

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1396**

In the Matter of the Public Utility Commission of Oregon Investigation into the Determination of Resource Sufficiency, Pursuant to Order No. 06-538.

STAFF REPLY COMMENTS

Staff of the Public Utility Commission of Oregon (“Staff”) submits these comments in response to the opening comments of Idaho Power Company (“Idaho Power”), PacifiCorp, Renewable Energy Coalition (“REC”), Northwest Energy Systems Company (“NESCO”), Industrial Customers of Northwest Utilities (“ICNU”), Oregon Department of Energy (“ODOE”), Community Renewable Energy Association (“CREA”), and Portland General Electric Company (“PGE”).

**I.A. Should the Commission require that each utility determine its avoided cost for a renewable resource? If so, how should the Commission decide what renewable resource would be avoided and at what cost?**

All commenting parties, except ODOE<sup>1</sup>, recommend that the Commission require utilities to establish renewable avoided cost rates. The parties differ on their recommendations as to the appropriate method to establish the costs. PGE and CREA advocate using a proxy resource to determine the renewable avoided cost. PacifiCorp recommends using the next deferrable resource from the Company’s Integrated Resource Plan (IRP) to establish the renewable avoided cost.

ICNU does not oppose using a proxy resource or the IRP to establish avoided cost rates. However, ICNU cautions that if the IRP is used, the Commission must ensure that the renewable avoided cost rates are subject to review in an evidentiary proceeding and that if a proxy resource is used, the proxy should not be based solely on the costs of a wind resource.

NESCO recommends that the Commission require the Commission to establish two renewable avoided cost values—one for intermittent renewable resources, such as wind and solar, and one for base load renewable resources such geothermal and biomass.<sup>2</sup>

REC recommends that the Commission require utilities to establish a renewable avoided cost for intermittent renewable resources, such as wind, but base the avoided cost rate for baseload renewable resources on the costs of a baseload CCCT. REC notes that a QF would not need to transfer ownership of renewable energy credits when avoided costs are

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<sup>1</sup> ODOE clarified its position on this matter at the May 24, 2011, workshop to mean that it did not oppose such a recommendation but that it felt that questions remained unanswered about the PUC’s authority to require a renewable based avoided cost rate.

<sup>2</sup> Comments of NESCO 1.

based on a CCCT, but could choose to do so, and receive “additional value” from the utility.<sup>3</sup>

Idaho Power recommends that the Commission require Idaho Power to use the “IRP methodology” described in its comments to establish a renewable avoided cost rate for each type of renewable resource, *e.g.*, wind, solar, and geothermal, because resource-specific avoided cost better reflect the actual costs avoided by Idaho Power when transacting with a QF.<sup>4</sup> In addition, Idaho Power states that the IRP methodology could be used to completely replace the SAR based rate currently in use.

Finally, ODOE “recognizes the value of aligning renewable QF avoided cost determinations with avoidable renewable resources” but believes the Commission “should clarify the applicability of the Federal Energy Regulatory Commission (“FERC”) ruling, 133 FERC 61,059 at paragraphs 21-31 (2010) and its implementation, when be determining an Oregon utility’s avoided cost setting process and compliance with PURPA.”<sup>5</sup>

*Staff reply:* FERC has clarified that a state can establish an avoided cost rate stream for QFs based on a utility’s avoided costs of compliance with state law procurement requirements.<sup>6</sup> In FERC’s words, “a state may properly look at the actual sources of capacity and/or energy available to the electric utility, rather than at some theoretical source, which is not permitted by state law, that may be cheaper.”<sup>7</sup> Given the clarity with which FERC has spoken on this issue, it is not necessary to address in this proceeding whether the OPUC can establish renewable avoided cost rates. Staff agrees with ODOE, however, that it is necessary to clarify how the Commission will do so and that this is the purpose of this docket.

As discussed in its opening comments, Staff recommends that the Commission require each utility to establish a renewable avoided cost rate based on a proxy plant, using cost estimates from each utility’s IRP Action Plan.<sup>8</sup> The proxy resource should be a utility scale regional wind plan with capacity factors and transmission losses typical to that resource.

Staff does not agree with PacifiCorp’s recommendation to base renewable avoided costs (when the utility is resource deficient) on the next renewable resource identified in the utility’s IRP. Staff’s recommendation to use a proxy plant is based in part on the Commission’s previously-established policy of using a proxy plant to establish standard avoided costs for small QFs (10 MW or smaller).<sup>9</sup>

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<sup>3</sup> Phase II Opening Comments of REC 4.

