

BEFORE THE  
PUBLIC UTILITY COMMISSION OF OREGON

In the Matter of	)	CASE NO. UM 1725
	)	
IDAHO POWER COMPANY,	)	COMMUNITY RENEWABLE ENERGY
	)	ASSOCIATION’S RESPONSE TO
Application to Lower Standard Contract	)	OBSIDIAN RENEWABLE, LLC’S
Eligibility Cap and to Reduce the	)	MOTION TO HOLD PROCEDURAL
Standard Contract Term, for Approval of	)	SCHEDULE IN ABEYANCE
Solar Integration Change, and for Change	)	
<u>in Resource Sufficiency Determination.</u>	)	

The Community Renewable Energy Association (“CREA”) hereby submits its response to Obsidian Renewable, LLC’s (“Obsidian”) motion to hold the procedural schedule in abeyance pending the outcome of Obsidian’s petition for rulemaking filed in docket AR 593 (“AR 593 Petition”). As explained below, CREA takes no position on the merits of the Obsidian’s AR 593 Petition at this time, but supports holding this proceeding in abeyance until the Public Utility Commission of Oregon (“OPUC or “Commission”) addresses the AR 593 Petition.

**BACKGROUND**

On November 13, 2015, Obsidian filed its AR 593 Petition, requesting that the Commission commence a rulemaking related to the Commission’s implementation of the Public Utility Regulatory Policies Act of 1978 (“PURPA”), 16 U.S.C. § 824a-3, and related state law, ORS 758.505-758-555. On the same date, Obsidian also filed a motion to hold in abeyance the procedural schedules in this docket and in docket UM 1734. The AR 593 Petition requests resolution of two issues relevant to this docket: (1) the threshold nameplate capacity for standard contract terms and pricing; and (2) the length of the contract term for such standard contracts.

Obsidian argues it is unlawful for the Commission to issue any orders in this contested case

proceeding that change Oregon's existing rules or policies concerning PURPA because such changes may only be made through a rulemaking. Obsidian further argues that even if a rulemaking were not otherwise compelled by law, it would still be the most appropriate forum for changing public policy concerning the future of renewable power development in Oregon.

The Commission set a deadline for responses to Obsidian's motion to hold docket UM 1725 in abeyance by November 30, 2015, and a deadline of December 18, 2015, for parties to submit comments in support or opposition of the AR 593 Petition.

### **CREA'S RESPONSE**

CREA has not completed its review of Obsidian's AR 593 Petition and is unable to take a final position on the merits of the AR 593 Petition. CREA intends to submit comments in AR 593 on or before the deadline set for such comments.

However, CREA supports placing this docket in abeyance until the Commission addresses the AR 593 Petition. Staying this proceeding will prevent duplicative efforts by the parties and the Commission if the Commission ultimately agrees with Obsidian that a rulemaking is the better forum to resolve the Commission's implementation of PURPA. The risk of such duplicative efforts will likely create a chilling effect on the participation of parties to this proceeding with limited resources to allocate to advocacy on the Commission's implementation of PURPA. Additionally, while Idaho Power alleged there was an urgent need to resolve the eligibility cap and contract length issues at the time it initiated this docket, the alleged emergency has subsided due to the Commission's interim order reducing the eligibility cap for solar qualifying facilities to 3 megawatts ("MW"). Idaho Power's own recent testimony demonstrates that interest in PURPA contracts has evaporated since the commencement of this proceeding.

*See Idaho Power/500, Allphin/2.* Accordingly, a stay of this proceeding will preserve the status quo until the issues raised in the AR 593 Petition can be resolved.

### **CONCLUSION**

For the reasons set forth above, although CREA takes no position on the merits of the Obsidian's AR 593 Petition at this time, CREA supports a stay of this proceeding until the Commission addresses the AR 593 Petition.

RESPECTFULLY SUBMITTED this 30th day of November, 2015.

RICHARDSON ADAMS, PLLC

*/s/ Gregory M. Adams*

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