

February 22, 2021

VIA ELECTRONIC FILING

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

Attn: Filing Center

Re: UM 1631—Comments to the Staff Report on PacifiCorp’s Request for Partial Waiver of OAR 860-089-0500(2) in its 2020 All Source Request for Proposals (Docket UM 2059)

PacifiCorp, d/b/a Pacific Power (PacifiCorp) provides these brief comments in response to the Public Utility Commission of Oregon (Commission) Staff Report on PacifiCorp’s request for a partial waiver of Oregon Administrative Rule (OAR) 860-089-0500(2) in its 2020 All Source Request for Proposals (2020AS RFP)¹ (Staff Report).

PacifiCorp appreciates Staff’s thoughtful analysis of the Company’s request for a partial waiver of (OAR) 860-089-0500(2), which was prompted by the unique circumstance of the new interconnection cluster study process. The Company had hoped to efficiently use the time as it waited for the completion of the interconnection cluster study to begin negotiations with developers on the Initial Shortlist, especially since it did not have the time to engage in clarifying discussions with developers of their bids prior to the development of the Initial Shortlist. Such discussions, which the Company typically engaged in prior to the development of an Initial Shortlist, were not held in this RFP given the number of bids that were submitted and had to be evaluated. Further, this RFP includes a new resource type, battery storage combined with a solar resource, which the Company believes will require additional negotiation time as the Company and bidders work through new and unique contract terms and conditions. Beginning negotiations with bidders prior to submitting the Final Shortlist would alleviate pressure on the backend of negotiations so that purchase power agreements (PPAs) could be expediently finalized following the Commission acknowledgment and allow bidders to turn to building their projects.

Even though the Company does not agree that good cause has not been shown, it understands Staff’s concerns. Therefore, the Company supports Staff’s alternative proposal for the Commission to deny PacifiCorp’s waiver request and direct it to initiate clarifying communications with bidders with a slight modification. PacifiCorp would request that it be allowed to engage in verbal and written discussions with oversight of the Independent Evaluator (IE), as needed to better understand bid details, both technical and contractual, but not engaging in contract negotiations. The Company believes that the process outlined by Staff will help to streamline negotiations once a Final Shortlist has been submitted to the Commission for

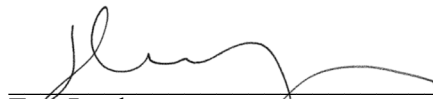
¹ Docket No. UM 2059.

acknowledgement as it allows the Company to better understand comments and redlines to the PPAs submitted by bidders on the Initial Shortlist.

On February 19, 2021, Northwest and Intermountain Power Producers Coalition (NIPPC) filed comments supporting Staff's alternative proposal modified to allow bidders to ask clarifying questions of PacifiCorp. While PacifiCorp appreciates NIPPC's comments, before taking a position, the Company would need more details regarding NIPPC's proposal specifically around the clarifying questions that the initial shortlist bidders could ask of PacifiCorp, including the type of questions allowed, the areas within the bid or RFP process, and response time. While this process is similar to the Q&A process used earlier in the RFP, PacifiCorp would want to know the boundaries around what would be public versus what is bid specific and not subject to being publicly available. Additionally, PacifiCorp wants to understand if NIPPC is suggesting that the questions posed by PacifiCorp to initial shortlist bidders would also be required to be made available to the other bidders.

PacifiCorp appreciates the opportunity to provide these comments and recommends that the Commission approve Staff's proposal with modification to allow verbal and written communications with bidders on the Initial Shortlist, reviewing bid details, technical and operating requirements, and contract issue list, with oversight by the IE.

Respectfully submitted this 22nd day of February, 2021.



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