

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 31, 2020**

REGULAR CONSENT EFFECTIVE DATE Upon Approval

DATE: March 13, 2020

TO: Public Utility Commission

FROM: Paul Rossow

THROUGH: Bryan Conway, Michael Dougherty, and JP Batmale **SIGNED**

SUBJECT: 3 Phases Renewables, Inc.:
(Docket No. ES 21)
Request by Richard Lorenz on behalf of 3 Phases Renewables, Inc. for waiver of the Electricity Service Supplier certification requirements pursuant to OARs 860-038-0400(1) and 860-038-0400(13)(a).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the request by 3 Phases Renewables, Inc. (3 Phases) to waive the 30-day deadline to file its application to renew its Energy Service Supplier (ESS) certificate prior to the certificate's expiration date.

DISCUSSION:

Issue

Whether 3 Phases established good cause to waive the OARs 860-038-0400(1) and 860-038-0400(13)(a) requirements that an ESS be certified by the Commission to sell electricity services to consumers and that it file its renewal application no later than 30 days prior to the expiration date of its current certificate, respectively.

Applicable Rule

Under Direct Access, an ESS must be certified by the Commission to sell electricity services to consumers and renew its certification each year by filing a renewal application 30 days prior to the certificate's expiration date. See OAR 860-038-0400(1) and 860-038-0400(13)(a).

The evaluation criterion set forth in OAR 860-038-0001(4) for waiver of Division 038 rules is “good cause shown.”

Analysis

3 Phases was first certified as an ESS in Oregon in 2015. Its most recent ESS certificate expired on February 6, 2020. On March 3, 2020, 3 Phases filed an application to renew its ESS certificate and a request to waive the requirement in OAR 860-038-0400(13) that it file a request to renew its renewal application 30 days before its expiration. 3 Phases explains its delay in filing the renewal application was simply an administrative oversight and that it is in the public interest to allow it to continue operating as an ESS.

Conclusion

Staff acknowledges that 3 Phases has been a certified ESS since 2015 and is in good standing with the Commission. Staff also believes it is in the public interest to allow 3 Phases to continue to serve as an ESS. Based on the information provided in this filing, 3 Phases demonstrated that the circumstances support “good cause” for a waiver of the ESS certificate renewal deadline.

PROPOSED COMMISSION MOTION:

Grant the request by 3 Phases to waive the 30-day deadline to file a renewal application and maintain their ESS certification.