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## PERMANENT ADMINISTRATIVE ORDER

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### RULES:

860-087-0001, 860-087-0010, 860-087-0020, 860-087-0030, 860-087-0040

AMEND: 860-087-0001

NOTICE FILED DATE: 05/27/2022

RULE SUMMARY: This rule establishes the scope of Division 87.

### CHANGES TO RULE:

860-087-0001

Scope and Applicability of Rules ¶

(1) The rules in this division prescribe the application and reporting requirements for ~~programs to accelerate electric company activities that support~~ transportation electrification ~~filed by an electric company~~ (TE) as required by ORS 757.357. ¶

(2) Upon request or its own motion, the Commission may waive any of the rules in this division for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

Statutory/Other Authority: ORS 756.040, ORS 756.060, OL 2016, ch. 028, sects. 20, 29 (SB 1547) RS 757.357  
Statutes/Other Implemented: OL 2016, ch. 028, sects. 20, & 29 (SB 1547), OL 2021, ch. 095, sect. 4 (HB 2165).

AMEND: 860-087-0010

NOTICE FILED DATE: 05/27/2022

RULE SUMMARY: This rule defines terms used in Division 87.

CHANGES TO RULE:

860-087-0010

Definitions ¶¶

For the purpose of this division:¶¶

(1) "Electric company" means an electric company as defined in ORS 757.600.¶¶

(2) "Transportation Electrification Program" means a program proposed by an electric company to accelerate transportation electrification as defined in Oregon Laws 2021, chapter 95 Section 4.¶¶

(3) "Infrastructure measures" means infrastructure measures as defined in Oregon Laws 2021, chapter 95 Section 4.¶¶

(4) "Monthly Meter Charge" means the funds collected by an electric company to support and integrate transportation electrification under Oregon Laws 2021, chapter 95 Section 2.¶¶

(5) "Underserved communities" means underserved communities as defined in Oregon Laws 2021, chapter 95 Section 2.¶¶

(6) "Transportation Electrification Budget" means all the planned expenditures on and sources of projected revenue that support transportation electrification in the first three years of the TE Plan.¶¶

(7) "Public charging infrastructure" means charging infrastructure intended for public use.¶¶

(8) "Private charging infrastructure" means charging infrastructure not intended for public use.¶¶

(9) "Transportation Electrification Plan" means the description and analysis of all activities an electric company takes to support transportation electrification and the funding of the TE Budget.

Statutory/Other Authority: ORS 756.040, ORS 756.060, OL 2016; ch. 028; sect. 20 (SB 1547), OL 2021, ch. 095, sect. 2 (HB 2165), ORS 757.357

Statutes/Other Implemented: OLs 2016; ch. 028; sect. 20 (SB 1547), OL 2021, ch. 095, sect. 2 (HB 2165)

AMEND: 860-087-0020

NOTICE FILED DATE: 05/27/2022

RULE SUMMARY: This rule prescribes the content and process of public review for the Transportation Electrification Plan

CHANGES TO RULE:

860-087-0020

Transportation Electrification Plan

(1) This rule prescribes the required elements of an electric company's Transportation Electrification Plan (TE Plan), ~~which contains the electric company's long-term strategy to accelerate transportation electrification in its Oregon service territory.~~ The objective of the TE Plan is to: ¶

(a) ~~Integrate all of the electric company's transportation electrification actions into one document. This Plan shall include, but is not limited to, analyzing the electric company's portfolio of near-term and long-term transportation electrification actions, including approved program(s), future transportation electrification actions, applications for program(s), and infrastructure measure(s), planning and expenditure of the Monthly Meter Charge, and other transportation electrification actions such as Clean Fuels programs.~~ ¶

