

ITEM NO. CA12

PUBLIC UTILITY COMMISSION OF OREGON  
AHD REPORT  
PUBLIC MEETING DATE: March 8, 2016

REGULAR  CONSENT  EFFECTIVE DATE Upon Filing with Sec. of State

DATE: February 26, 2016

TO: Public Utility Commission

FROM: Diane Davis *dd*

THROUGH: Michael Grant *MG*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE HEARINGS DIVISION: (Docket No. AR 555) Updates Division 038 Rules for Portfolio Options/Labeling.

**AHD RECOMMENDATION:**

Adopt the rule modifications as proposed.

**DISCUSSION:**

This rulemaking proposes changes to OAR 860-038-0300(2) regarding price, power source, and environmental impact information provided to residential customers by the electric companies subject to this rule. The frequency of reporting this information is proposed to change from quarterly to annually.

On February 25, 2016, Portland General Electric Company and PacifiCorp, dba Pacific Power filed comments in support of the proposed changes.

**PROPOSED COMMISSION MOTION:**

Adopt the modifications to the rule as set forth in Appendix A of the attached draft order.

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 555

In the Matter of Amendments to OAR 860-038-0300(2), Regarding Information to Residential Customers.

ORDER

DISPOSITION: MODIFICATIONS TO RULE ADOPTED

**I. INTRODUCTION**

In this order, we adopt changes to OAR 860-038-0300(2) regarding the price, power source, and environmental impact information provided to residential customers by electric companies subject to the rule. These rules changes result from discussions among the stakeholders as we required in Order No. 14-067.

**II. PROCEDURAL HISTORY**

On January 15, 2016, we filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State, and we provided notice to all interested persons on the service lists established under OAR 860-001-0030(1)(b) and to legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the February 2016 *Oregon Bulletin*. The notice established a comment due date of February 25, 2016. On February 25, 2016, Portland General Electric Company and PacifiCorp, dba Pacific Power filed comments in support of the proposed changes.

**III. PROPOSED RULEMAKING**

This rulemaking makes changes to the portfolio options labeling requirements set forth in OAR 860-038-0300(2) regarding the frequency of with which electric companies must provide to residential customers the price, power source, and environmental impact for each service or product it offers. The frequency is changed from quarterly to annually or as we prescribe. The basis for price information is clarified to be based on the average monthly bill and price per kilowatt-hour for the available service options.

**IV. ORDER**

IT IS ORDERED that:

1. The modifications to OAR 860-038-0300(2) as shown in Appendix A are adopted.
2. The rule changes become effective upon filing with the Secretary of State.

Made, entered, and effective \_\_\_\_\_.

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**Susan K. Ackerman**  
Chair

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**John Savage**  
Commissioner

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**Stephen M. Bloom**  
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

### **860-038-0300**

#### **Electric Company and Electricity Service Suppliers Labeling Requirements**

(1) The purpose of this rule is to establish requirements for electric companies and electricity service suppliers to provide price, power source, and environmental impact information necessary for consumers to exercise informed choice.

(2) For each service or product it offers, an electric company must provide price, power source, and environmental impact information to all residential consumers **quarterlyannually, or at a frequency prescribed by the Commission**. The information must be based on the available service options. The information must be supplied consistent with the requirements prescribed by the Commission. The electric company must report price information for each service or product for residential consumers **as based on** the average monthly bill and price per kilowatt-hour for **monthly usage levels of 250, 500, 1,000 and 2,000 kilowatt-hours**, for the available service options.

(3) An electric company and an electricity service supplier must provide price, power source and environmental impact information to nonresidential consumers consistent with the requirements and frequency prescribed by the Commission. An electric company and an electricity service supplier must report price information for nonresidential consumers as follows:

(a) The price and amount due for each service or product that a nonresidential consumer is purchasing;

(b) The rates and amount of state and local taxes or fees, if any, imposed on the nonresidential consumer;

(c) The amount of any public purpose charge; and

(d) The amount of any transition charge or credit.

(4) For power supplied through its own generating resources, the electric company must report power source and environmental impact information based on the company's own generating resources, not the unspecified market purchase mix. An electric company's own resources include company-owned resources and wholesale purchases from specific generating units, less wholesale sales from specific generating units. An electric company's own resources do not include the non-energy attributes associated with purchases under the provisions of a net metering tariff or other power production tariff unless the electric company has separately contracted for the purchase of the Tradable Renewable Certificates. For net market purchases, the electric company must report power source and environmental impact information based on the unspecified market purchase mix. The electric company must report power source and environmental impact information for standard offer sales based on the unspecified market purchase mix.

(5) For purposes of power source and environmental impact reporting, an electric company and an electricity service supplier should use the most recent unspecified market purchase mix unless the electric company or electricity service supplier is able to demonstrate a different power source mix and environmental impact. A demonstration of a different mix must be based

on projections of the mix to be supplied during the current calendar year. Power source must be reported as the percentages of the total product supply including the following:

- (a) Coal;
  - (b) Hydroelectricity;
  - (c) Natural gas;
  - (d) Nuclear; and
  - (e) Other power sources including but not limited to new renewable resources, if over 1.5 percent of the total power source mix.
- (6) Environmental impact must be reported for all retail electric consumers using the annual emission factors for the most recent available calendar year applied to the expected production level for each source of supply included in the electricity product. Environment impacts reported must include at least:
- (a) Carbon dioxide, measured in lbs./kWh of CO<sub>2</sub> emissions;
  - (b) Sulfur dioxide, measured in lbs./kWh of SO<sub>2</sub> emissions;
  - (c) Nitrogen oxides, measured in lbs./kWh of NO<sub>x</sub> emissions; and
  - (d) Mercury, measured in lbs/kWh of Hg emission.
- (7) Every bill to a direct access consumer must contain the electricity service supplier's and the electric company's toll-free number for inquiries and instructions as to those services and safety issues for which the consumer should directly contact the electric company.
- (8) The electricity service supplier must provide price, power source, and environmental impact in all contracts and marketing information.
- (9) The electric company must provide price, power source, and environmental impact in all standard offer marketing information.
- (10) By September 1, each electric company and each electricity service supplier making any claim other than unspecified market purchase mix must file a reconciliation report for the prior calendar year on forms prescribed by the Commission. The report must provide a comparison of the power source mix and emissions of all of the seller's certificates, purchase or generation with the claimed power source mix and emissions of all of the seller's products and sales.
- (11) Each electricity service supplier and electric company owning or operating generation facilities shall keep and report such operating data about its generation of electricity as may be specified by order of the Commission.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 17-2000, f. & cert. ef. 9-29-00 (Order No. 00-596); PUC 7-2005, f. & cert. ef. 11-30-05 (Order No. 05-1229); PUC 7-2009, f. & cert. ef. 6-25-09 (Order No. 09-225); PUC 3-2014, f. & cert. ef. 3-7-14 (Order No. 14-067)