

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 555

In the Matter of a Rulemaking to Update
Certain Division 038 Rules.

Comments of Renewable Northwest
Project and Citizens' Utility Board of
Oregon

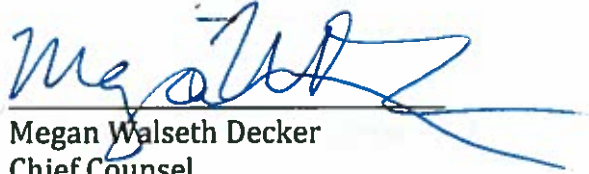
Renewable Northwest Project ("RNP") and Citizens' Utility Board of Oregon ("CUB") participated actively in the 2012 workshops in this docket and support the proposed changes to Oregon Administrative Rules 860-038-0005 and -0300. However, RNP and CUB wish to remind the Oregon Public Utility Commission ("Commission") that AR 555 left one significant issue unresolved.

There remains no clear guidance from the Commission on how utilities are to report energy from renewable resources for which the utilities do not own the environmental attributes. Customers receiving the basic service mix should not be told, directly or by implication, that they are *supplied with* renewable energy if the utility does not own the renewable energy credits ("RECs"). Others who have purchased those RECs—potentially even through other utilities' green power programs—have the sole right to claim the environmental attributes of that energy. The same is true for utilities that purchase the RECs for compliance with a renewable portfolio standard, be it Oregon's or another state's. Representing REC-less or null power as wind or solar in basic supply mix reporting raises double-claiming concerns.

Commission Staff recommended that this issue be removed from AR 555, because gaining consensus was considered to be too difficult for the planned rulemaking scope. In a July 2012 memo, RNP acknowledged Staff's desire to move this issue to another forum, but noted that it would be "appropriate and helpful to address the product label's treatment of null power at the same time we address communications and disclosures to those who may have purchased the RECs." In joint comments in August 2012, RNP and CUB supported Staff's proposal to remove this issue from the rulemaking scope, but requested details on where and when further action would be taken.

RNP and CUB renew that request here. This is not a simple issue, but it is one on which the Commission can and should develop a reasonable practice for consistent application by its regulated utilities.

Respectfully submitted on December 10, 2013.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served the foregoing COMMENTS OF RENEWABLE NORTHWEST PROJECT AND CITIZENS' UTILITY BOARD OF OREGON upon the following parties on the service list for AR 555, via electronic mail, on December 10, 2013:

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