

Davison Van Cleve PC

Attorneys at Law

TEL (503) 241-7242 • FAX (503) 241-8160 • tcp@dvclaw.com

Suite 450

1750 SW Harbor Way

Portland, OR 97201

April 30, 2021

Via Electronic Filing

Oregon Public Utility Commission
201 High Street SE, Suite 100
Salem, OR 97301

Re: May 4, 2021 Special Public Meeting – UM 2163

Dear Commissioners:

The Alliance of Western Energy Consumers (“AWEC”) submits the following comments to the Oregon Public Utility Commission (“Commission”) on PacifiCorp’s (or “Company”) Schedule 272 Renewable Energy Rider Optional Bulk Purchase Option. Commission Staff recommends, among other things, that the Commission impose a hard cap on participation in Schedule 272 at 175 aMW, but that this cap be incremental to Pryor Mountain to allow further participation in Schedule 272. It is AWEC’s understanding that, by excluding Pryor Mountain from contributing toward the cap, all customers who have expressed interest in Schedule 272 will have the opportunity to participate in the program while the Commission’s investigation in UM 2163 is ongoing.

AWEC does not oppose Staff’s recommendation and, indeed, supports ensuring that each large customer is able to meet its corporate energy needs, whatever they are, in the manner each customer determines is most suitable for it, including through PacifiCorp’s Schedule 272. AWEC, in other words, supports optionality for large customers to the maximum extent consistent with the public interest and just and reasonable rates for all customers.

AWEC is concerned, however, that certain options are being prioritized over others. In its order on reconsideration in UE 374, PacifiCorp’s 2020 general rate case, the Commission determined that “a reevaluation of Schedule 272 is warranted to ensure that its continued use is consistent with the public interest” and opened an investigation into this issue. The Commission directed Staff “to bring to a public meeting within 45 days of this order recommended tariff revisions to implement appropriate limitations on an interim basis,” which Staff has complied with. The revisions Staff proposes will ensure that all customers who have expressed an interest in Schedule 272 to date will be able to participate in this program during the pendency of the investigation in UM 2163.

Meanwhile, customers who may be interested in direct access continue to await a resolution of the Commission's general direct access investigation in UM 2024. This includes customers who currently are economically prohibited from participating due to the level of PacifiCorp's transition charges, and customers who are prohibited from participating due to the cap on Portland General Electric's direct access program. No substantive process has occurred in UM 2024 since the Commission held a workshop on August 20, 2020, over eight months ago. Yet, unlike the allowances Staff proposes for Schedule 272, the customers who may be the beneficiaries of any outcome from UM 2024 have not been allowed to participate in direct access pending the outcome of that investigation. They have been required to wait on the sidelines indefinitely.

Given the ongoing exclusion of customers from direct access, AWEC requests that the Commission rectify this situation and institute parity between the processes in UM 2163 and UM 2024. That is, the Commission's direct access investigation should be restarted and should proceed as expeditiously as the investigation into Schedule 272. To be clear, this does not necessarily mean that both investigations should conclude at exactly the same time. But at a minimum, a procedural schedule for both proceedings should be adopted. With a contested case process and a procedural schedule in place, progress in the direct access investigation will be more assured. An expeditiously adopted procedural schedule should allow the bulk of the process in UM 2024 to conclude by the end of this year.

Dated this 30th day of April, 2021.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Tyler C. Pepple

Tyler C. Pepple, WSB # 50475
1750 SW Harbor Way, Suite 450
Portland, Oregon 97201
(503) 241-7242 (phone)
(503) 241-8160 (facsimile)
tcp@dvclaw.com
Of Attorneys for the
Alliance of Western Energy Consumers