

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

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In the Matter of Rulemaking Regarding  
Allowances for Diverse Ownership of  
Renewable Energy Resources.

NOTICE

At our January 17, 2018 Regular Public Meeting, we initiated a formal rulemaking process that begins with an initial review and consideration of key policy issues related to competitive bidding requirements, followed by opportunities to provide written and oral comment on proposed rule language.

To begin the first phase, we invite our stakeholder to address this set of policy issues set forth below. Specifically, we ask you to provide comments on each issue, and identify (and provide comment on) any additional key, high-level policy issues that should be addressed early in this process. This is not an exhaustive list of issues we will consider during this rulemaking process, and the absence of an issue on this list for solicited comment in no way limits what we may consider in subsequent phases of this rulemaking. Instead, this list is intended to allow stakeholders to provide input on *major* policy questions of interest during this initial phase of the formal rulemaking.

- 1. Is it appropriate to allow exemptions from certain competitive bidding rule sections if a Request for Proposal (RFP) does not incorporate or consider electric company ownership of resources?***

Stakeholders have debated the merits of allowing electric companies the flexibility to dispense with some of the competitive bidding requirements if company ownership of resources is not a factor. Those in opposition argue that this represents an anti-utility ownership barrier to RFPs that contemplate utility ownership.

- 2. Is the engagement and participation of an Independent Evaluator (IE) in the competitive bidding process valuable regardless of whether the RFP contemplates utility resource ownership options?***

Some stakeholders argue that the participation of the IE in the competitive bidding process is valuable no matter the nature of the ownership options considered. Other stakeholders assert that the primary role of the IE is to guard against potential utility bias towards utility-owned assets.

- 3. Can or should electric companies be compelled or encouraged to offer electric company owned facilities to bidders proposing non-utility owned resources if those same sites are utilized for benchmark or electric company owned bids?***

Utility stakeholders argue that major legal and policy barriers exist to requiring a utility to offer utility-owned sites to third-party bidders if those sites are utilized in benchmark or utility owned bids. Conversely, opponents of this position argue that offering these sites could lead to lower cost proposals.

**4. *Should transmission activity be subject to competitive bidding requirements?***

Some stakeholders argue that competitive bidding rules should clearly exempt transmission activity from competitive bidding requirements. Others have raised questions whether competitive bidding requirements should apply where transmission is considered as an alternative to or as part of a capacity or energy acquisition.

We provide two opportunities for comment. Opening comments on these issues and others proposed are due **February 14, 2018**. Reply comments are due **February 21, 2018**. We will then address the comments and provide policy direction at a Commissioner Workshop to be held on **March 6, 2018 at 1:30 p.m.** An agenda for that workshop will be issued at a later date. The Commission reserves the right to adjust this schedule as necessary to ensure an informed and robust rulemaking process.

Dated this 25th day of January 2018, at Salem, Oregon.



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Michael Grant

Chief Administrative Law Judge