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February 29, 2024

VIA E-MAIL TO

Public Utility Commission of Oregon
Filing Center
201 High Street SE, Suite 100
Salem, Oregon 97301-3398

Re: Docket UM __ - In the Matter of PacifiCorp, d/b/a Pacific Power, Application for Waiver.

Attached for filing in the above-referenced docket, please find PacifiCorp's Application for Waiver. Copies of this Application are being served to participants from the Docket UM 2108 Service List.

Please contact this office with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Cole Albee".

Cole Albee
Paralegal
McDowell Rackner Gibson PC

Attachment

cc: UM 2108 Service List

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM _____

In the Matter of

PACIFICORP, d/b/a PACIFIC POWER

Application for Waiver

APPLICATION FOR WAIVER

I. INTRODUCTION

In accordance with OAR 860-001-0400(2) and OAR 860-082-0010(1), PacifiCorp submits this application to the Public Utility Commission of Oregon (Commission) requesting an order granting a limited one-time waiver of certain sections of PacifiCorp’s large and small generator interconnection procedures to facilitate PacifiCorp’s ongoing queue improvement efforts and its compliance with the Federal Energy Regulatory Commission’s (FERC) Order No. 2023.¹

PacifiCorp already enacted several improvements to its interconnection process in recent years and is in the midst of reforming its interconnection procedures to implement the Order No. 2023 improvements at both the state and federal level, including use of a proportional impact method for allocating network upgrade costs and the creation and implementation of a transmission system heat map to assist interconnection customers in project siting.² As part of PacifiCorp’s adoption of the Order No. 2023 reforms, it will request the cluster request windows open annually

¹ *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *order on reh’g*, 185 FERC ¶ 61,063 (2023), *appeals pending* (hereinafter Order No. 2023).

² PacifiCorp’s FERC compliance filing is due April 3, 2024, and PacifiCorp anticipates making a comparable filing with the Commission to align the state and federal processes and ensure that state-jurisdictional interconnection customers receive the benefits of the reforms set forth in Order No. 2023.

on January 1st (as opposed to the current April 1st), beginning January 1, 2025. While that change will speed PacifiCorp's adoption of the Order No. 2023 reforms, it creates a temporary timing issue related to opening a cluster request window on April 1, 2024, as required by its current state interconnection procedures and Open Access Transmission Tariff (OATT). As explained in more detail below, PacifiCorp's recent experience is that nine months is not nearly enough time to complete a cluster study process, the facilities study process, and bring projects to signed interconnection agreements. Consequently, PacifiCorp seeks a limited and one-time waiver of its interconnection procedures to forego a 2024 cluster study (*i.e.*, forego opening the cluster request window on April 1, 2024) and focus instead on preparing for a cluster study opening January 1, 2025, that will include the Order No. 2023 improvements.³

The requested waiver will not only facilitate PacifiCorp's ability to bring the benefits of FERC's reforms to the state process, but it will also provide an opportunity for PacifiCorp to conclude its current cluster study (*i.e.*, the 2023 Cluster Study) and pending restudies associated with its last two annual studies. Opening a 2024 Cluster Study in parallel with this existing study work would only add to the backlog that both the Commission and FERC have worked to alleviate. Clearing the current backlog will help create a fair and functional interconnection process, which is critical to advancing Oregon state energy policy.

Moreover, opening the 2024 Cluster Study while PacifiCorp's Order No. 2023 compliance filings are pending and while PacifiCorp prepares to implement those reforms at both the state and federal level could present a significant obstacle to timely achieving the process improvements by diverting internal resources towards the 2024 Cluster Study as opposed to continued implementation of Order No. 2023 reforms.

³ PacifiCorp filed a similar waiver request at FERC on February 15, 2024.

Finally, in the absence of the waiver requested here, PacifiCorp will need to propose a transition cluster study as a part of its Order No. 2023 compliance filing that will render the 2024 Cluster Study moot in any event. Specifically, PacifiCorp's transition process would propose that any interconnection customers who have not been tendered a facility study agreement as of 30 calendar days after the filing date of PacifiCorp's Order No. 2023 compliance filing will need to restart the study process via the transitional cluster study.⁴ Such a transition process would be necessary to bring interconnection customers into the Order No. 2023-compliant process and clear out the existing requests prior to undertaking a cluster study under the Order No. 2023 process.

