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August 18, 2017

Via Electronic Filing

Public Utility Commission of Oregon
Attn: Filing Center
201 High St. SE, Suite 100
Salem, OR 97301

Re: In the Matter of PACIFICORP's Application for Approval of 2017R
Request for Proposals
Docket No. UM 1845

Dear Filing Center:

Enclosed for filing in the above-referenced docket, please find the Opening
Comments of the Industrial Customers of Northwest Utilities.

Thank you for your assistance. If you have any questions, please do not hesitate
to call.

Sincerely,

/s/ Rainbow Wainright
Rainbow Wainright

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1845

In the Matter of)	
)	
PACIFICORP, dba PACIFIC POWER,)	COMMENTS ON DRAFT RFP OF THE
)	INDUSTRIAL CUSTOMERS OF
Request for Proposals for Resources Identified))	NORTHWEST UTILITIES
in 2017 Integrated Resource Plan.)	
_____)	

I. INTRODUCTION

Pursuant to Public Utility Commission of Oregon (“OPUC” or the “Commission”) Staff’s request for written public comment on PacifiCorp’s (or the “Company”) draft Request for Proposals (“RFP”), the Industrial Customers of Northwest Utilities (“ICNU”) submits the following comments. In short, ICNU presently recommends that the Commission either: 1) not approve the draft RFP; or 2) condition approval upon material requirements and modifications, to better align the draft RFP with Competitive Bidding Guidelines, as explained in more detail in these comments.

ICNU plans to attend the Special Public Meeting to consider approval of the draft RFP, scheduled on August 29, 2017. Depending on the comments and recommendations of other parties, ICNU may update its own recommendations at that time.

II. COMMENTS

Respectfully, ICNU’s primary recommendation is that the Commission *not* approve the Company’s draft RFP. The Competitive Bidding Guidelines (“Guidelines”) applicable to utility RFPs are the product of significant effort and careful consideration by the Commission and many other stakeholders, including ratepayer advocates like ICNU, over the

course of many years and multiple docket proceedings.^{1/} Accordingly, the Guidelines incorporate material customer protections that are lost when a utility seeks RFP approval contrary to those express Guidelines.^{2/} As the Independent Evaluator (“IE”) in this proceeding aptly stated, “... we cannot simply ignore rules and guidelines because they represent the will of regulators and ratepayers, having been vetted through a public comment process.”^{3/} Moreover, utilities like PacifiCorp are always free to proceed at their own risk in making resource decisions,^{4/} but neither the Commission nor ratepayers should be expected to sanction utility behavior outside the Guidelines.^{5/}

That said, ICNU appreciates both the Commission’s considerable discretion and the Company’s claim of a time-sensitive resource opportunity, which has apparently prompted the timing of this RFP outside the parameters envisioned within the Guidelines. Thus, as an

^{1/} See, e.g., Re Competitive Bidding by Investor-Owned Electric Utility Companies, Docket No. UM 316, Order No. 91-1383 (Oct. 18, 1991); Re Investigation Regarding Competitive Bidding, Docket No. UM 1182, Order No. 06-446 (Aug. 10, 2006); Re Investigation to Address Potential Build-vs.-Buy Bias, Docket No. UM 1276, Order No. 11-001 (Jan. 3, 2011); Docket No. UM 1182, Order No. 13-204 (June 10, 2013); Docket No. UM 1182, Order No. 14-149 (Apr. 30, 2014).

^{2/} See, e.g., Docket No. UM 316, Order No. 91-1383, 1991 WL 501921 at *1-2 (adopting “policy guidelines for competitive bidding for all investor-owned electric utilities in Oregon,” presenting “the Commission’s conclusions concerning key policy concerns,” including an OPUC commitment to “closely watch the progress of the competitive bidding process to ensure that it operates fairly and accomplishes the goals the Commission has established for it”); Re PacifiCorp, Request for Proposals for Resources Identified in 2017 Integrated Resource Plan, Docket No. UM 1845, The Independent Evaluator’s Assessment of PacifiCorp’s Final Draft 2017 Request for Proposals (“IE Assessment”) at 19 (Aug. 10, 2017) (“The[] Guidelines are important because they were vetted with multiple stakeholders and lay out exactly how the Commission want a procurement to operate”); *id.* at 23 (“Our starting point in reviewing any RFP is the basic premise that the purpose of any competitive solicitation should be to get the *best deal possible for ratepayers*”) (emphasis added).

