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VIA ELECTRONIC FILING

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Public Utility Commission of Oregon
201 High Street S.E., Suite 100
Salem, OR 97308-1088

Attn: Filing Center

RE: AR 622 – PGE’s Response to Staff’s Questions

Portland General Electric Company (PGE) respectfully provides these answers in response to Public Utility Commission of Oregon (Commission) Staff’s questions for stakeholders in advance of the workshop to address potential rulemaking regarding the implementation of community-based renewable energy provisions in ORS 469A.210.

Context

PGE agrees with the background and context set forth in the comments submitted by Pacific Power.

Rulemaking

- 1. Should the PUC be engaged in this rulemaking? If not, what other type of process should the commission undertake in order to provide subject utilities with guidelines for compliance?**

No, the PUC does not need to be engaged in a rulemaking as its terms are clear. Having said this, we recognize that the Commission has broad regulatory authority over utilities under ORS 757.040 and that an investigation into whether utilities are making progress towards the requirements set forth in ORS 469A.210 is within the Commission’s authority. However, ORS 469A.210 is essentially a self-executing statute, with clear terminology and specific terms. Rulemaking is not necessary to “fill the gaps” or clarify terms. In addition, we note that legislature did not choose to assign an agency with rulemaking authority over this statute.

As mentioned by Pacific Power, any rulemaking here is premature as there has been a lot of work already conducted by the Oregon Department of Energy to assess implementation status.

Measurement

2. Should the PUC define how the 8 percent requirement in ORS 469A.210(2) will be measured?

No, there is no need for the PUC to define how the 8 percent will be measured and PGE is concerned that parties will urge the PUC to go beyond the statutory terms and prescribe additional terms that are not interpretive but additive. ORS 469A.210(2) already defines that the 8 percent requirement is to be measured by aggregate electrical capacity. PGE would meet its proportionate share of the aggregate capacity.

3. What does electrical capacity mean?

The term capacity is used four different ways in ORS 469A.210 – electrical capacity, generating capacity, nameplate capacity and capacity. The term capacity is also used in various ways in ORS 469A.005 to 210. However, neither the Commission nor the Oregon Department of Energy (ODOE) has seen a need to define the term in rules implementing the Renewable Portfolio Standard. This is because the term is understood. Electrical capacity has the same meaning as nameplate capacity.

4. What does aggregate electrical capacity mean?

Aggregate electrical capacity is the sum of the nameplate capacity of each individual generating facility serving retail electricity consumers in the state.

5. How should an individual project's capacity be measured?

An individual project's capacity should be measured based on the nameplate capacity. Nameplate capacity should have the same meaning defined in OAR 860-082-0015(21): "the full-load electrical quantities assigned by a facility's designer to a generator and its prime mover or other piece of electrical equipment, such as transformers and circuit breakers, under standardized conditions, as expressed in amperes, kilovoltamperes, kilowatts, volts, megawatts, or other appropriate units. Nameplate capacity is usually indicated on a nameplate attached to the individual device."

Project Eligibility

6. Should the PUC determine which projects are eligible to count towards the 8 percent requirement?

No. ORS 469A.210 already clearly defines the requirements for eligible projects—they should be renewable and with a generating capacity of 20 megawatts or less (unless facility uses biomass). Renewable energy resources is defined in ORS 469A and generating capacity a well understood term.

7. What process should the PUC follow to determine which projects are eligible?

The PUC should follow the process that is provided in statute, to determine eligibility (ORS 469A.210(2) and (3)).

1. Is the generating capacity 20 megawatts or less?
2. Is the project generating electricity utilizing a type of energy described in ORS 469A.025?
3. Is the facility delivering power to the utility in question?
4. If any single facility is generating using biomass and also generating thermal energy for a secondary purpose, then regardless of the facility's nameplate capacity, that facility may be used to comply for up to 20 megawatts of capacity.

A project that meets the criteria for (1) to (3) above should be deemed eligible. A single facility that meets criteria (4) above should also be deemed eligible. PGE agrees with Pacific Power's description of the information the utility would provide in this regard.

8. Which renewable projects should be eligible?

- a. **Can eligible resources be utility-owned?**
- b. **Does a utility need to demonstrate a contract length beyond 2025?**
- c. **Do existing PURPA projects under 20 MW qualify?**
- d. **Do community solar projects qualify?**
- e. **Do net-metered projects qualify? (Including the gross portion?)**

PGE suggests that a plain reading of the statute provides answers to these questions. The details discussed in parts (a) through (e) above are not contemplated by the language in ORS 469A.210. Rulemaking is not needed for the statute to be implemented. There is no restriction on ownership of an eligible resource in the statute. The statute does not require compliance beyond 2025. There is nothing in the law that would preclude PURPA projects. If community solar projects met the eligibility criteria noted in our answer to #7 above, then they should qualify. We offer the same response with regard to net metered projects.

9. What locational restrictions are applicable?

- a. **How should PacifiCorp's multi-state service territory be addressed?**

Given that there are no locational restrictions in the statute, there should be none applied by the Commission. Applicability should include all facilities which are serving retail electricity consumers in the state, regardless of facility location.

10. Does a utility need to own the associated RECs of a qualifying project?

No. There is nothing in the statutory language suggesting that the utility must own RECs of a qualifying project.

Compliance

11. Should the PUC determine compliance with the 8 percent mandate?

It depends what is intended in determining compliance with the mandate. The Commission can review whether utilities are making progress towards compliance, but ORS 469A.210 does not provide any agency with compliance authority. The statute is self executing.

12. When does compliance occur?

Compliance occurs when the utilities have met the 8 percent requirement by 2025.

13. How should the utility report progress?

Utility progress reporting is already in motion. PGE and PacifiCorp have worked twice with ODOE to provide renewable facility and load data to develop surveys to review progress towards the 8 percent requirement. We believe that other parties to this rulemaking have also provided information to ODOE. We believe that ODOE's process has been open, transparent and complete.

14. How should a utility demonstrate compliance?

The utility demonstrates compliance by submitting the data contained in the ODOE survey for Commission review.

15. What happens after 2025?

The utilities can continue to provide the data contained in the ODOE survey if requested by either ODOE or the Commission.

Additional Questions

16. Do you have any other specific issues you would like addressed in this informal stage of this rulemaking that falls within the scope of this rulemaking as opened by the Commission in Order No. 18-322?

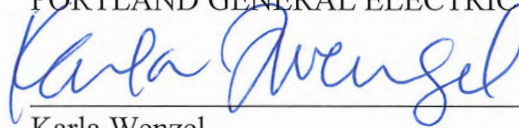
No. Thank you.

PGE looks forward to working with the stakeholders in the AR 622 rulemaking for community-based renewable energy projects. Should you have any questions regarding these comments, please contact Colin Wright at (503) 464-8011.

Please direct all formal correspondence and requests to the following email address
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Respectfully submitted,

PORTLAND GENERAL ELECTRIC COMPANY



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