It is highly unlikely that interconnection requests submitted into the 2024 Cluster Study will have been tendered a facility study agreement by that date and, therefore, will need to restart the process in the transition process. Consequently, all work, effort, and expense undertaken by both PacifiCorp and interconnection customers for the 2024 Cluster Study would be needlessly undertaken.⁵ Moreover, older interconnection requests (*i.e.*, those subject to current restudies) may also need to enter the transition process.

For the foregoing reasons, PacifiCorp seeks a one-time waiver of sections 3.1, 4.2.1, 7.1, and 7.2 its Large Generator Interconnection Procedures (LGIP) and portions of Article 0060 of its Small Generator Interconnection Procedures (SGIP) only as necessary to open its next cluster study window on January 1, 2025, instead of opening a cluster request window on April 1, 2024. Granting the waiver request will provide benefits by allowing PacifiCorp to focus efforts on: (1) completing its existing interconnection studies and consequently moving viable generating

⁴ Those interconnection customers that have been issued a facility study agreement will be allowed to continue in the existing study process.

⁵ If the Commission grants PacifiCorp's waiver request, PacifiCorp will propose to open its first Order No. 2023-compliant cluster study on January 1, 2025.

projects closer towards commercial operation and clearing the existing backlog, and (2) timely implementing Order No. 2023 improvements at both the state and federal level. Granting the waiver request will not adversely affect interconnection customers who would have joined the 2024 Cluster Study because those customers would likely have to restart the study process under the transition process. Moreover, PacifiCorp is currently processing nearly 58 gigawatts (GW) of active interconnection requests (including approximately 11.1 GW in Oregon), emphasizing the importance of completing the ongoing interconnection studies and not adding to the backlog via a 2024 Cluster Study.

Because the 2024 Cluster Study request window opens on April 1, 2024, PacifiCorp requests expedited review of this application so that the Commission can issue an order before April 1.

II. NOTICE

Communications regarding this application should be addressed to:

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In addition, the company requests that all data requests regarding this application be sent to the following:

By email (preferred): datarequest@pacificorp.com
By regular mail: Data Request Response Center
PacifiCorp
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Portland, OR 97232

Informal questions may be directed to Cathie Allen, Regulatory Affairs Manager, at (503) 813-5394.

III. BACKGROUND

A. PacifiCorp Interconnection Queue Reform

On January 31, 2020, PacifiCorp filed with FERC to revise its OATT to replace its first-come, first-served serial interconnection queue with a first-ready, first-served cluster study process. On May 12, 2020, FERC accepted revisions to PacifiCorp's OATT to allow a first-ready, first-served cluster study process.⁶

On June 25, 2020, PacifiCorp submitted an application to the Commission to include Oregon-jurisdictional interconnections in the first ready, first served cluster process. The Commission approved PacifiCorp's request, subject to several modifications, at a special public meeting held on August 12, 2020.⁷ On December 1, 2020, the Commission adopted additional revisions in response to requests for reconsideration.⁸

B. Cluster Studies

Since obtaining the state and federal approvals to use a cluster study interconnection process, PacifiCorp has undertaken a Transitional Cluster Study and three annual Cluster Studies (2021, 2022, and 2023). The table below summarizes the status of each cluster study, followed by a more detailed discussion of each study.

⁶ *PacifiCorp*, 171 FERC ¶ 61,112 (2020).

⁷ *In the Matter of PacifiCorp Application for an Order Approving Queue Reform Proposal*, Docket No. UM 2108, Order No. 20-268 (Aug. 19, 2020).