^{3/} IE Assessment at 25.

^{4/} See, e.g., Docket No. UM 1182, Order No. 06-446 at 2 (“... [W]e are making only slight modifications to those 1991 [competitive bidding] goals. The revised goals are [to]... [n]ot unduly constrain utility management’s prerogative to acquire new resources”); Docket No. UM 1845, Order No. 17-279, App. A at 4 (July 20, 2017) (“PacifiCorp is not obligated to proceed with the development of an RFP Whether or not to proceed with the contemplated RFP is a matter for the Company to consider”).

^{5/} Cf. June 7, 2016 Open Meeting at 1:05:13 (attempting to secure RFP approval (unsuccessfully) under notably similar circumstances, involving claims of time-sensitive production tax credit (“PTC”) opportunities, Portland General Electric Company (“PGE”) explained that it sought RFP approval because: “Ultimately, for practical purposes to PGE, it indicates that *the Commission approves us moving forward with this process*”) (emphasis added).

alternative to simply rejecting the Company's request to approve the RFP as filed, the Commission could approve the RFP with conditions and modifications that ensure that ratepayers are protected in the same manner as if PacifiCorp had fully complied with the Guidelines.

In short, any conditions and modifications should insulate PacifiCorp customers from the risks associated with an accelerated and non-conforming RFP. If the Company truly believes the benefit opportunity is as good as presented,^{6/} as to justify proceeding despite irregularities, then PacifiCorp will still have a fair opportunity to demonstrate that conviction by proceeding with the assumption of cost risk. Conversely, if the Company will not proceed without ratepayer risk assumption, notwithstanding the acknowledged irregularities of this RFP, then ICNU's concerns—far too little benefit, for far too much risk—will be fully validated by the stark contrast between Company rhetoric and action, once tangible shareholder accountability replaces the effortless assignment of responsibility to ratepayers.

A. The RFP Should Not Be Approved

As an initial matter, the Company's request for RFP approval, as filed, cannot be squared with Guideline 7 of the Competitive Bidding Guidelines approved by the Commission:

The Commission will solicit public comment on the utility's final draft RFP, including the proposed minimum bidder requirements and bid scoring and evaluation criteria. Public comment and Commission review should focus on: (1) *the alignment of the utility's RFP with its acknowledged IRP*; (2) whether the RFP satisfies the Commission's

^{6/} See, e.g., PacifiCorp 2017 Integrated Resource Plan, Docket No. LC 67, PacifiCorp's Reply Comments at 4 (July 28, 2017) (guaranteeing that "major resource investments *will* provide significant savings to customers") (emphasis added); Docket No. UM 1845, PacifiCorp's Final Draft 2017R RFP Cover Letter ("Cover Letter") at 1 (Aug. 4, 2017) ("The 2017R RFP is designed to capture a time-limited resource opportunity arising from the expiration of federal production tax credits The proposed wind projects, when combined with the transmission project, are expected to provide economic benefits for PacifiCorp's customers").

competitive bidding guidelines; and (3) the overall fairness of the utility's proposed bidding process.^{7/}

Going no further, the patent discord between the present RFP and the Company's most recent acknowledged Integrated Resource Plan ("IRP"), which unquestionably does not contain the proposed wind resources in the RFP,^{8/} means the Commission simply cannot approve this RFP, as filed. At least, the Commission cannot do so consistently with its prior clarification, stated expressly to assuage "concerns about the effect of Commission approval of an RFP," as follows: "we clarify that Commission approval is simply a determination on the three criteria set out in the guideline The approval is simply that: the RFP meets these criteria, does not meet the criteria, or would meet the criteria with certain conditions and modifications."^{9/} While the Commission could reach either of the latter two conclusions, no rational argument could support a straightforward finding that this RFP will meet the first criterion, by the time of a Commission determination on the Company's approval request, at the Special Public Meeting scheduled on August 29, 2017.^{10/}

ICNU recommends that the Commission not approve the RFP for the very reason articulated by Chair Hardie, when PGE sought RFP approval in analogous circumstances in 2016:

My concern is that, what is the purpose of an RFP? *It really gives the utility a leg up on cost recovery*, but it sort of presumes that an RFP was well vetted, which is what I think Commission rules ordinarily contemplate in order to give them that leg up, and I'm not confident of our ability to give it *the stamp of approval at this*

^{7/} Docket No. UM 1182, Order No. 14-149, App. A at 2 (emphasis added).

