

# Davison Van Cleve PC

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February 19, 2014

*Via Electronic Mail and Federal Express*

Public Utility Commission of Oregon  
Attn: Filing Center  
3930 Fairview Industrial Drive SE  
Salem OR 97302

Re: Renewable Energy Coalition  
Errata to Petition for Declaratory Ruling  
**Docket No. DR 48**

Dear Filing Center:

On February 10, 2014, the Renewable Energy Coalition (“REC”) filed a Petition for Declaratory Ruling (“Petition”) with the Oregon Public Utility Commission. On page 12, the Petition stated that the contractual provision that is at issue in the Petition exists only in one of PacifiCorp’s standard power purchase agreements (“PPAs”) with qualifying facilities (“QFs”). The provision actually exists in additional PacifiCorp standard PPAs with QFs, all 10 megawatts or less. Accordingly, REC submits the attached errata to page 12 of the Petition in original and redline format. This errata replaces page 12 of the original Petition.

Thank you for your assistance with this matter, and please do not hesitate to contact our office with any questions.

Sincerely,

/s/ Jesse Gorsuch  
Jesse Gorsuch

Enclosures

cc: Service List

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the attached Errata to Petition for Declaratory Ruling upon all parties in this proceeding by causing a copy to be sent via electronic mail to the following parties at the following addresses.

Dated at Portland, Oregon, this 19th day of February, 2014.

Sincerely,

/s/ Jesse Gorsuch  
Jesse Gorsuch

<b>(W) PACIFICORP</b> ETTA LOCKEY 825 NE MULTNOMAH ST STE 1800 PORTLAND OR 97232 etta.lockey@pacificorp.com	<b>(W) PUBLIC UTILITY COMMISSION OF OREGON</b> BRITTANY ANDRUS PO BOX 1088 SALEM OR 97308-1088 Brittany.andrus@state.or.us
<b>(W) PACIFIC POWER</b> R. BRYCE DALLEY 825 NE MULTNOMAH ST., STE 1800 PORTLAND OR 97232 bryce.dalley@pacificorp.com	<b>(W) COMMUNITY RENEWABLE ENERGY ASSOCIATION</b> DON COATS 1113 KELLY AVE DALLES, OR 97058 doncoats_@hotmail.com
<b>(W) RICHARDSON ADAMS, PLLC</b> GREGORY M. ADAMS 515 N. 27TH STREET BOISE, IDAHO 83702 greg@richardsonadams.com	

Likewise, an investigation is also ill suited for resolving the issue in this Petition. While Petitioner recognizes that the Commission is currently undertaking an investigation into QF contracting and pricing issues in Docket No. UM 1610, the issue in this Petition is narrower and more discrete than the issues being considered in that generic PURPA investigation. Docket No. UM 1610 is examining broader issues with more general applicability.

The Commission's decision in DR 45, In re Central Oregon Irrigation Dist., offers a useful contrast in this regard. There, the petitioner requested a ruling on the ownership of renewable energy credits pursuant to QF contracts entered into prior to November 30, 2005. The ruling would have affected potentially all QFs and all utilities. The Commission's Staff, therefore, found that such an issue "encompass[e]d a policy matter that is best discussed in a single generic docket." Docket No. DR 45, Order No. 10-495, App. A at 5 (Dec. 27, 2010). While PacifiCorp has other standard QF PPAs with the same language, they all apply to QFs 10 MW or smaller. Thus, the issue here relates to a particular provision that exists in only PacifiCorp's contracts with specifically defined small QFs. Accordingly, resolution of this issue impacts a discrete subset of QFs and a single utility rather than a potentially broad swath of stakeholders. A declaratory ruling is the most appropriate method of deciding the issue raised in this Petition.

**D. The question presented**

The Small Firm Contract provides that PacifiCorp may not terminate this contract if a QF fails to meet the specified commercial operation date "unless PacifiCorp is in a resource

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While PacifiCorp has other standard QF PPAs with the same language, they all apply to QFs 10 MW or smaller. Thus, ~~the~~ the issue here relates to a particular provision that exists in only PacifiCorp's contracts with specifically defined new-small QFs (~~firm power and 10 MW capacity or less~~). Accordingly, resolution of this issue impacts a discrete subset of QFs and a single utility rather than a potentially broad swath of stakeholders. A declaratory ruling is the most appropriate method of deciding the issue raised in this Petition.

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