⁸ *In the Matter of PacifiCorp Application for an Order Approving Queue Reform Proposal*, Docket No. UM 2108, Order No. 20-465 (Dec. 4, 2020).

| Cluster Study | Interconnection Requests and Withdrawals | Oregon Requests | QF Withdrawals | Status |
|-----------------------------------|---|-----------------------------|-----------------------|---|
| Transitional Cluster Study | 56 requests, 40 withdrawals | 16 requests, 6 withdrawals | 5 | Completed |
| 2021 Cluster Study | 59 requests, 38 withdrawals | 10 requests, 5 withdrawals | 1 | Initial Cluster Studies timely completed, some restudies are still ongoing. |
| 2022 Cluster Study | 212 requests, 136 withdrawals | 68 requests, 42 withdrawals | 16 | Initial Cluster Studies timely completed, some restudies are still ongoing. |
| 2023 Cluster Study | 193 requests | 46 requests, 4 withdrawals | 1 | Still processing. Cluster Study Reports expected in March of 2024. |

1. Transition Cluster Study

The Transition Cluster Study, which commenced in fall 2020, included 56 interconnection requests and was timely completed. Of those 56 requests, 40 withdrew after receiving their interconnection study results, while 16 interconnection requests, representing approximately 900 megawatts (MW) of new generation, ultimately signed interconnection agreements.

2. 2021 Cluster Study

PacifiCorp’s first annual Cluster Study commenced in April 2021, and included 59 interconnection requests, representing approximately 12 GW of new generation. The initial cluster studies were timely completed. As of the date of this filing, of the 59 interconnection requests included in the Cluster Study, 38 requests withdrew, 15 requests (representing approximately 3,500 MW) signed interconnection agreements, three requests have been restudied multiple times due to withdrawals but have proceeded to the facility study phase, and the remaining three

interconnection requests in a single cluster area are currently being restudied for the third time as a result of withdrawals. There were no Oregon QF interconnection requests included in the 2021 Cluster Study.

3. 2022 Cluster Study

PacifiCorp's second annual Cluster Study commenced in April 2022 and the initial studies were timely completed. The 2022 Cluster Study included 212 requests, representing approximately 40.7 GW of new generation. Of the 212 requests, 136 withdrew, leaving 76 active interconnection requests that were subject to restudies due to withdrawals. Of the 76 requests remaining in the 2022 Cluster Study, 39 have proceeded to the facility study stage. The remaining 37 requests are currently being restudied for the second time due to withdrawals. PacifiCorp received 23 Oregon QF interconnection requests, seven of which are still active. Based on its previous experience, PacifiCorp anticipates that additional withdrawals will occur following the second round of restudies, which will result in a third round of restudies for some of the remaining requests.

4. 2023 Cluster Study

PacifiCorp's 2023 Cluster Study included 193 requests (including six Oregon QF requests), representing approximately 33,000 MW of new generation. Despite PacifiCorp having completed its initial 2021 and 2022 Cluster Studies on time, due to withdrawals and required restudies, PacifiCorp's 2023 initial Cluster Study reports have been delayed by approximately 90 days.

While one of the purposes of interconnection queue reform was to resolve the significant interconnection queue backlog, both the number of requests and volume of capacity requesting interconnection remains significant. Including PacifiCorp's legacy serial queue interconnection requests along with its Transition Cluster Study, 2021 Cluster Study, and 2022 Cluster Study, PacifiCorp currently has an interconnection queue backlog of over 25,000 MW. The 2023 Cluster

Study group, which has yet to have its initial Cluster Studies completed, consists of an additional 33,000 MW. Thus, PacifiCorp is currently processing nearly 58 GW of active interconnection requests.

C. FERC Interconnection Queue Reforms

On July 28, 2023, FERC issued Order No. 2023, which updates the procedures for interconnecting FERC-jurisdictional large generating facilities (20 MW and above) and small generating facilities (under 20 MW).⁹ The adopted reforms are intended to address interconnection queue backlogs, improve certainty in the interconnection process, and prevent undue discrimination for new technologies.¹⁰ Order No. 2023 adopts a series of mandatory reforms in an attempt to bring uniformity to interconnections across the country.¹¹ The most significant change is the move away from FERC's historic first come, first served serial approach to interconnections in favor of a first ready, first served cluster study approach that requires generators to demonstrate commercial readiness to proceed through the queue.¹² Although PacifiCorp was already using a first ready, first served cluster study approach, there are several key changes in Order No. 2023 that PacifiCorp is required to implement, including designing and implementing a publicly available heatmap of available transmission capacity. PacifiCorp is also designing and preparing to implement a proportional impact method for allocating cluster network upgrade costs; establishing procedures for incorporating alternative transmission technologies into its cluster study evaluation; and revising its internal processes to ensure timely completion of cluster studies and cluster restudies.