^{8/} See, e.g., Cover Letter at 3-4 ("PacifiCorp is issuing the 2017R RFP to address major resource additions reflected in the 2017 IRP, scheduled for acknowledgement in November 2017"); IE Assessment at 7 ("... the IRP which produced this procurement plan has yet to be acknowledged by the Commission").

^{9/} Docket No. UM 1182, Order No. 06-446 at 9-10.

^{10/} This RFP may be found wanting on *all* three criteria—but, for purposes of the Commission's own rubric, deficiency as to a single criterion is enough.

point in order to shift those risks to customers So I'm not comfortable at this time approving the draft RFP.^{11/}

ICNU also fears that RFP approval, in this proceeding, will eventually be conveyed by PacifiCorp to provide a real “leg up on cost recovery ... in order to shift those risks to customers.” Indeed, the utility perspective has recently been articulated by PGE in a manner that would support such concern—i.e., interpreting RFP approval as a signification that the Commission positively approves utility action, in “moving forward with this process.”^{12/}

If the Company's presentation regarding risk attribution is to be taken at face value, however, then RFP approval should be entirely unnecessary. For example, in acknowledging that IRP consideration will not take place until months after draft RFP approval consideration by the Commission, “PacifiCorp understands and *accepts the risk* of moving forward in this way.”^{13/} Likewise, the Company claims that “PacifiCorp is neither presuming acknowledgement of the 2017 IRP *nor attempting to shift the risk to customers.*”^{14/} Taken together, ICNU interprets these statements to signify that PacifiCorp is presently assuming all risk for its current pursuit of new wind resources identified in the unacknowledged 2017 IRP. If this is the case, then a Commission “stamp of approval at this point in order to shift those risks to customers,” or to get a “leg up on cost recovery,” via RFP approval, is unnecessary.

^{11/} June 7, 2016 Open Meeting at 1:16:10 (emphasis added).

^{12/} June 7, 2016 Open Meeting at 1:05:13.

^{13/} Docket No. UM 1845, PacifiCorp's Comments and Updated Proposed Schedule (“PacifiCorp's Comments”) at 3 (July 17, 2017) (emphasis added).

^{14/} Id. at 2 (emphasis added); accord Cover Letter at 8 (“PacifiCorp again notes that it is neither presuming acknowledgement of the 2017 IRP nor attempting to shift the risk to customers if the IRP is not acknowledged”). ICNU recognizes that the Company has attached the conditional, “if the IRP is not acknowledged,” to the statement about risk shifting. But, with any acknowledgment decision on the IRP months away, the present issue for Commission consideration is whether any presumptive risk shifting is appropriate by effect of the discrete action of an RFP approval, considering that the Company ostensibly disclaims the attribution of any risk to customers right now.

The Company expressly seeks a Guidelines waiver “[i]f the Commission concludes that any aspect of the 2017R RFP fails to comply with the Guidelines ... because the 2017R RFP presents a time-limited resource opportunity and meets the criteria for waiver under Guideline 2.”^{15/} Contrary to the Company’s assertion, however, RFP approval under the waiver Guideline is not at all appropriate in this proceeding, since PacifiCorp cannot satisfy the actual waiver criteria referenced. Specifically, as the Company itself acknowledges, “Staff articulated five criteria that should apply to requests for waivers of the Guidelines,” including that “the utility must demonstrate a *need* for the resource.”^{16/} But, even PacifiCorp does not claim any “need” for proposed resources within the RFP, never mind demonstrating such a need, meaning that a Guideline waiver to allow for RFP approval would be inappropriate.

For instance, the RFP is presented in this proceeding as having been “designed to capture a time-limited resource *opportunity* arising from the expiration of federal production tax credits,” which is “... expected to provide *economic benefits* for PacifiCorp’s customers.”^{17/} Similarly, in the Company’s recent IRP reply comments, PacifiCorp touts Energy Vision 2020 projects, which include the RFP wind resources, as providing “economic benefits,” and which allegedly “will provide *significant savings* to customers.”^{18/} Yet, if these representations were not persuasive enough as to the lack of any actual “need” associated with RFP resources, the Company also recently explained that “[t]he loss of the PTC would eliminate much of the benefits associated with the 2021 Wyoming wind resources. And without those benefits, the

^{15/} Cover Letter at 4.