(b) ~~Identify a portfolio of action~~ Act as a summary of the electric company's investments and activities, which may include investments and infrastructure for electric vehicles of various sizes, rate design, programs, and services, reasonably expected to achieve the objectives of ORS 757.357 Oregon Laws 2021, chapter 95. The TE Plan ~~should~~ shall seek to address areas most affected by market barriers in the electric company's service territory, prioritize load management, and to provide benefits for traditionally underserved communities. ¶

(2) An electric company must file for Commission acceptance of a TE Plan. ¶

(a) As used in this rule, "acceptance" means the Commission finds that the TE Plan meets the criteria and requirements of this rule and does not constitute a determination on the prudence of the individual actions discussed in the TE Plan. The Commission may accept the TE Plan subject to conditions. Acceptance, or acceptance subject to conditions, shall constitute approval of the electric company's program applications and TE Budget as filed in the TE Plan and its appendices. Non-acceptance means that the TE Plan does not meet the criteria or requirements of this rule. ¶

(b) ~~An electric company must file for Commission acceptance of its TE Plan within two years of its previous TE Plan acceptance order~~ present a draft TE Plan to Commission staff and stakeholders for review and comment on or before May 1, every three years starting in the year 2025, or as otherwise directed by the Commission. ¶

(c) ~~The Commission staff will work with parties to propose a schedule for review of the TE Plan after it is filed. The schedule will be adopted by an administrative law judge and will provide an opportunity for~~ TE Plan shall include the three calendar years after the year the TE Plan is presented. ¶

(d) ~~The electric companies will work with~~ written comments by Commission staff and stakeholders, to propose a schedule to parties for draft TE Plan ~~reply~~ view, comments by the electric company. ¶

(e) ~~T, and workshops.~~ ¶

(d) ~~After public review of the draft TE Plan, the electric company must present its~~ file a final TE Plan ~~to with the Commission at a public meeting prior to the deadline for written public, noting how the electric company responded to parties' comments.~~ ¶

(e) Commission staff will present its recommendation on the electric ~~C~~ company's TE plan at a public meeting. The Commission ~~wi~~ shall also consider party and electric company comments and recommendations on an electric company's TE Plan at the public meeting before issuing an order of acceptance. The Commission may provide direction to an electric company regarding any additional analyses or actions that the electric company should undertake in its next TE Plan. ¶

(f) An electric company ~~is not prohibited from proposing transportation electrification programs at any time~~ may propose TE Plan updates at any time between scheduled TE Plan filings. An electric company is required to file a TE Plan update for material changes to its TE Plan. Material changes are new TE program or infrastructure measure applications, or program or infrastructure measure changes that require new incremental ratepayer dollars. Commission staff will work with parties to propose a schedule for public review of TE Plan updates. ¶

(3) The TE Plan must include: ¶

(a) ~~The~~ current condition of the transportation electrification market in the electric company's Oregon service territory, including, but not limited to: ¶

(A) A discussion of ~~existing~~ new state policies and programs since the last TE Plan filing; ¶

(B) Market barriers that the electric company can address and other barriers that are beyond the electric company's control, including any identified emerging challenges to transportation electrification; ¶

(C) Existing data, charging, and vehicle technology updates; ¶

(C) Existing data reasonably accessible to the electric company on the availability, reliability, and usage patterns of charging stations;¶

(D) Number of electric vehicles of various sizes in the utility service territory and projected number of vehicles in the next ~~five~~ten years; ¶

(E) Other transportation electrification infrastructure, if applicable; and¶

(F) Charging and vehA forecast of public and private charging infrastructure needed in the company's service territory to support transportation electrification. The forecast should utilize a Commission-approved tool to estimate needed public charging infrastructure over the next ten years and include type, location and timing of needed infrastructure. ¶

(b) A summary of the electric company's transportation electrification portfolio of program(s) and future transportation electrification concepts and actions in its Oregon service territory for the next three years. The summary should include the company's long-term vision for its TE portfolio and strategy to support transportation electrification in its service territory. The TE Plan must incorporate project learnings and any other relevant information gathered from other transportation electrification infrastructure investments, programs, and actions to ensure that lessons learned are carried forward to the next TE Plan;¶

