



**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

December 3, 2019

**via E-mail**

Public Utility Commission of Oregon  
Attn: Filing Center  
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**Re: UM 2024 – Stipulated Issues List**

On November 14, 2019, a Notice of Commission Workshop and Agenda was issued in the above-referenced docket, which contains a copy of the proposed issues list that Oregon Public Utility Commission Staff (Staff) circulated to the parties to this proceeding ahead of the October 15, 2019 scoping workshop. At the scoping workshop, participating parties discussed Staff's draft issues list and made suggestions for its improvement. At the conclusion of the workshop, the parties agreed to a draft issues list in principle, that was subsequently circulated and subject to edit by the participating parties in this proceeding.

Given the additional discussion and changes to the issues list made as a result of the scoping workshop, the parties provide the attached stipulated issues list for Commission review and consideration prior to the December 12, 2019 Commission Workshop. The attached issues list represents the stipulated issues list agreed to by the Alliance of Western Energy Consumers (AWEC), Oregon Citizens' Utility Board (CUB), Northwest and Intermountain Power Producers Coalition (NIPPC), Northwest Power and Conservation Council, PacifiCorp, Portland General Electric (PGE), Staff, and Walmart, Inc. Staff was unable to confirm with Calpine Solutions (Calpine) as of the date of this filing, but notes that Calpine participated in the workshop and provided edits to Staff's draft issues list.

Sincerely,

Sommer Moser  
Assistant Attorney General  
Business Activities Section

Enclosure  
ST7:pjr/#9970778

# UM 2024 Scoping Docket and Proposed Issues List

1. What are the potential benefits and potential costs to customers from long-term direct access participation?
  - a. How can long-term direct access programs be structured to maximize these potential benefits?
  - b. How can long-term direct access programs be structured to minimize or eliminate these potential costs?
2. What cost shifts occur when load departs a utility?
  - a. What constitutes “unwarranted” cost-shifting?
    - i. Are PGE’s and PacifiCorp’s current long-term direct access programs structured in a way that avoids unwarranted cost-shifting? Topics may include:
      - Transition Adjustments and the potential for Capacity Credits or Capacity Charges
      - Consumer Opt-out Charge
      - Resource Intermittency
      - Freed up RECs
      - Legislative mandates (state and federal) and bypassability of costs
      - Load growth
      - Return-to-cost-of-service restrictions
      - Resource Adequacy
    - ii. If not, how should these programs be structured to avoid unwarranted cost- shifting?
3. What limits, if any, should be placed on the ability of a customer to participate in a long-term direct access program? Including:
  - a. Caps
  - b. Notice Requirements
    - i. Election Windows
    - ii. Return Notice
    - iii. Energization Notice/Timing
  - c. Customer Size Requirements
4. How should load serving entities plan in the short and long-term for direct access and all jurisdictional load to ensure resource adequacy?
5. Are current rules, regulations, and other programs recognizing the current state of wholesale power markets while preserving and protecting those markets? Or should the Commission take steps to promote an organized wholesale market structure?
6. How are other states handling customer choice and access to wholesale markets for different customer classes? Along with previously listed issues, topics may include:
  - Provider of last resort obligations

## UM 2024 Scoping Docket and Proposed Issues List

- Deceptive marketing practices, consumer protection
  - Price disclosure
  - Data disclosure
  - General enforcement authority
  - Pricing of departing load
  - Market design and alignment with customer choice
  - Oversight, compliance, and reliability responsibilities
  - Capacity and reliability
- a. What has worked well, what hasn't?
  - b. How can these findings be applied to Oregon, including consideration of the fact that Oregon's direct access market is limited to non-residential customers?