<sup>4</sup> Opening Comments of Idaho Power 9.

<sup>5</sup> Oregon Department of Energy’s Opening Comments 2.

<sup>6</sup> *California Public Utilities Commission*, 133 FERC ¶ 61,016 (2010), *rehearing denied*, 134 FERC ¶ 61,044 (January 20, 2011).

<sup>7</sup> 134 FERC ¶ 61,044.

<sup>8</sup> Staff Opening Comments 1.

<sup>9</sup> *See* Order No. 05-584 at 27.

Staff also does not agree with Idaho Power’s recommendation to establish an avoided cost rate for each type of renewable resource. The Commission’s authority to order utilities to establish renewable avoided cost rates is tied to the state’s imposition of a Renewable Portfolio Standard (RPS) requiring each utility to serve their retail customers using a certain amount of power generated by renewable resources. The RPS does not impose individual procurement standards for different types of renewable resources. Accordingly, it is not appropriate to distinguish between different renewable resources when setting the renewable avoided cost rates.

For similar reasons, staff does not agree with NESCO’s recommendation to require each utility to establish two renewable avoided cost rates, one for intermittent renewable resources and one for baseload resources. Furthermore, the Commission has previously rejected a recommendation to differentiate between baseload and intermittent non-renewable resources when setting standard avoided cost rates.<sup>10</sup> However, Staff does recommend that each renewable QF be allowed to choose between a renewable avoided cost rate and non-renewable avoided cost rate when the purchasing utility is renewable deficient.

As previously explained, the QF could choose the renewable avoided cost rate only if the QF transfers to the utility purchasing the power the renewable energy credits associated with the power generated by the QF. This is because if the QF does not transfer the renewable energy credits, the utility will not avoid the cost of acquiring renewable energy from an alternate source to comply with Oregon’s RPS. Staff’s recommendation obtains a result that is similar to what would be obtained under NESCO’s recommendation to have a separate renewable avoided cost rate for intermittent renewable resources and baseload resources, and also, is essentially the same as RECs’ recommendation.

**I.A.1. Should the IRP Action Plan be used to identify when a renewable resource acquisition would be avoided, or should a utility purchase of unbundled renewable energy credits signal the start of a renewable resource deficiency period?**

REC recommends that the Commission conclude the deficiency period starts at the earlier of the utility’s need for “additional power” or when the utility is required to build a renewable plant to acquire renewable attributes for its portfolio.<sup>11</sup>

ICNU believes the IRP is a reasonable starting point for analysis of when the renewable deficiency period begins, but the date should be modified based on actual utility plans or actions that demonstrate the utility needs renewable resources including, but not limited to, the purchase of unbundled RECs and information in the utility’s RPS implementation plans.<sup>12</sup>

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<sup>10</sup> Order No. 05-584 at 28.

<sup>10</sup> Phase II Comments of REC

<sup>12</sup> Opening Comments of ICNU 7.

CREA recommends that the Commission conclude in this docket that a utility is renewable resource deficient whenever the utility's IRP Action Plan states the utility will need to acquire bundled or unbundled RECs, or whenever the utility's actions indicate it needs renewable resources, including when it purchases unbundled RECs.<sup>13</sup>

PacifiCorp recommends using the utility's IRP preferred portfolio and Action Plan and PGE recommends using the IRP Action Plan. PGE and PacifiCorp assert that the Commission should not use a utility's purchase of unbundled RECs to signal the start of renewable resource deficiency because such a purchase does not necessarily indicate the utility is renewable deficient. PacifiCorp also notes that under PURPA, the Commission cannot factor the cost of unbundled RECs into the determination of avoided costs and that it would therefore be inconsistent to use the purchase of these RECs to signal resource deficiency.<sup>14</sup>

ODOE is uncertain as to whether the IRP, IRP Action Plan and RPS Implementation Plan can "accurately reflect the full avoided costs of integrating an unplanned renewable QF into its system" and that it is not clear what the acquisition of unbundled renewable energy credits signifies.<sup>15</sup>

*Staff reply:* Many of the parties, including Staff, coalesce around the idea that acquisition of a renewable resource in a utility's IRP Action Plan should signal the start of a renewable deficiency period. CREA and ICNU assert that the utility's actions may also signal the start of a deficiency period. Staff agrees that the Action Plan should not be used in a vacuum, and that a utility's actions and its RPS Implementation Plan should be considered when determining a deficiency period. Ultimately, the planning decision to acquire renewables is based on the Oregon RPS requirements, the utility's Oregon retail load, and the individual utility's portfolio of bundled renewables. The IRP with its long range planning horizon is a more appropriate planning tool than the shorter range RPS Implementation Plan to identify the timing of renewable acquisitions.