(c) A discussion of how the electric company's investments, programs, and actions are expected to accelerate transportation electrification, address barriers to programs and infrastructure measures in the TE Plan holistically advance performance area categories that include, but are not limited to: ¶

(A) Environmental benefits including greenhouse gas emissions impacts;¶

(B) Electric vehicle adoption;¶

(C) Underserved community inclusion and engagement;¶

(D) Equity of program offerings to meet underserved communities;¶

(E) Distribution system impacts and grid integration benefits;¶

(F) Program participation and adoption; and extend access to traditionally underserved communities;¶

(G) Infrastructure performance including charging adequacy which considers, but is not limited to reliability, affordability, and accessibility. ¶

(d) Supporting data and analysis used to develop the TE Plan, which may be derived from elements such as review of costs and benefits; rate design, energy use and consumption, overlap with other electric company programs, and customer and electric vehicle user engagement;¶

(e) A discussion of the electric company's potential impact on the competitive electric vehicle supply equipment market, including consideration of alternative infrastructure ownership and business models, and identification of a sustainable role for the electric company in the transportation electrification market; ¶

(f) A discussion of current and anticipated electric company system impacts resulting from increased transportation electrification and the electric company's portfolio of actions, how transportation electrification can support the efficient integration of renewable energy, and how the TE Plan is designed to address these system impacts analysis of the estimated ratepayer impact of the TE Plan over the next three calendar years; and ¶

(g) The electric company's TE Budget. The TE Budget must include: (A) Annual budgets for the TE Plan for the three calendar years after the year the TE Plan is presented to Commission Staff and stakeholders. The annual budgets should include a discussion of the context of anticipated long-term expenditures for the next ten years, including but not limited to benefit-cost analysis "cost tests;"¶

(A) A forecast of all expenditures to support transportation electrification grouped by program and/or infrastructure measure, and further divided into:¶

(i) Capital expenditures; and¶

(ii) Expenses, separating administrative costs, O&M on investments, incentives paid to program participants, and any other unique category as relevant;¶

(B) A forecast of all funding sources to be utilized, including but not limited to, the Monthly Meter Charge, grants, Clean Fuels Program credits, base rates, and deferrals based on a reasonable estimate, including a discussion of how actual revenue might vary from the estimate;¶

(C) A forecast of all spending on underserved communities, grouped by program and/or infrastructure measure and further divided into:¶

(i) Expenditures of funds collected through the Monthly Meter Charge as required by Oregon Laws 2021, chapter 95 Section 2;¶

(ii) Spending from revenues other than the Monthly Meter Charge, including but not limited to grants, Clean Fuels Program credits, base rates, and deferrals;¶

(D) The Commission's acceptance of the electric company's TE Plan will constitute approval of the TE Budget, which includes the Monthly Meter Charge budget as required by Oregon Laws 2021, chapter 95 Section 2.¶

(4) An electric company shall file new program and infrastructure measure applications, if any, as appendices to its TE Plan. The applications shall cover all new programs and infrastructure measures planned by the electric

company for the TE Plan cycle. Commission acceptance of the TE Plan shall constitute approval of each program and infrastructure measure application included in the TE Plan. The electric company shall file a tariff for each program and infrastructure measure application, if necessary, in compliance with the acceptance order.