⁹ See e.g., Order No. 2023 at P 5, Appendix C: *Pro forma* LGIP § 3.1.1.1.

¹⁰ Order No. 2023 at P 3.

¹¹ Order No. 2023 at P 1.

¹² Order No. 2023 at PP 4-5.

PacifiCorp is hopeful that Order No. 2023’s reforms will help: (1) make the interconnection study process more efficient by in part deterring speculative interconnection requests while also mitigating study delays; (2) which will in turn hopefully lead to less of a backlog of prospective interconnection requests; and (3) thereby increase certainty and encourage project developers’ ability to interconnect generating facilities to the transmission system.¹³ Additionally, PacifiCorp is optimistic that these reforms “will provide greater certainty to interconnection customers, regarding both the timing of studies and the magnitude of network upgrade costs” and “will minimize the risk of cascading restudies when an interconnection customer withdraws.”¹⁴ To ensure that Oregon-jurisdictional interconnection customers receive the benefits of FERC’s reforms and to maintain consistency across jurisdictions, the Company anticipates making a filing with the Commission to pull through the necessary FERC reforms into the state process, including modifying the cluster study commencement date to January 1st, rather than April 1st.

While Order No. 2023 does not mandate a specific compliance path for transmission providers that have already adopted a cluster study process,¹⁵ after reviewing the Order No. 2023 reforms, PacifiCorp concluded that it must clear out its current queue either as a result of a waiver filing like this one or through a transition process, comparable to the one used in 2020 when PacifiCorp first transitioned to cluster studies.¹⁶ If PacifiCorp does not clear out its current queue,

¹³ See Order No. 2023 at P 27.

¹⁴ Order No. 2023 at P 177 (citations omitted).

¹⁵ See Order No. 2023 at PP 865-69. The initial compliance deadline for Order No. 2023 was December 3, 2023. PacifiCorp and a number of other parties submitted requests for rehearing to Order No. 2023. Part of nearly all the requests for rehearing expressed concern with the relatively short timeline for submittal of compliance filings even though the extent of reforms resulting from Order No. 2023 is significant. PacifiCorp’s request specifically focused on the lack of a transition process for early adopters, as discussed above. On October 25, 2023, FERC issued an order extending the deadline for compliance by four months. Consequently, compliance filings are now due on April 3, 2024. FERC has yet to issue a substantive order on rehearing, but in its order granting an extension to the compliance deadline, FERC stated it would substantively address the remaining arguments in the rehearing requests at some point in the future.

¹⁶ See Order No. 20-268, Appendix A at 9.

the backlog of interconnection requests will jeopardize PacifiCorp's ability to implement Order No. 2023 interconnection procedures in a timely manner. With a waiver, PacifiCorp will be able to focus efforts on completing its existing interconnection studies, timely implementing Order No. 2023 reforms, avoid a transition process, and opening its first Order No. 2023-compliant cluster study on January 1, 2025, with minimal delays due to current cluster restudies.

D. PacifiCorp's FERC Waiver Request

On February 15, 2024, PacifiCorp filed a request asking FERC to grant a limited one-time waiver to allow PacifiCorp to forego opening a 2024 Cluster Study in April to allow PacifiCorp to focus its efforts on implementing the Order No. 2023 improvements and clearing the existing interconnection backlog.¹⁷ As a part of that filing, PacifiCorp stated that if the waiver was granted by FERC, it intended to commence its first cluster study under the Order No. 2023 processes on January 1, 2025. PacifiCorp asked FERC for an expedited decision by March 15, 2024, because of the requirement in its current OATT that it initiate the 2024 Cluster Study on April 1, 2024.

PacifiCorp is not the only utility that has requested a waiver at FERC. For example, Arizona Public Service Company and Public Service Company of New Mexico have also requested similar waivers from the FERC.¹⁸ The other pending requests confirm the need for the waiver is driven by the implementation of Order No. 2023 reforms, as well as to clear out existing interconnection requests prior to commencing new interconnection processes.

