

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF THE STATE OF OREGON**

**UM 2143**

In the Matter of PUBLIC UTILITY  
COMMISSION OF OREGON

Investigation Into Resource Adequacy  
in Oregon

COMMENTS OF  
BROOKFIELD RENEWABLE TRADING AND  
MARKETING LP

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**I. INTRODUCTION & SUMMARY**

Brookfield Renewable Trading and Marketing LP (“BRTM”) hereby submits the following comments on the Oregon Public Utility Commission (“Commission”) staff’s (“Staff”) updated Draft Resource Adequacy (“RA”) Rules Proposal in Docket No. UM 2143.

In these comments, BRTM reiterates that Staff’s proposed resource and transmission forward showing percentages are too high. At a maximum, reasonable resource forward showings for an Oregon-specific RA program are 90 percent one-year out and 80 percent two-years out. Reasonable transmission forward showings are approximately 65 percent one year out and 55 percent two years out.

BRTM also responds to Staff’s specific requests to parties regarding information transmission forward showings, appropriate penalties for electric service suppliers (“ESS”), confidentiality issues, and capacity sharing.

**II. COMMENTS**

**a. Resource and Transmission Forward Showing**

Staff’s proposed rules continue to require resource and transmission forward showings that are too onerous and inconsistent with region-wide and entity-specific resource and transmission

planning. BRTM discussed these issues in its prior comments<sup>1</sup> and incorporates those comments by reference.

Consistent with BRTM’s prior comments, BRTM recommends (1) slightly modifying Staff’s proposed resource forward showing one year out to 90 percent and (2) reducing transmission forward showings for one and two years in advance to 65 percent and 55 percent (as applied to the pertinent resource forward showing percentage) respectively.

**b. Staff Questions**

Staff requests comment on the following four topics:

- 1) Rewording the informational transmission forward showing language to better convey Staff’s intent;
- 2) Language guiding when ESS decertification should be an available penalty for a non-complaint ESS;
- 3) How to address the extensive confidentiality concerns raised by load responsible entities (“LRE”); and
- 4) Ideas for potential capacity backstop, capacity deadbands or other solutions to easily share capacity between entities.

*Informational Transmission Forward Showing*

Staff’s straw proposal requests a monthly forecast of transmission requirements over a period of the greater of four years or the longest available timeline from a regional program. Staff states that its intent is to “have entities discuss how transmission constraints or acquisitions on the four-year horizon feed into resource adequacy concerns or actions in a chapter devoted to resource adequacy.” Based on Staff’s intent, it appears that Staff is seeking qualitative information rather

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<sup>1</sup> BRTM Comments, pp. 3-6 (June 12, 2023); BRTM Comments, pp. 5-6 (Mar. 13, 2023).

than quantitative. However, as discussed at length in prior comments and by the Western Resource Adequacy Program, transmission is often not made available even seven months in advance, let alone 4 years in advance.

To effectuate Staff's intent while recognizing the realities of transmission planning and procurement, BRTM recommends that informational transmission forward showings require LREs to detail: (1) the forecasted transmission rights expected to be necessary to serve the forecasted P50 load over the same time period, (2) the transmission rights the LRE owns or has rights to as of the date of filing to serve the forecasted P50 load over the same time period, (3) the steps the LRE intends to take to procure transmission rights to fill any open transmission position to serve the forecasted P50 load over the same time period, and (4) any constraints or difficulties the LRE expects to face in procuring transmission rights to fill any open transmission position.

#### ESS Decertification

Consistent with other party comments in this proceeding, BRTM does not support ESS decertification as an appropriate remedy for non-compliance with RA requirements. However, to the extent Staff maintains such an option, decertification should be employed only in rare cases of egregious and ongoing non-compliance. Specifically, decertification should be limited to instances of continued and substantial non-compliance with Commission RA rules, demonstrating deliberate intention to avoid Commission regulations.

#### Confidential Treatment of Information

As stated in prior comments and workshops, BRTM shares the concerns of other LREs regarding the disclosure of confidential information when complying with the Commission's RA filing requirements. This is particularly true in Oregon where LREs compete for direct access ("DA") load. Similar concerns were raised in Docket No. AR 651 in the context of emissions

planning reports. There, the stakeholders conferred and created a confidentiality framework that maintained confidentiality while ensuring that the Commission and the Citizen's Utility Board ("CUB") received the protected information. The final adopted language reads:

(8) Availability of Information:

(a) Information regarding an analysis of the \$/MWh (levelized if under different pricing structure) that the customer will be charged for service related to compliance for each of the next 3 years, as required by section 3(f) of this rule will be available for review only by Qualified Statutory Parties, meaning any Commission Staff and any representatives of the Citizen's Utility Board, who executed a modified protective order;

(b) The following information shall be available for review only by Non-Market Participants that have executed a modified protective order:

(A) Action plan that specifies annual goals and resources, including specified and unspecified market purchases, that the ESS plans to use to meet the load and emissions forecast consistent with the DEQ emissions reporting methodology, as required in Section 3(e) of this rule;

(B) Information regarding the load forecast for each of the following three consecutive years, aggregate for all Oregon Direct Access customers, as required by Section 3(c) of this rule; and

(C) The summary of the specific electricity-generating resources and MWh generation from those resources, as required by Section 3(b) of this rule.

(c) For purposes of this rule, Non-Market Participants includes Commission Staff, the Citizen's Utility Board, and non-profit organizations engaged in environmental advocacy that do not otherwise participate in electricity markets.

This same general structure for protecting confidential information should be implemented here. Information that should be provided to only the Commission Staff and CUB include a regional participant's forward showing submission. Information included in regional program submissions is extensive and contains proprietary information. Disclosure of this information would be harmful to LREs and likely create competitive disadvantages to LREs in Oregon. There is no legitimate reason for such information to be disclosed beyond Commission Staff and CUB. Information that should be provided only to non-market participants include monthly P50 load forecasts and monthly transmission requirements. In Oregon where LREs compete for DA load, extended

forecasts of load and transmission should not be shared with competitors who compete for the same load and transmission.

### Capacity Sharing

BRTM continues to support an RA product offered by investor-owned utilities through a Commission-approved tariff. Aside from this, it is difficult to predict and define capacity sharing arrangements. Rather, BRTM supports the option for LRE's to enter into capacity sharing arrangements upon application to and approval by the Commission. Providing this option permits two or more LREs to engage in creative problem solving that addresses issues not yet known or fully understood, while still providing the opportunity for the Commission to review and ensure that the arrangement is in the public interest.

### **III. CONCLUSION**

BRTM appreciates the thought and time Staff put into developing its updated proposed rules and looks forward to engaging with Staff and other parties as this proceeding continues.

DATED this 21<sup>st</sup> day of July, 2023.

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