

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 622

In the Matters of

Rulemaking for Community-Based
Renewable Energy Projects

RENEWABLE NORTHWEST
RESPONSE TO STAFF REQUEST

Renewable Northwest is grateful for this opportunity to respond to the Public Utility Commission of Oregon (the “Commission”) Staff Request for Responses issued September 19, 2018. We agree with Staff’s recommendation that the Commission undertake a rulemaking to clarify application of the eight percent mandate established by ORS 469A.210(2). Renewable Northwest answers a simple “yes” to questions (1), (2), (6), and (11). At this time, Renewable Northwest chooses not to take a position on questions (3), (4), (5), (7), (8), (9), (10), and (14). We respond to questions (12), (13), and (15) below.

Question (12) When does compliance occur?

Because ORS 469A.210 calls for compliance “by the year 2025,” the first point for determining compliance should be December 21, 2024 at 11:59 PM. As is discussed further below, we believe compliance is required beyond 2025 as well.

Question (13) How should the utility report progress?

Renewable Northwest recommends that any rules adopted by the Commission include a requirement that each affected investor owned utility (“IOU”) file a regular report with the Commission detailing that IOU’s progress toward compliance.

Question (15) What happens after 2025?

As we read ORS 469A.210, the statute requires continuing compliance with the 8 percent requirement beyond 2025. Once such a requirement is in place, it generally takes an act of the legislature to eliminate it. Just as the Clean Water Act requires that “not later than July 1, 1977, effluent limitations for point sources,” so ORS 469A.210 requires that “by the year 2025, at least eight percent of the aggregate electrical capacity of [certain] electric companies ... must be composed of electricity generated by [certain sources].”¹ In neither case is it implied that the obligation created by the statute expires after the specified date; instead, the dates are intended to provide the affected entity enough time to come into compliance. Moreover, use of the modifier “at least” in the phrase “*at least* eight percent” implies that the eight percent requirement is a

¹ Clean Water Act section 301, 33 U.S.C. sec. 1311(b)(1)(A).

floor that IOUs are required to sustain, and on which IOUs are encouraged to build by filling more of their capacity needs with eligible projects.

In conclusion, Renewable Northwest is grateful for the thorough set of introductory questions, and we look forward to working with the Commission, Staff, and other stakeholders throughout the rulemaking process.

Respectfully submitted this 28th of September, 2018.

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