For the reasons stated in its opening comments as well as those of PGE and PacifiCorp, the purchase of unbundled renewable energy credits should not signal the start of renewable deficiency.

Staff does not agree with REC that a utility's purchase of any sort of power should signal the start of renewable deficiency. The Commission's authority to establish a renewable avoided cost rate is based on the fact Oregon utilities must incur costs to acquire a certain amount of renewable resources to meet Oregon's RPS. Not all of the resources acquired by a utility need be renewable, and accordingly, it would not be appropriate to use the utility's acquisition of any type of power to determine the start of a renewable deficiency period.

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<sup>13</sup> Opening Comments of CREA 7.

<sup>14</sup> PacifiCorp's Opening Comments 6.

<sup>15</sup> ODOE's Opening Comments 3.

**I.A.2. Should out-of-state renewable portfolio standards be taken into account when determining when a renewable resource can be avoided by a purchase from an Oregon QF?**

NESCO asserts that state renewable portfolio standards from other states should be taken into account when determining resource sufficiency and deficiency because there is “really only one West-coast market for RECs.”<sup>16</sup> ICNU also supports using out-of-state and federal portfolio standards.<sup>17</sup>

CREA asserts that the Commission should require utilities to take into account out-of-state renewable portfolio standards when determining when a renewable resource can be avoided because FERC’s PURPA regulations require utilities to compensate QFs for the full avoided costs. CREA explains, “[i]f an out-of-state RPS imposes a cost on the utility that the utility can avoid by purchasing QF’s bundled electrical output and RECs, then the utility must compensate the QF for any other avoided cost.”<sup>18</sup>

PacifiCorp states that out-of-state portfolio standards do not impact the determination of whether a renewable resource can be avoided because PacifiCorp’s “acquisition of renewable resources are all done on a system basis, driven by cost-effectiveness and risk mitigation, and are not acquired to meet any individual states['] RPS requirements.”<sup>19</sup>

Idaho Power asserts that under OAR 860-022-0075(2)(b), energy a utility purchases from QF in Oregon is not renewable energy for purposes of Oregon’s renewable portfolio standards (“RPS”) because the utility cannot use that energy for RPS compliance.”<sup>20</sup> OAR 860-022-0075(2)(b) specifies that “unless otherwise agreed to by separate contract, the owner of the renewable energy facility retains ownership of the [renewable energy credits] associated with the electricity the facility generates and sells to an electric company pursuant to” a PURPA contract.<sup>21</sup>

*Staff reply:* The issue raised by Idaho Power is easily resolved. A QF producing renewable-based energy must transfer the renewable energy credits associated with that energy in order to receive avoided cost prices that are based on the costs avoided to purchase from an RPS-compliant renewable resource. If the QF does not transfer the renewable energy credits, the utility will not avoid costs to purchase energy that complies with the RPS. In such a case, any purchase from the QF would be priced on a standard avoided-cost rate.

Idaho Power is correct that the Commission has previously determined that a QF has a choice whether to transfer renewable energy credits associated with its generation when it enters into a PURPA contract. However, in order to receive the renewable avoided cost

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<sup>16</sup> Comments of Nesco at 2.

<sup>17</sup> Opening Comments of ICNU at 8.

<sup>18</sup> Opening Comments of CREA 7-8.

<sup>19</sup> PacifiCorp’s Opening Comments at 5.

<sup>20</sup> Opening Comments of Idaho Power Company 10.

<sup>21</sup> Opening Comments of Idaho Power Company 10.

rate, the QF must transfer the renewable energy credits. What is not clear is how Idaho Power's proposed IRP methodology will value the renewable attributes a QF would be transferring to the Company in return for the renewable QF avoided cost rate. Or, for that matter, what rate a QF that chooses not to give up the renewable attributes as part of its PPA should receive.

