

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

ES 21

In the Matter of

3 Phases Renewables Inc.,

Application to be Certified as an Electricity  
Service Supplier.

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on March 31, 2020, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

**Nolan Moser**  
Chief Administrative Law Judge

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.

ITEM NO. CA4

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

**REGULAR** \_\_\_\_ **CONSENT**   X   **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.

ES 21 3 Phases Waiver