

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 8, 2016

REGULAR _____ CONSENT X EFFECTIVE DATE November 18, 2016

DATE: October 31, 2016

TO: Public Utility Commission

FROM: Brittany Andrus 

THROUGH: Jason Eisdorfer and John Crider  

SUBJECT: IDAHO POWER: (Docket ADV 393/Advice No. 16-14) Withdraws Schedule 85, Cogeneration and Small Power Production Standard Contract Rates, from Tariff.

STAFF RECOMMENDATION:

Staff recommends that the Commission approve Idaho Power's Advice No. 16-14 effective November 18, 2016, as requested.

DISCUSSION:

Issue

Should Idaho Power remove Schedule 85 from its tariff? Staff supports this removal.

Rules, Orders and Applicable Statutes

The Commission has found that avoided cost price schedules for Qualifying Facilities (QFs) are not tariffs and do not fall under the statutory framework of ORS 757.210 *et seq.* In Order 09-427, the Commission stated that ORS 757.210

“...is part of the statutory framework established for the review and approval of rates *charged* by utilities for electric service...ORS 757.210 does not apply to the review and approval of rates *paid* by utilities to QFs, which is governed by the separate statutory framework set forth in ORS 758.505 to 758.555...”

The Commission also considered the applicable statutory framework for avoided cost prices in Order 05-1061 and found that “...ORS 757.215(4), by its plain language, does not apply to rates paid to QFs...”

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Analysis

In Advice No.16-14, Idaho Power proposes to withdraw Schedule 85, Cogeneration and Small Power Production Standard Contract Rates, from its tariff. This schedule contains prices paid to QFs that qualify for standard avoided cost prices. The price schedule will no longer be part of Idaho Power's tariff and will be maintained outside the tariff book.

Idaho Power Advice 16-14, if approved, will have no effect on QF contracting practices or avoided cost prices. The substance of Schedule 85 will continue to apply. Contract terms and avoided cost prices remain subject to the Commission's direction in Order No. 05-584 and subsequent orders. The only change is that the schedules will be maintained outside the tariff, and Commission review will be governed by statutes at ORS 758.505 to 758.555, which address the Commission's delegated authority under PURPA. The proposed action is consistent with previous advice from Staff, based on consultation with the Oregon Department of Justice.

PROPOSED COMMISSION MOTION:

Approve Idaho Power's Advice No.16-14 to withdraw Schedule 85 effective November 18, 2016.

ca10-Idaho Power Adv 16-14