As noted in its opening comments, to the extent that PacifiCorp makes a purchase from QF at a cost that exceed the costs it would pay for comparable resources, the incremental cost that exceeds that of the comparable resource will be assigned to Oregon customers (or to the customers of the jurisdiction or state in which the QF operates). Accordingly, if PacifiCorp's need to acquire resources to meet another state's portfolio standard signals the start of a deficiency period, there is a risk that Oregon ratepayers will bear the costs PacifiCorp incurs to meet an out-of-state portfolio standard. This risk is lessened if the Commission only uses a utility's plans to comply with the Oregon RPS to signal the start of a renewable deficiency period.

**I.A.3. Should the renewable avoided cost be based on the estimated cost of the renewable resources identified in the IRP Action Plan, or should the Commission use a “proxy” resource approach similar to the current approach used by PGE and PacifiCorp for standard avoided costs?**

PacifiCorp asserts that the renewable avoided cost should be based on the estimated cost of the next avoidable renewable resource identified in the IRP preferred portfolio.<sup>22</sup> Idaho Power also recommends the IRP should be the basis of the renewable avoided cost determinations and recommends against using a proxy resource<sup>23</sup>

PGE and CREA recommend using a proxy resource to establish renewable avoided costs.

ICNU does not oppose using either the IRP Action Plan or a proxy resource to establish a renewable avoided cost. However, if the IRP is used, ICNU asserts the avoided cost rates must be subject to review in an evidentiary proceeding. If the renewable avoided cost rate for each utility is established using a proxy resource, ICNU asserts that the proxy resources must be the resource actually avoided.<sup>24</sup>

ODOE supports “methodologies that set an avoided cost that reflect the actual costs, including the additional costs or environmental attributes that a renewable QF can bring to the electric system[,]” including “energy, capacity, reliability, line losses, deferred system upgrades and other environmental attributes.”<sup>25</sup>

*Staff reply:* Staff recommends using a proxy resource to determine renewable avoided costs. When the utility is renewable resource sufficient, the proxy resource will be the same as for standard avoided costs. When the utility is renewable resource deficient, the

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<sup>22</sup> PacifiCorp's Opening Comments 7.

<sup>23</sup> Opening Comments of Idaho Power Company 3-9.

<sup>24</sup> Opening Comments of ICNU 9.

<sup>25</sup> ODOE 3.

proxy resource should be a utility scale regional wind plan with capacity factors and transmission losses typical to that resource.

Commenting parties' recommendations for utility-specific renewable resource avoided costs are inconsistent with PURPA. Under PURPA, avoided cost rates cannot be "in excess of the incremental cost to the electric utility of incremental alternative energy."<sup>26</sup> Section 210(d) defines "incremental cost of alternative electric energy," as the "cost to the electric utility of the electric energy which, but for the purchase from [the QF], such utility would generate or purchase from another source."<sup>27</sup> FERC has clarified that when a state requires a utility to procure energy from generators with certain characteristics, generators with those characteristics appropriately constitute the sources that are relevant to the determination of the utility's avoided cost for that procurement requirement – they are the sources that can sell to the utility, and thus the sources being avoided.<sup>28</sup>

#### **I.A.4. When should the renewable avoided cost stream reflect an avoided purchase of an unbundled renewable energy certificate?**

CREA asserts that the avoided cost stream should reflect the purchase of an unbundled REC if the utility is purchasing unbundled RECs.<sup>29</sup>

PacifiCorp asserts the renewable avoided cost stream should not include unbundled Renewable Energy Credits because the purchases of unbundled these credits is not reflective of the next avoided renewable resource and including the costs of unbundled RECs is not allowed under PURPA.<sup>30</sup>

PGE asserts that unbundled Renewable Energy Credits should be included in the avoided cost rate when the utility is renewable resource deficient. PGE notes that when the utility is renewable sufficient, the standard avoided costs are applicable, and that these should not include the cost of unbundled Renewable Energy Credits.<sup>31</sup>

Idaho Power states that when an electric utility in Oregon purchases energy from a renewable QF generator, it does not receive any of the environmental attributes associated with that energy and that an electric utility does not avoid the purchase of an unbundled REC (or purchase of other renewable energy) when it purchases energy from a renewable QF.<sup>32</sup>

NESCO notes that renewable energy credits associated with a renewable energy project and physical power produced by the project are two different products and accordingly, it

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<sup>26</sup> 16 U.S.C. § 824a-3 (2006); *see e.g.*, *Connecticut Light & Power Co.*, 70 FERC ¶ 61,012, *reconsideration denied*, 71 FERC ¶ 61,035 (1995), *appeal dismissed*, 117 F.3d 1485 (D.C. Cir. 1997).

