



May 17, 2017

Via Email

Chair Lisa Hardie
Commissioner Steve Bloom
Commissioner Megan Decker
Oregon Public Utility Commission
201 High St SE, Suite 100
Salem, Oregon 97301

RE: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY Application to Update Schedule 201
Qualifying Facility Information
Docket No. UM 1728

Dear Commissioners:

EDP Renewables North America LLC ("EDPR NA") requests that the Oregon Public Utility Commission (the "Commission") reject Portland General Electric Company's ("PGE") request to update its avoided cost rates early. Predictable and stable actions by the Commission are necessary to create a settled and uniform business climate that allows developers to obtain the capital to make critical investments in Oregon's new green energy economy. EDPR NA and other independent power producers rely upon the Commission's stated policies to make key business decisions, and EDPR NA appeals to the Commission to maintain its regularly scheduled process for updating avoided cost rates. Therefore, EDPR NA urges the Commission to not allow PGE's new rates to become effective prior to June 28, 2017, which is the day after the last scheduled public meeting in June 2017.

EDPR NA was aware that PGE was required to file an annual update of its avoided cost rates on May 1, and expected those new rates to become effective on June 28, 2017. EDPR NA reasonably believed that rates would not change until after the last regularly scheduled public meeting in June 2017. This understanding was based in part on the Commission's prior orders and Staff's recommendations, including the Commission's order establishing annual updates in the generic proceeding UM 1610, and the Commission's actions regarding the last two annual May 1 updates.

EDPR NA has filed complaints against PGE regarding the utility's decision not to purchase the net output from its Blue Marmot solar qualifying facilities. Those complaints are not at issue in this docket, but they illustrate why the Commission should not approve PGE's rate filing early. EDPR NA was aware that the contracting process sometimes becomes delayed, and additional time is necessary to finalize power purchase agreements. Thus, EDPR NA began its power purchase agreement negotiations with PGE in August 2016 in an effort to enter into executed contracts prior to the May 1 filings.

PGE provided EDPR NA with executable power purchase agreements for four of its five projects, and informed EDPR NA that it would execute the contracts. EDPR NA signed these contracts on March 29, 2017. PGE delayed execution, and then, less than two weeks before the May 1 update, PGE refused to execute the contracts raising entirely new issues for the first time.

EDPR NA is attempting to continue discussions and negotiations with PGE to resolve the dispute, but that will not occur before the May 18 date that PGE's rates may be effective. EDPR NA hopes that settlement negotiations will resolve the dispute before the end of June 2017. There may be other developers in similar situations, and EDPR NA requests that the Commission ensure that all developers that timely requested

contracts and assumed that rates would not change until the end of June have an opportunity to complete their negotiations.

Finally, if the Commission adopts PGE's recommendation for an early rate effective date, then EDPR NA requests that the Commission take one of two actions. First, the Commission could "grandfather" all projects in PGE's power purchase agreement queue that made timely requests for contracts, and give them an opportunity to complete their contracts at the now current rates. If the Commission does not specifically "grandfather" projects, then the Commission should specifically not address whether any particular project (including EDPR NA's projects) qualifies for the now current rates, and allow each project to address all relevant issues in project specific complaints.

EDPR NA appreciates the opportunity to submit comments, and looks forward to constructing cost effective renewable resources that benefit the Oregon economy, PGE and ratepayers.

Sincerely,



Sam Littlefield
Associate Director of Development