



825 NE Multnomah Street, Suite 2000  
Portland, Oregon 97232

October 19, 2023

***VIA ELECTRONIC FILING***

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

**Re: UM 1631—PacifiCorp’s Petition for Expedited Waiver of Certain Requirements in  
OAR 860-038-0300 – *Expedited Consideration Requested***

PacifiCorp d/b/a Pacific Power hereby submits for filing its Petition for Expedited Waiver of Certain Requirements in OAR 860-038-0300. Expedited consideration is requested.

Please direct any inquiries about this filing to Cathie Allen, Regulatory Affairs Manager, at (503) 813-5934.

Sincerely,

Matthew McVee  
Vice President, Regulatory Policy and Operations

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON  
UM 1631**

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| <p>In the Matter of</p> <p>PACIFICORP, dba PACIFIC POWER &amp;<br/>LIGHT COMPANY</p> <p>Petition for Waiver of Certain Annual Fuel<br/>Mix Reporting Regulations</p> | <p style="text-align:center"><i><b>Expedited Consideration Requested</b></i></p> <p>Petition for Expedited Waiver of Certain<br/>Requirements in OAR 860-038-0300</p> |
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**I. Introduction**

PacifiCorp d/b/a Pacific Power respectfully petitions the Public Utility Commission of Oregon (OPUC or Commission) to waive certain requirements in OAR 860-038-0300. As discussed below, Commission precedent and good cause support waiving regulations that require PacifiCorp’s annual fuel mix disclosures to include the most recent unspecified market purchase mix as determined by the Oregon Department of Energy (ODOE), because ODOE has not provided PacifiCorp with this information in time to complete the mailing in 2023. The Company requests expedited consideration to allow for an order by October 31, 2023, in order to meet the deadline for publishing the notice or in the alternative the Company requests the Commission provide additional time to complete the notice.

**II. Standard of Decision**

Under OAR 860-038-0001(4), the Commission can waive any of the Direct Access Regulations for good cause if consistent with Oregon statutes.<sup>1</sup>

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<sup>1</sup> OAR 860-038-0001(4).

### III. Argument

The Commission's regulations require PacifiCorp to annually disclose various information to customers, to ensure that customers have the information they need to make informed decisions when choosing where to purchase their electricity.<sup>2</sup> Relevant here, PacifiCorp must report the power source and environmental impact information for its annual net market purchases.<sup>3</sup> Net market purchases must be based on the unspecified market purchase mix,<sup>4</sup> which is defined as "the mix of all power generation within the state or other region less all specific purchase from generation facilities in the state or region, as determined by the Oregon Department of Energy."<sup>5</sup>

In practice, ODOE provides the Company with its estimates of unspecified market purchase mixes, and PacifiCorp uses this information in its annual bill inserts. These inserts take several months to prepare, print, and distribute in customer mailers, and the Company has an internal deadline to finalize the inserts by October 31, 2023, for delivery to customers by December 31, 2023.

Historically, ODOE relied on Northwest Power Pool regional fuel mix data to estimate the unspecified market purchase mix. However, ODOE has recently begun relying on data from the Washington Department of Commerce.

In discussions with ODOE, the Company has learned that the Washington Department of Commerce has not provided ODOE with the most current regional fuel mix data to inform ODOE's estimates. As a result, ODOE has not provided PacifiCorp with its unspecified market purchase mix estimate for 2021 generation. By no fault of PacifiCorp, the Company lacks the

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<sup>2</sup> OAR 860-038-0300(2).

<sup>3</sup> OAR 860-038-0300(5)

<sup>4</sup> *Id.*

<sup>5</sup> OAR 860-038-0005(45).

information it needs to comply with the Commission’s fuel mix reporting regulations, because the Company does not have an unspecified market purchase mix to inform its annual disclosures. PacifiCorp represents that these circumstances present good cause to waive the requirement that reporting must be based on “the most recent” unspecified market purchase mix required by OAR 860-038-0300(6), and any other Commission regulations that the Commission determines is appropriate to effectuate the Company’s request. If approved, the remaining disclosures in PacifiCorp’s upcoming fuel mix report on 2021 generation would be based on current data, however the unspecified market purchase mix would reflect the same mix that was included in the previous year’s fuel mix report.

A waiver would be consistent with Commission practice. In 2007, PacifiCorp requested a similar waiver of the Commission’s then-current regulations that required quarterly disclosures of information (based in part on ODOE-provided data), because PacifiCorp would not receive the data in time from ODOE to include in the disclosure.<sup>6</sup> The Commission agreed, and permitted the Company to delay its second quarter disclosure until it received the information from ODOE in the third quarter.<sup>7</sup>

A waiver would also be consistent with Oregon statutes, as the reliance on ODOE for unspecified market purchase mixes is not dictated by statute, and the Company’s 2021 fuel mix report will otherwise rely on timely and relevant fuel mix data.

Finally, the Company requests expedited Commission review, to meet the Company’s internal deadline of October 31, 2023, to finalize the bill inserts. If the Commission reviews this waiver after October 31, 2023, in the alternative PacifiCorp requests the Commission provide additional time to complete the bill inserts. For example, if the Commission denies or approves

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<sup>6</sup> *In re PacifiCorp 2007 Fuel Mix Waiver*, Docket No. UM 1319, Petition (May 24, 2007).

<sup>7</sup> *In re PacifiCorp 2007 Fuel Mix Waiver*, Docket No. UM 1319, Order No. 07-290 (Jul. 9, 2007).

the waiver by November 31, 2023, that the Company is also provided until February 1, 2024, to finalize the inserts based on the Commission's decision.

#### **IV. Conclusion**

PacifiCorp respectfully requests the Commission waive OAR 860-038-0300(6), and any other Commission regulations that the Commission deems necessary to allow the Company to complete its fuel mix disclosure for 2021 generation.

Dated this 19th day of October, 2023.

/s/ Zachary Rogala  
Zachary Rogala  
Oregon Bar No. 222814  
1407 W North Temple Suite 310  
Salt Lake City, Utah  
(435) 319-5010  
[zachary.rogala@pacificorp.com](mailto:zachary.rogala@pacificorp.com)

*PacifiCorp Attorney*