^{16/} Cover Letter at 4 (quoting Re PGE, Petition for Partial Waiver of Competitive Bidding Guidelines and Approval of Request for Proposals (RFP) Schedule, Docket No. UM 1773, Order No. 16-221, App. A at 9 (June 8, 2016)) (emphasis added). More specifically, Staff explained: “A waiver of the Guidelines should *only* be granted if the Company can establish a need for the procurement.” Id. (emphasis added).

^{17/} Cover Letter at 1 (emphasis added).

^{18/} Docket No. LC 67, PacifiCorp’s Reply Comments at 4 (emphasis added).

Wyoming wind would *not* be part of PacifiCorp’s least-cost, least-risk plan to reliably meet system load.”^{19/}

Moreover, as the Commission is no doubt aware, the very resources at issue in this RFP are the subject of pointed controversy in the IRP proceeding, particularly as to whether the proposed wind resources represent an actual “need,” and the subsequent repercussions if associated IRP action items are, indeed, found not to represent a “need” appropriate for Commission acknowledgment.^{20/} ICNU does not raise this “need” issue in an attempt to settle the controversy here, but precisely because a waiver of the Guidelines, according to the Staff criteria acknowledged by the Company, effectively *would* settle the controversy prematurely. That is, to satisfy the Guidelines waiver criteria, the Commission would have to find PacifiCorp has “demonstrate[d] a need for the resource[s]” contained in the RFP.^{21/} Plainly, however, the Commission should not do so before first allowing for full process and consideration of the matter in the appropriate IRP context.

Nonetheless, PacifiCorp cites to a bevy of orders alleged to provide support for “... flexibility in applying the requirement that an RFP align with an acknowledged IRP” per Guideline 7. Ironically, the Company’s first reference is to Staff’s interpretation that the IRP alignment criterion within Guideline 7 is “tantamount to requiring that the Company demonstrate[] ... a need for resources.”^{22/} Of course, the Company’s inability to demonstrate a

^{19/} Re OPUC. Investigation to Examine PacifiCorp, dba Pacific Power’s Non-Standard Avoided Cost Pricing, Docket No. UM 1802, PAC/300 at 26:16-19 (July 21, 2017) (emphasis added).

^{20/} See, e.g., Docket No. LC 67, Staff’s Initial Comments at 1 (“The fact that the Company has identified no need for the new resources, but instead presents their acquisition as a purely economic decision, means that the normal standards of IRP review may not be relevant because system ‘need’ is an essential element of that review standard”) (June 23, 2017); Docket No. LC 67, Opening Comments of ICNU at 6 (June 23, 2017) (“The hallmark of the Company’s 2017 IRP ... appears to be an ambitious assessment of economic opportunity divorced from actual ‘needs,’ and with a worrying lack of ‘risks’ assessment on eventual ratepayer investment responsibility, if all does not go according to plan”).

^{21/} Cover Letter at 4 (quoting Docket No. UM 1773, Order No. 16-221, App. A at 9).

^{22/} Cover Letter at 6 (quoting Docket No. UM 1773, Order No. 16-280, App. A at 7).

“need,” and the impropriety of asking the Commission to effectively settle the IRP “need” controversy now, represents the conundrum just discussed, which supports the rejection of either a waiver or the functionally identical “flexibility” that PacifiCorp requests.

Likewise, none of the Company’s remaining citations offer support for the “flexibility” or effective waiver that PacifiCorp seeks. The Company cites two orders in alleged support for the proposition that “[t]he Commission has allowed the RFP and IRP processes to run concurrently to capture the utility’s most up-to-date analysis.”^{23/} The first authority, however, is inapposite for multiple reasons. To begin, the 2011 RFP at issue there was expressly “stated as fulfilling ... capacity and energy resource needs identified in the Company’s 2008 IRP”^{24/}—quite the opposite of the present IRP, which seeks resources unquestionably linked to an IRP yet to be acknowledged, and absent any “needs” identification. Moreover, even the Company’s 2011 IRP had been acknowledged on March 9, 2012, more than two weeks prior to Commission’s approval of the 2011 draft RFP at issue.^{25/} Yet, there is not the faintest possibility that the Company’s 2017 IRP acknowledgment might precede 2017 RFP approval under current scheduling.

The second order cited by the Company, in purported support of allowing the RFP and IRP processes to run concurrently, is also fundamentally inapposite. Primarily, this is because novel legislative mandates—i.e., “SB 838 requirements”—necessitated RFP assessment

^{23/} Cover Letter at 6 & n.16 (citing Re PacifiCorp, Request for Approval of Final Draft 2011 All Source Request for Proposals, Docket No. UM 1540, Order No. 12-111 (Mar. 27, 2012), and Re PGE, Docket No. UM 1345, Order No. 08-234 (Apr. 24, 2008)).