<sup>27</sup> *Id.*

<sup>28</sup> *California Public Utilities Commission*, (order denying rehearing) 134 FERC 61,044 (January 20, 2011).

<sup>29</sup> CREA 9.

<sup>30</sup> PacifiCorp's Opening Comments 7-8.

<sup>31</sup> PGE Opening Comments 4.

<sup>32</sup> Opening Comments of Idaho Power 11.

is not appropriate to use unbundled renewable energy credits to develop a renewable avoided cost rate. NESCO suggests that the Commission could “unbundled avoided cost rates to identify separately the price for physical power and the corresponding price for renewable energy credits.”<sup>33</sup>

*Staff reply:* As noted in its opening comments, Staff believes the Commission should not include the cost of unbundled renewable energy credits in the avoided cost stream because under PURPA, the costs avoided by the utility must be the cost to purchase alternative electric energy. Further, FERC has made clear that avoided cost rates do not include the value of environmental attributes.<sup>34</sup>

**I.B. Should the Commission require that a renewable QF be able to choose among two avoided cost streams—the renewable avoided cost stream and the non renewable avoided cost stream?**

ICNU, PGE, NESCO, and CREA believe that a renewable QF should be allowed to choose between a renewable and non-renewable avoided cost stream, as long as the QF transfers the renewable energy credits when it receives payments based on the renewable avoided cost stream.<sup>35</sup>

PacifiCorp also believes that a QF should be able to choose between a renewable cost rate and non-renewable cost rate and then proposes some qualifications. First, if the QF chooses the renewable cost rate, the QF must transfer ownership of the REC associated with the energy purchased. Second, if the non-renewable avoided cost rate is higher than the renewable avoided cost rate, the QF cannot choose the non-renewable avoided cost because the QF would be paid more than the utility’s avoided costs, contrary to PURPA.<sup>36</sup>

Idaho Power recommends that the Commission not allow an Idaho Power QF to choose among different avoided cost rate streams. Instead, Idaho Power recommends that the Commission require it to establish an avoided cost rate for each type of resource, and require the QFs wishing to sell their output to Idaho Power accept the avoided cost stream that is specific to characteristics of the QF.<sup>37</sup>

*Staff reply:* Staff recommends that a renewable QF have the choice of renewable or non-renewable avoided cost rates when the purchasing utility is renewable deficient, but not if the purchasing utility is renewable sufficient. If the purchasing is renewable sufficient, the renewable QF’s rates must be based on non-renewable avoided costs. In such

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<sup>33</sup> NESCO 3.

<sup>34</sup> *American Ref-Fuel Company, et al.*, 105 FERC ¶ 61,004 (2003).

<sup>35</sup> PGE Opening Comments 4-5.

<sup>36</sup> PacifiCorp’s Opening Comments 9, Opening Comments of CREA 9, Comments of NESCO 3, and Opening Comments of ICNU 3-7.

<sup>37</sup> Opening Comments of Idaho Power 11.



circumstances, the QF would not be required to transfer its renewable energy credits to the purchasing utilities.

When the purchasing utility is renewable resource deficient, a renewable QF should have the choice between rates based on renewable and non-renewable avoided costs, provided that the QF would have to transfer the renewable energy credits associated with the energy sold if the QF chooses renewable avoided cost rates. Conversely, if the QF does not wish to transfer the credits to the purchasing utility, it is not eligible for the renewable avoided cost rate.

Staff disagrees with PacifiCorp's assertion that allowing a renewable QF to choose the non-renewable avoided cost rate when that stream is higher than the renewable avoided cost stream is inconsistent with PURPA because the utility is paying more than its avoided costs. However, if the QF chooses the non-renewable avoided cost stream, the QF is not obligated to transfer the associated Renewable Energy Credits to the utility. In such a case, the utility is not avoiding the cost to purchase a renewable resource for the purpose of complying with the RPS, but is avoiding the cost to purchase any type of alternate energy. In this circumstance, the appropriate alternate resource is the proxy combined cycle combustion turbine fixed and variable costs for which there are no associated renewable energy credits.

For reasons stated above, Staff does not agree with Idaho Power's recommendation to establish a unique avoided cost stream for each type of resource.

