in response to concerns that a VRET program should not contain more favorable terms than the direct access programs, and Staff listed the limitation under the heading, "Minimizing the Impact on Direct Access." *Staff's Recommendation* at 10-11. In light of the intent not to alter the existing direct access programs, Staff appears to intend for the VRET program cap to be separate from the cap from the direct access programs. For example, there could be 300 aMW of load enrolled in PGE's long-term opt-out programs under direct access and an additional 300 aMW of load enrolled in PGE's VRET program.

However, Noble Solutions is concerned that the proposal could be misinterpreted to impose a single overall cap on participation in the direct access programs *and* the VRET program for each utility. If so, the VRET cap would necessarily have an adverse effect on direct access because each MW of load enrolled in the utility's VRET program would reduce the available eligibility in the utility's direct access programs. Noble Solutions expended significant effort in development of the compromises that resulted in the existing caps for the direct access programs. *See* Order No. 13-459 at 10 (approving stipulation to retain PGE's 300 aMW cap through the 2018 service year elections); Order No. 15-060 at 10 (approving of uncontested resolution that PacifiCorp's program cap should initially be 175 aMW). Adoption of the VRET should not upset the settled expectations of the parties that developed the direct access programs.

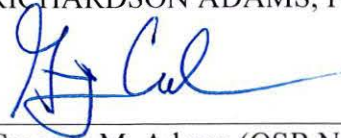
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<sup>1</sup> To the best of Noble Solutions' knowledge, there are no caps on the other direct access programs.

Therefore, if the Commission adopts Staff's Recommendation, the Commission should clarify that any VRET enrollments will not reduce the eligibility available for the direct access programs.

DATED this 10th day of December, 2015.

RICHARDSON ADAMS, PLLC



Gregory M. Adams (OSB No. 101779)  
515 N. 27<sup>th</sup> Street  
Boise, Idaho 83702  
Telephone: (208) 938-2236  
Fax: (208) 938-7904  
[greg@richardsonadams.com](mailto:greg@richardsonadams.com)

Of Attorneys for the Noble Americas  
Energy Solutions LLC