IV. REQUEST FOR WAIVER

Consistent with the waiver request filed with FERC, PacifiCorp requests that the Commission grant a limited and one-time waiver of PacifiCorp's interconnection procedures to

¹⁷ PacifiCorp's FERC filing has been assigned Docket No. ER24-1273.

¹⁸ See FERC Docket Nos. ER24-1209 and ER24-1293, respectively.

allow it to initiate its next cluster study on January 1, 2025—after implementing the improvements required by Order No. 2023 and after making additional progress on resolving the current study backlog.

A. Waiver will maintain alignment between state and federal processes.

Uniform interconnection study process for all customers reduces confusion, reduces overall study timelines, and is more efficient to administer. Moreover, consistent processes ensure non-discriminatory access to the transmission system for all interconnection customers, both state and federal.¹⁹ If FERC grants a waiver of the 2024 cluster study and Oregon does not, then the Company will be in the untenable position of simultaneously concluding the 2022 and 2023 Cluster Studies, performing an Oregon-only 2024 Cluster Study, preparing for the new cluster study process and completing all these tasks by January 1, 2025. Complying with the new FERC study timeline will be difficult given the need to conclude the 2022 and 2023 Cluster Studies even without an additional Oregon-only 2024 study. Doing all three will be virtually impossible. Therefore, denying a waiver for Oregon-jurisdictional interconnection customers could place the Company in the position of having to comply with potentially conflicting and irreconcilable processes at the state and federal level.

Moreover, an Oregon-only 2024 Cluster Study will result in Oregon interconnection customers receiving a priority advantage over FERC-jurisdictional customers, while also hindering the Company's ability to timely study FERC-jurisdictional customers by putting at risk

¹⁹ See *Southern California Edison Co.*, 142 FERC ¶ 61,089 (2013) (“We find that SoCal Edison's proposal will be beneficial to all customers seeking interconnection as it will foster consistency, avoid duplicative queues and study processes for Commission and CPUC-jurisdictional projects and enable a more efficient and transparent interconnection process going forward because it ‘will improve efficiency by creating a framework through which SoCal Edison and CAISO can simultaneously, and in a more coordinated manner, evaluate impacts to their respective systems.’”); *San Diego Gas & Electric Co.*, 147 FERC ¶ 61,093 (2014) (“[W]e find that coordinating the cluster study processes for interconnection requests to SDG&E’s distribution system and the CAISO-controlled transmission system will achieve greater efficiency and effectively manage network impacts on both systems.”).

the timing of the January 1, 2025, cluster study to be undertaken under the new Order No. 2023 reforms. All interconnection customers should be on an equal footing for purposes of study timelines. Granting an unfair advantage to one subset of customers undermines the well-established principle that all customers should receive equal access to the transmission system.

Moving an Oregon-only 2024 Cluster Study will result in Oregon QFs being solely allocated costs of network upgrades that will likely be triggered (based on PacifiCorp's experience to date) by such requests as opposed to spreading out the network upgrade costs amongst a wider pool of interconnection requests. Allocating network upgrade costs among a smaller pool of requests will increase the likelihood of withdrawals and subsequent restudies, making it more difficult for Oregon QFs to proceed and ultimately interconnect. The withdrawals and resulting restudies will also further bog down the interconnection study process and compromise the timely implementation of the new cluster study reforms that will be beneficial to Oregon QFs, like FERC's new proportionate cost allocation methodology to more granularly allocate the costs of shared network upgrades.

B. Waiver will benefit Oregon interconnection customers by mitigating further interconnection queue backlogs.

Granting this waiver will provide PacifiCorp with much-needed flexibility to clear out its existing queue under its current procedures and to prepare for and start with a clean slate for processing future annual cluster studies. Even though PacifiCorp has timely completed its first three cluster studies since Order No. 20-268, the combination of the high volume of interconnection requests and cascading restudies has resulted in significant backlogs and compounding cluster studies. Allowing time to complete the prior cluster studies without compounding the backlog with a new 2024 Cluster Study will result in greater certainty for interconnection customers.