^{24/} Docket No. UM 1540, Order No. 12-111, App. A at 2. Other differences include the IE’s assessment of “... no barriers toward a positive result” in the 2011 RFP, while the present IE has identified multiple concerns after “consider[ing] whether there are any other requirements that could keep the RFP from producing a positive result for ratepayers.” Compare id., App. A at 4, with IE Assessment at 17-18.

^{25/} Compare Docket No. UM 1540, Order No. 12-111 (stating adoption of Staff’s recommendation for RFP approval on March 27, 2012), with id., App. A at 9 (stating OPUC acknowledgment of the 2011 IRP on March 9, 2012).

“in lieu of an acknowledged IRP.”^{26/} The Company’s frequent ascriptions to “economic benefits” and PTC “opportunity” in the context of the present RFP, however, materially distinguish PGE’s circumstances in 2008, in addition to PacifiCorp’s recent clarification that the Company is now seeking “cost-effective renewable resources, rather than renewable resources specifically needed to comply with Oregon’s renewable portfolio standard.”^{27/} Further, another significant distinction in PGE’s 2008 circumstances was a “specific non-acknowledgment of PGE’s IRP portfolio analysis,” which rendered moot any attempt to align the RFP with the prior IRP.^{28/}

Finally, failing all else, the Company “requests that the Commission waive strict application of the requirement that the 2017R RFP align with PacifiCorp’s most recent acknowledged IRP.”^{29/} In support of this request, PacifiCorp argues that, unlike the present RFP, the Company “did not have a pending IRP that provided [a] comprehensively update[d] analysis” when “the Commission strictly applied Guideline 7 to deny a PacifiCorp RFP ... on the basis that it was not aligned with an acknowledged IRP” in 2007.^{30/} But, the Commission expressly found in 2007 that PacifiCorp had “failed to demonstrate the need for” resources sought in that RFP.^{31/} Thus, the lack of demonstrated need, much less claimed need, of resources sought in this RFP should also lead to the same result here—application of Guideline 7, to deny approval of an RFP that is not aligned with an acknowledged IRP.

^{26/} Docket No. UM 1345, Order No. 08-234, App. A at 3.

^{27/} Docket No. UM 1802, PAC/200 at 1:23-2:2 (July 21, 2017).

^{28/} Docket No. UM 1345, Order No. 08-234, App. A at 6.

^{29/} Cover Letter at 6.

^{30/} Cover Letter at 6 n.17 (citing Re PacifiCorp dba pacific Power Draft2012 Request for Proposals, Docket No. UM 1208, Order No. 07-018 (Jan. 7, 2007)).

^{31/} Docket No. UM 1208, Order No. 07-018 at 5; accord id. at 7 (“In summary, PacifiCorp’s Draft RFP is not aligned with its acknowledged 2004 IRP, and should not be approved PacifiCorp has failed to adequately justify, in this proceeding, the need for two large thermal resources on the east side of its system”).

B. Conditions and Modifications to Protect Ratepayers Are Necessary, if the RFP Is Approved

As an alternative to simply approving or not approving the RFP, as filed, the Commission might opt for RFP approval with “any conditions and modifications deemed necessary.”^{32/} This course would not be ICNU’s primary recommendation, as the attachment of conditions and modifications will be far more time-consuming and demanding on the resources of the Commission and parties alike, in administering subsequent process, compared with a simple decision not to approve. Moreover, since the Company maintains the “prerogative to acquire new resources” in all events,^{33/} a decision not to approve the RFP will in no wise hinder PacifiCorp from proceeding with acquisition plans.

Nevertheless, if the Commission opts to approve the RFP in some fashion, ICNU recommends that approval be conditioned upon the Company’s assumption of all risk for proceeding with an RFP prior to IRP acknowledgment. In so doing, the Commission would be requiring nothing more than what the Company has already stated—e.g., “PacifiCorp understands and *accepts the risk* of moving forward in this way,”^{34/} and “... is neither presuming acknowledgement of the 2017 IRP *nor attempting to shift the risk to customers.*”^{35/}

Short of this form of full assignment of present risk upon PacifiCorp, ICNU recommends that the Commission consider adopting conditions and modifications reflecting the discrete assessments of the IE. While not intended to be exhaustive, ICNU provides the following examples of IE concerns and recommendations, many of which explicitly treat the

^{32/} Docket No. UM 1182, Order No. 14-149, App. A at 2.

