

ORDER NO. 15 343

ENTERED OCT 20 2015

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1738

In the Matter of

CONSTELLATION NEW ENERGY, INC.,

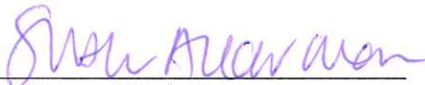
2014 Renewable Portfolio Standard  
Compliance Report.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at the public meeting on October 20, 2015 to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Dated this 20 day of October, 2015, at Salem, Oregon.




**Susan K. Ackerman**  
Chair





**John Savage**  
Commissioner



**Stephen M. Bloom**  
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

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ITEM NO. CA9


PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: October 20, 2015

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE October 20, 2015

DATE: October 9, 2015

TO: Public Utility Commission

FROM: Aster Adams 

THROUGH: Jason Eisdorfer 

SUBJECT: CONSTELLATION NEWENERGY, INC.: (Docket No. UM 1738) 2014  
Renewable Portfolio Standard Compliance Report.

**STAFF RECOMMENDATION:**

Staff recommends that, based upon the Constellation NewEnergy, Inc. (Constellation) 2014 Renewable Portfolio Standard (RPS) Compliance Report, the Commission find that Constellation complied with the RPS for the 2014 compliance period.

**DISCUSSION:**

Issue

OAR 860-083-0350(1)(a) requires that each electric company subject to Oregon's Renewable Portfolio Standard (RPS) provide an annual compliance report (Compliance Report) demonstrating its compliance with the law, or explaining in details its failure to comply with the RPS.

Constellation filed its 2014 RPS Compliance Report (Report) on May 28, 2015. The Report indicates that Constellation complied with Oregon's RPS.

Applicable Law

The RPS is codified at ORS 469A.005 through 469A.210. Among other reporting details required by OAR 860-083-0350(2)(a-s), the Compliance Report must contain a complete accounting of renewable energy certificates (RECs) used for compliance in the compliance year, separating the RECs into bundled or unbundled, showing clearly which generating unit produced the RECs, the total cost of compliance, and a detailed explanation of any material deviations from the electric company's applicable acknowledged implementation plan filed under OAR 860-083-0400.

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OAR 860-083-0350(2)(b-g) specifically states that an electric company may be considered in compliance with the RPS if they provide a complete Compliance Report and satisfactorily show they have acquired and retired an appropriate number of valid RECs, bundled or unbundled, banked or unbanked, for the compliance year.

ORS 469A.100(1) provides that "electric utilities are not required to comply with a renewable portfolio standard during a compliance year to the extent that the incremental cost of compliance, the cost of unbundled renewable energy certificates and the cost of alternative compliance payments under ORS 469A.180 (Electric companies) exceeds four percent of the utility's annual revenue requirement for the compliance year."

Under the law, Oregon large utilities must deliver a percentage of their electricity from eligible renewable resources. The RPS establishes renewable energy goals for the state's public power utilities based on the total retail sales of the utility (or Electric Service Supplier (ESS)). See ORS 469A.065.

OAR 860-083-0300(2)(a) defines the compliance cost limit for an ESS as four percent of the weighted average of the average retail revenues per megawatt-hour (MWh) of the electric companies in whose service areas the ESS sells electricity.

RPS compliance must be demonstrated through the retirement of RECs that are maintained through the Western Renewable Energy Generation Information System (WREGIS). RECs may be either bundled with energy or exchanged separately (unbundled). One REC is issued per megawatt-hour of generation produced. See OAR 330-160-0015(15).

There are two mechanisms that serve as cost protections for Oregon consumers – an alternative compliance payment (ACP) mechanism and a cost cap on RPS expenditures equal to four percent of annual revenue requirement. In lieu of procuring renewable resources, utilities are allowed to pay an ACP and the funds are placed in a holding account to be spent on energy conservation programs or for procuring additional eligible resources.<sup>1</sup>

### **Analysis**

For the compliance year 2014, Constellation must meet its RPS target through the retirement of RECs equal to five percent of its retail load or provide an alternative compliance payment. However, Constellation indicates that it served no Oregon customers during the compliance year 2014.

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<sup>1</sup> See ORS 469A.180(4), OAR 860-083-0300(2)(a) and OAR 860-083-0300(3)(b)(A).

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**Conclusion**

Constellation reports that it served no retail load to Oregon customers in 2014 and, as such, has no responsive data to submit and no RPS target to meet. Staff finds no compliance issues with Constellation's 2014 RPS Compliance Report.

**PROPOSED COMMISSION MOTION:**

Constellation Renewables, LLC be found to comply with Oregon's Renewable Portfolio Standard during the 2014 compliance period;

Constellation 2014 RPS Compliance Report