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Via Electronic Filing

Chair Decker
Commissioner Bloom
Commissioner Tawney
Public Utility Commission of Oregon
201 High Street SE, Suite 100
Portland, OR 97301-3398

Re: March 21, 2019 Public Meeting - Regular Agenda Item No. 3
ADV 919 – Portland General Electric Schedule 689

Dear Commissioners:

In response to Portland General Electric Company's ("PGE" or "Company") New Load Direct Access ("NLDA") tariff filings, including new proposed Schedule 689, Oregon Public Utility Commission ("Commission") Staff recommends that the Commission deny the Company's filing and direct PGE to refile its tariffs to implement an interim NLDA program that would operate while two new charges PGE proposes (known as the "RIC" and the "RAD") are more fully investigated. If the RIC and/or the RAD were ultimately approved, any customer that selected the NLDA program prior to approval would be subject to them. Alternatively, Staff recommends that the Commission suspend the entire filing for investigation. AWEC does not oppose either of Staff's recommendations (and affirmatively supports Staff's position that the RIC and RAD must be further investigated), but upon reviewing the comments of other parties and additional discussions with PGE, AWEC believes Staff's alternative recommendation to suspend the entire filing is the most prudent course.

Most importantly, however, regardless of which recommendation the Commission adopts, AWEC strongly believes that customers should be eligible to begin the process of participation in the NLDA program immediately. Calpine Solutions also supports this, and AWEC understands that PGE does as well. Under the NLDA rules, a customer "must notify the electric company of its intent to enroll in the [NLDA] Program … at the earlier of either: (a) A binding written agreement with the utility for eligible new load, or (b) One year prior to the expected starting date of the incremental load."[1/] Thus, absent Commission waiver of this rule, any participation in PGE's NLDA program is still at least a year away. The process that ultimately resulted in the NLDA rules was first initiated as Docket UM 1837 on May 15, 2017, nearly two years ago. Participation in this program now may be further delayed due to the process necessary to investigate PGE's RIC and RAD charges (as well as the others discussed below), which were not contemplated by the NLDA rules in the first place. If a customer is willing and able to meet the NLDA requirements today, it would not be in the public interest to render that customer ineligible simply because it was procedurally barred from giving the required notice in time.

Accordingly, if the Commission adopts Staff's recommendation to deny the tariffs as filed, AWEC requests that the Commission direct PGE to refile to initiate an interim program within a week of the Commission's order. Alternatively, if the Commission adopts Staff's alternative recommendation to suspend the filing, AWEC requests that the Commission clarify that suspension does not prevent a customer from giving the notice required by the rules during the suspension period. AWEC agrees with Staff that any customer that elects to participate in the NLDA program while the RIC and RAD are being investigated would be subject to these charges if they are ultimately approved.

Subject to the ability of a customer to provide the notice required by the rules immediately, AWEC supports suspension of all of PGE's filing in this matter because PGE's Schedule 689 differs from PacifiCorp's Schedule 293, previously approved by the Commission, in some material ways in addition to the RIC and RAD that should either be explained or aligned. Calpine Solutions' comments, for example, explain its concerns with the Company's proposed Long-Term Market Energy Option. AWEC has identified two more, suggesting that others may surface during an investigation.

First, in its Order 18-341 adopting a cap on the NLDA program, the Commission identified a cap of 6% of a utility's 2017 weather-normalized load. PacifiCorp's tariff translates this into an average MW number and specifies that the Commission may determine an alternative cap, consistent with the Commission's order. PGE, conversely, also translates the 6% cap into an average MW number, but then applies a caveat that this amount is "subject to the long-term transmission planning constraints of the Company."[2/] This conditional language deserves to be further scrutinized as it is both unclear and may not comply with Order 18-341.

Additionally, through stakeholder discussion, PacifiCorp agreed to add additional clarifying language around the Existing Load Shortage Transition Adjustment to reflect that the rules apply this payment only in instances of deliberate load-shifting activity and to more properly explain a customer's rights if it faces such a charge. AWEC recommends that PGE's tariff adopt identical language.[3/]

1/ OAR 860-038-0740(1).

2/ Sheet No. 689-1.

3/ Docket No. ADV 900, PacifiCorp Cover Letter to Revised Tariff Sheet Filing at 2 ¶¶ 6-7 (Feb. 11, 2019).

AWEC appreciates the Commission's continued attention to this important program and reiterates that, regardless of the process for resolving outstanding issues surrounding PGE's NLDA tariffs, customers that meet the requirements to participate in the program under the Commission's rules should be able to provide the notice required by these rules during the pendency of any investigation.

Sincerely,

/s/ Tyler C. Pepple

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