^{33/} Docket No. UM 1182, Order No. 06-446 at 2. See also Docket No. UM 1845, Order No. 17-279, App. A at 4 (“PacifiCorp is not obligated to proceed with the development of an RFP Whether or not to proceed with the contemplated RFP is a matter for the Company to consider”).

^{34/} Docket No. UM 1845, PacifiCorp’s Comments and Updated Proposed Schedule (“PacifiCorp’s Comments”) at 3 (July 17, 2017) (emphasis added).

^{35/} PacifiCorp’s Comments at 3 (emphasis added); Cover Letter at 8 (emphasis added).

same issues of ratepayer risk insulation that ICNU finds imperative, and which justify the adoption of customer protections for any RFP approval:

- “The typical concern with such a rushed process... is that the process is set up for the selection of the affiliate offer and competition will be less than optimal as bidders either cannot or will not offer supply”;^{36/}
- “the timing of this RFP also creates unique risks that are not typically present in an RFP”;^{37/}
- “several factors could prevent a winning supplier from realizing the PTC”;^{38/}
- “Should the Wyoming Commission reject Rocky Mountain Power’s CPCN proposal, it would create considerable uncertainty with respect to the continued viability of this RFP ..., [B]esides this regulatory risk, there is the risk ... that, even if approved, the Company may fail to deliver the transmission facilities on time (or at all)”;^{39/}
- “ratepayers should not bear the risk of any project not being able to claim the PTC”;^{40/}
- “PacifiCorp’s self-build ‘benchmark bids should be held to their assumptions regarding cost and performance”;^{41/}
- “If PacifiCorp receives approval to complete the gateway Segment D2 Project, but misses the Commercial Operations Date (“COD”) of the project, ratepayers and bidders should be held harmless”;^{42/}
- “‘Change Orders’ which increase the cost of the project should not be paid for by ratepayers”;^{43/}
- “Should the Transmission Project’s COD slip beyond the date by which winning projects must come online to recover the PTC, PacifiCorp should hold ratepayers harmless by not passing any increased costs through to ratepayers”;^{44/}
- “benefits could be wiped away by cost overruns on the transmission side”;^{45/}

^{36/} IE Assessment at 2.

^{37/} Id.

^{38/} Id. at 4.

^{39/} Id.

^{40/} Id. at 5.

^{41/} Id. at 6.

^{42/} Id.

^{43/} Id.

^{44/} Id. at 12.

^{45/} Id. at 15.

Lastly, Guideline 7 expressly provides that “[t]he Commission may consider the impact of multi-state regulation . . .,” when considering whether to approve an RFP.^{46/} As ICNU noted in IRP comments, acute uncertainty regarding the Multi-State Process, and future inter-jurisdictional cost allocation applicable to Oregon, renders the uncertainty and risk surrounding alleged fruition of customer benefits all the more pronounced for Wyoming wind resources.^{47/} Accordingly, ICNU urges the Commission, at a bare minimum, to also consider attaching conditions or modifications to any RFP approval, which would insulate Oregon customers from any prospective inter-jurisdictional cost methodology that may result in Oregon not receiving appropriate benefits from proposed Energy Vision 2020 resources included within this RFP.

III. CONCLUSION

As the IE accurately observed, “... the comment period in this case is *very brief* and the Commission may wish to extend the period to obtain additional feedback from stakeholders.”^{48/} Nevertheless, ICNU has endeavored to provide the Commission with as thorough a commentary as time and other resource requirements have allowed.

Even considering the constraints of the accelerated schedule, however, these comments will hopefully convey sufficient cause for concern over material ratepayer risks associated with any RFP approval, absent considerable conditions and modifications. Accordingly, ICNU recommends that the Commission either: 1) refrain from approving the draft RFP, whether by taking no action or by disapproval; 2) or attach substantive conditions and modifications to an RFP approval, which will protect ratepayers through any process ahead.

^{46/} Docket No. UM 1182, Order No. 14-149, App. A at 2.

^{47/} See Docket No. LC 67, Opening Comments of ICNU at 5-6.

^{48/} IE Assessment at 21 (emphasis added).

Dated this 18th day of August, 2017.

Respectfully submitted,

/s/ Jesse E. Cowell

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