### **I.C. When is a planned resource acquisition avoidable?**

CREA asserts that "for purposes of determining the start of a resource sufficiency period, the planned resource acquisition should be avoidable until the major resource is online."<sup>38</sup> Similarly, ODOE asserts that a planned acquisition should be considered avoidable "up to the point the resource is commissioned and in operation."<sup>39</sup>

PGE states that a "planned resource acquisition is avoidable based on the on-line date for the next relevant major resource acquisition identified in the Action Plan[.]" and that "[t]his is the date which the resource sufficiency/deficiency distinction occurs."<sup>40</sup> Idaho Power believes that for purposes of determining avoided costs, a project is avoidable until the Company "commits material resources to the development and/or acquisition of the resource."<sup>41</sup>

ICNU suggests that because of the uncertainty of resource planning, a planned resource should be considered avoidable until it is substantially complete. ICNU also asserts that

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<sup>38</sup> Opening Comments of CREA 12.

<sup>39</sup> ODOE's Opening Comments 5.

<sup>40</sup> PGE Opening Comments 5.

<sup>41</sup> Opening Comments of Idaho Power 12.

because of this uncertainty, the Commission should not base the determination of whether a project is avoidable on whether there has been an irreversible commitment.<sup>42</sup>

*Staff reply:* As noted in the Opening Comments, Staff believes that the Commission should determine that the avoidable renewable acquisition period is the period in the acknowledged IRP Action Plan when the utility does not plan to acquire renewables to satisfy the Oregon RPS.

**I.C.1. If no irreversible commitment has been made to the project, is the project avoidable?**

REC notes the importance of establishing an “objective and easily identifiable criterion” for determining the date of an “irreversible commitment[.]” REC suggests that “the date of an irreversible commitment should be the date upon which the utility, after acquiring all necessary lands and permits, spends 25 percent of the total anticipated cost for the project. REC notes that the total anticipated cost would be discernible from the utility’s IRP and filings before the Energy Facilities Siting Council.<sup>43</sup>

*Staff reply:* As noted in the Opening Comments, a renewable based QF avoided cost and a renewable project is avoidable if the IRP Action Plan determines that the renewable is not to be acquired at this time.

**I.C.2. What constitutes an irreversible commitment?**

PacifiCorp and PGE state that an irreversible commitment is when the Company enters into a binding contract to acquire a resource.<sup>44</sup>

*Staff reply:* As noted in the Opening Comments, a renewable commitment is irreversible at the point when the IRP Action Plan indicates a renewable is required and renewable based QF avoided costs can be acquired to be to satisfy an Oregon RPS requirement.]

**II.A. Which of these issues should be the subject of evidentiary proceedings?**

No party identified any issue presented in this phase of the docket that is appropriate for an evidentiary hearing. Parties did, however, agree that should the Commission direct the utilities to file renewable based avoided cost tariff filings, an evaluation of the ratemaking in those proceedings would necessarily need to take place in an evidentiary proceeding.

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<sup>42</sup> Opening Comments of ICNU 11-12.

<sup>43</sup> Phase II Comments of REC 5.

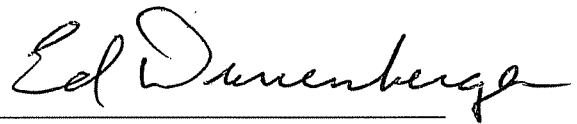
<sup>44</sup> PacifiCorp’s Opening Comments 9 and PGE

**II.B. Should the evidentiary proceedings be generic, or conducted on a utility-by-utility basis?**

Because no party has identified an issue that should be the subject of an evidentiary proceeding, it is not necessary to address this question.

This concludes Staff's reply comments.

Dates at Salem, Oregon, this 28<sup>th</sup> day of June, 2011



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UM 1396  
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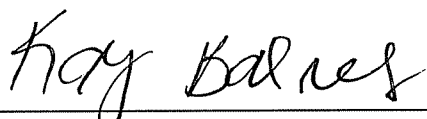
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CERTIFICATE OF SERVICE

UM 1396 (Phase II)

I certify that I have, this day, served the foregoing document upon all parties of record in this proceeding by delivering a copy in person or by mailing a copy properly addressed with first class postage prepaid, or by electronic mail pursuant to OAR 860-001-0180, to the following parties or attorneys of parties.

Dated this 28th day of June, 2011 at Salem, Oregon



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