

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM _____

In the Matter of)	
)	
INTEL CORPORATION,)	
)	PETITION OF INTEL CORPORATION
Petition to Participate in Portland General Electric)	
Company's New Load Direct Access Program.)	
_____)	

I. INTRODUCTION

Pursuant to OAR 860-001-0400 and the Oregon Public Utility Commission's ("Commission") Order No. 18-341 issued in Docket No. AR 614, Intel Corporation ("Intel") hereby petitions the Commission for approval to participate in Portland General Electric Company's ("PGE") New Load Direct Access ("NLDA") program through one of the following alternative means: (1) waiver of the cap on PGE's NLDA program; or (2) a determination that Intel's load eligible for the NLDA program is within the existing cap. Intel does not request Commission action on its Petition at this time; rather, Intel files this Petition to ensure that its place in PGE's NLDA queue is secured. The name and contact information for Intel are provided below.

II. BACKGROUND

The Commission approved rules governing PGE's NLDA program in Docket No. AR 614.^{1/} These rules, and PGE's NLDA program governed by Tariff Schedule 689, apply to "any load associated with a new facility, an existing facility, or an expansion of an existing facility, which (a) Has never been contracted for or committed to in writing by a cost-of-service

^{1/} OAR 860-038-0700 et seq.

consumer with the electric company; and (b) Is expected to result in a 10 average megawatt or more increase in the consumer’s power requirements during the first three years after new operations begin.”^{2/} Eligible customers may take direct access service by paying a transition charge equal to twenty percent of PGE’s fixed generation costs for five years plus all reasonable administration costs.^{3/}

In approving the NLDA rules, the Commission capped each NLDA program at six percent of the utility’s weather normalized annual load in calendar year 2017.^{4/} For PGE, this cap represents 119 average megawatts (“aMW”).^{5/} The Commission also, however, stated that it would “consider requests from customers to exceed the cap, upon application and a finding of good cause.”^{6/} Additionally, with respect to how loads are calculated against the cap, the Commission “recognize[d] a need for flexibility and thus decline[d] to adopt a strict bright line approach.”^{7/} The Commission allowed this evaluation to be addressed “between PGE and the customer,” but “[i]n the event agreement is not reached, the parties may seek resolution from the Commission.”^{8/}

While the Commission’s review and consideration of PGE’s NLDA tariffs, including Schedule 689, was ongoing in Docket UE 358, PGE established a reservation queue for customers interested in participating in the NLDA program.^{9/} The queue opened at 8:00 a.m. on April 15, 2019 and was a “first-come, first-served” queue. On April 29, 2019, PGE reported that, “[s]hortly after opening the queue, a few, very large entities whose forecasted large loads

^{2/} OAR 860-038-0710(2).

^{3/} OAR 860-038-0740(3).

^{4/} Docket No. AR 614, Order No. 18-341 at 7 (Sept. 14, 2018).

^{5/} PGE Schedule 689, Original Sheet No. 689-1.

^{6/} Order No. 18-341 at 7.

^{7/} Docket No. UE 358, Order No. 20-002 at 19 (Jan. 7, 2020).

^{8/} Id. at 19-20.

^{9/} Docket No. UE 358, PGE Compliance Filing and Supplement, dated April 4 & 9, 2019.

individually and cumulatively are estimated to exceed the NLDA cap by many multiples provided PGE with their revocable notice of intent to enroll.”^{10/} Intel was one of these customers. Intel submitted its intent to participate in the NLDA queue at exactly 8:00 a.m. on April 15, 2019. However, due to slight differences between PGE’s and Intel’s clocks, the amount of time Intel’s email notice took to reach PGE, or some other unidentifiable reason, PGE told Intel that it had received notices from other customers ahead of Intel’s that would fully subscribe the NLDA program if they were all eligible to participate.^{11/} Additionally, the amount of room available under PGE’s NLDA cap, and Intel’s assumed NLDA load, is based on PGE’s assumption that all customers ahead of Intel will participate in the NLDA program, and that the distribution capacity reserved for these loads, as well as Intel’s, represents the amount of load to count toward the NLDA cap. Based on this methodology, PGE’s assumption for the amount of Intel’s new load exceeds the total available capacity under the NLDA cap by itself, even though Intel expects its new load to be well below PGE’s assumptions for the foreseeable future.

PGE subsequently sent Intel a notice that it was ineligible to participate in the NLDA program solely because its load exceeded the program cap. PGE identified no other eligibility concerns with Intel’s application. A matter of a few seconds or less and PGE’s assumptions regarding the amount of load that contributes toward the cap, therefore, represents the difference between Intel’s full eligibility for PGE’s NLDA program and its complete exclusion from this program.

PGE recently informed Intel that it had implemented an internal policy that participants in its NLDA queue had 60 days from the date they received their notice of

^{10/} Docket No. UE 358, PGE NLDA Customer Queue Update (Apr. 29, 2019).

^{11/} Because PGE has kept the load reservations of each customer in the queue confidential, Intel has not, and cannot, verify when its notice was received by PGE relative to the customers allegedly ahead of it in the queue.

ineligibility to seek a waiver of the Commission's rules or they would be removed from the queue.

III. PETITION

At this time, Intel does not seek formal Commission action on its Petition. Given PGE's informal policy of removing customers from the queue 60 days after they are provided with a notice of ineligibility, Intel has chosen to file this Petition to protect its position in the queue. It is not, at this time, clear whether all customers ahead of Intel in the queue will participate in the NLDA program (and when those decisions will be made). Additionally, Intel continues informal conversations with PGE regarding reasonable assumptions for the amount of its load to apply against the NLDA cap.

If it ultimately becomes necessary for Intel to request a waiver of PGE's NLDA cap or, alternatively, seek a Commission decision regarding the amount of Intel's load PGE should apply against the current cap, Intel will file an amended Petition to more fully demonstrate why good cause exists to grant its request. Intel does, however, wish to convey its deep concern over the manner in which PGE's NLDA queue was developed and implemented. Intel's presumptive exclusion from the NDLA program is not based on any public interest considerations or the relative benefits Intel's new facility will bring to PGE's system and the State of Oregon. It is, instead, based on a timing difference of a few seconds and PGE's reservation of NLDA capacity based on the size of the distribution system dedicated to serve them, regardless of whether distribution system size has a reasonable relationship to the load expected to materialize.

Intel is an economic leader in Oregon and views PGE's NLDA program as one of a number of important tools for ensuring fair and equitable pricing that supports future economic growth in PGE's service territory.

IV. CONCLUSION

Intel will continue to work informally and in good faith with PGE on a resolution that will allow Intel's participation in the NLDA program. If a mutually agreeable resolution is not reached, however, then both for the reasons set forth in this Petition and the additional reasons Intel will provide through an amended Petition at the appropriate time, Intel respectfully requests that the Commission either: (1) grant Intel a waiver of PGE's NLDA cap; or (2) determine that Intel's load that is eligible for the NLDA program is within the existing cap.

Dated this 16th day of March, 2020.

Respectfully submitted,

/s/ Marty Sedler

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