If the Commission grants this waiver request, PacifiCorp will not only be able to focus efforts on completing existing interconnection studies (and clearing out the backlog of existing requests) but PacifiCorp will also be allowed to continue to focus its resources on timely implementing Order No. 2023 reforms, which will benefit both FERC and state-jurisdictional interconnection customers. PacifiCorp is undertaking significant work to implement reforms under Order No. 2023 and to make its compliance filing by April 3, 2024. For example, PacifiCorp is designing and preparing to implement a proportional impact method for allocating the costs of shared network upgrade identified in the cluster study and PacifiCorp is designing a publicly available heatmap of available transmission capacity intended to aid interconnection customers when siting potential generation projects. PacifiCorp is also establishing procedures for incorporating alternative transmission technologies into its cluster study evaluation and revising its internal processes to ensure timely completion of cluster studies and restudies. Thus, PacifiCorp's resources are fully maximized with the ongoing interconnection study work and the work required to promptly implement the Order No. 2023 reforms.

A functioning and efficient interconnection study process, including the reforms in Order No. 2023, benefits both Oregon interconnection customers and retail customers, who rely on new resources interconnecting to PacifiCorp's system.

C. Waiver avoids need for transition process.

Without a waiver, a transition process would be critical to allow PacifiCorp to clear out its pre-existing interconnection requests—including those requests submitted in the 2024 Cluster Study—before undertaking a cluster study under the new Order No. 2023 procedures. Consistent with what is implemented in Order No. 2023, PacifiCorp will propose a transition process that will require interconnection customers that have not been tendered a facility study agreement 30 calendar days after PacifiCorp's Order No. 2023 compliance filing to proceed in the transition

cluster or withdraw the interconnection request without penalty. This would mean that most, if not all, interconnection requests in the 2024 Cluster Study would likely need to start over in the transition process. Thus, an interconnection customer who would have otherwise wished to submit an interconnection request in the 2024 Cluster Study will not be harmed if this waiver is granted because the 2024 Cluster Study will be terminated before completion.

Moreover, it is possible that the scope of customers required to start over in the transition process may extend to customers who have been in the study process for a longer period but have not received a facilities study agreement due to restudies. This outcome would harm those older interconnection requests because many have already been studied at least once, if not twice (via restudies), and will further delay their projects.

Granting this waiver will allow interconnection customers to save the expense, time, and resources of having to prepare—and save PacifiCorp from having to administer, process, and review—2024 Cluster Study interconnection requests, as well as alleviate the administrative burden on PacifiCorp to provide refunds of deposits to interconnection customers.

If the Commission denies this waiver and PacifiCorp opens the 2024 Cluster Study, valuable resources will be diverted to the 2024 Cluster Study when they are better spent clearing out pre-existing interconnection studies and on Order No. 2023 compliance efforts. Beginning the 2024 Cluster Study will only cause PacifiCorp and its Interconnection Customers to devote considerable time and money to a study that will almost certainly give way to the transition process.

D. The waiver request is narrowly tailored to minimize the impact on Oregon interconnection customers.


PacifiCorp is seeking a one-time, limited, and prospective waiver that only allows it to defer its next cluster study for nine months—from April 1, 2024, to January 1, 2025. PacifiCorp

recognizes that the waiver request does not relieve PacifiCorp of its obligations to continue processing its existing/pending interconnection studies already underway. On the contrary, granting the waiver will allow PacifiCorp to focus on completing those studies and account for unexpected delays in PacifiCorp's interconnection queue process from withdrawals and resulting restudies. If the waiver request is granted, PacifiCorp proposes to commence its first cluster study under the new Order No. 2023 procedures on January 1, 2025. Effectively, the waiver request simply postpones the 2024 Cluster Study for nine months to allow the current backlog to clear so that the next cluster study can proceed more efficiently and in accordance with the improved processes created by Order No. 2023.

V. CONCLUSION

For the foregoing reasons, PacifiCorp requests that the Commission grant its requested waiver so that the Company is not required to conduct a 2024 Cluster Study for state-jurisdictional interconnection customers. Given the impending initiation of the 2024 Cluster Study process, PacifiCorp requests expedited consideration of this request so that the Commission issues an order before April 1, 2024.

Respectfully submitted this 29th day of February, 2024.

By: 

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Matthew Loftus
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of **PacifiCorp's Application for Waiver** via electronic mail to parties listed below whose addresses appear on the service list for OPUC Docket UM 2108.

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Dated February 29, 2024.



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