Applications for a program or infrastructure measure must include: ¶

(a) A description of the program/infrastructure measure that includes, but is not limited to, a description of: ¶

(A) Program/infrastructure measure elements, objectives, timelines, and expected outcomes; ¶

(B) Market baseline assumptions; ¶

(C) Major performance milestones; ¶

(D) Where applicable, a description of program/infrastructure measure phases; ¶

(E) Expected utilization, participation eligibility, and incentive structures; ¶

(F) Identification of market barriers, implementation barriers, and program strategies to overcome the identified barriers; ¶

(G) A discussion of how the application contributes to relevant performance areas described in Section (3)(c)(A)-

(E) in this rule; ¶

(H) A description of the electric company's role and, if applicable, a discussion of how the electric company proposes to own or support charging infrastructure, billing services, metering, or customer information; ¶

(I) Whether implementation of the program/infrastructure measure is expected to necessitate distribution system upgrades; ¶

(J) Where applicable, a discussion of ownership structure; ¶

(K) Where applicable, a discussion addressing technical requirements that will be imposed on participating technology or customers, interoperability of invested equipment, and any national standards for measurement and communication; and ¶

(g) A discussion of how programs and concepts in the TE Plan relate to carbon reduction goals, requiring other information requested by the Commission; ¶

(b) Data used to support the descriptions provided in Section (4)(a)(A-H) of this rule; ¶

(c) A description of program/infrastructure measure coordination that includes a description of: ¶

(A) Stakeholder involvement in program/infrastructure measure development; ¶

(B) Efforts to coordinate with related state programs; ¶

(C) Coordination, if any, of delivery with other market actors and activities, and how the market and other market actors can leverage the underlying program/infrastructure measure or projects within the program/infrastructure measure; ¶

(d) A description of how the proposed program/infrastructure measure fits within the electric company's long-term strategy to support TE; ¶

(e) A description of program/infrastructure measure costs; that includes, but is not limited to: ¶

(A) Estimated total program costs, including expected greenhouse gas emission reductions based on publicly available metrics, incentives, program delivery, evaluation, marketing, and administration costs; and ¶

(B) Estimated participant costs; ¶

(f) A description of learning objectives and how the electric company will evaluate the effectiveness of the program/infrastructure measure, including data collection methods; ¶

(g) For infrastructure measures, a description of how the measure addresses the requirements of Oregon Laws 2021, chapter 95 Section 4(b); ¶

(h) For programs, a description of how the program addresses the considerations in Oregon Laws 2016, chapter 028, section 20(4)(a)-(f); and ¶

(i) A description of technical requirements that will be imposed on participating technology or customers. ¶

(45) The Commission may direct an electric company to incorporate the TE Plan into other electric company planning documents.

Statutory/Other Authority: ORS 756.040, ORS 756.060, ORS 757.357, OL 2021, ch. 095, sect. 2 (HB 2165)

Statutes/Other Implemented: ORS 757.357, OL 2021, ch. 095, sect. 2 (HB 2165)

AMEND: 860-087-0030

NOTICE FILED DATE: 05/27/2022

RULE SUMMARY: This rule establishes the reporting requirements for the Transportation Electrification Plan.

CHANGES TO RULE:

860-087-0030

Transportation Electrification Program Application Requirements |an Report ¶

An electric company must file an application with the Commission for each program to accelerate transportation electrification.¶

(1) A Transportation Electrification Program application must include:¶

(a) A description of the program that includes, but is not limited to, a description of:¶

(A) Program elements, objectives, timeline, and expected outcomes;¶

(B) Market baseline assumptions;¶

(C) Major performance milestones;¶

(D) Where applicable, a description of program phases, including a proposal for when each subsequent program phase will be submitted for Commission review;¶

(E) Expected utilization, participation eligibility, and any incentive structures;¶

(F) Identification of market barriers, program implementation barriers, and program strategies to overcome the identified barriers;¶

(G) Electric companies must file a TE Plan Report (Report) on or before May 1 of each year. The Commission reserves discretion to take any action on the electric company's role and, if applicable, a discussion of how the electric company proposes to own or support charging infrastructure, billing services, metering, or customer information; Report, but Commission action is not required. The Report must include:¶

(Ha) Whether transportation electrification adoption attributed to the program will likely necessitate distribution system upgrades;¶

(I) Where applicable, a discussion of ownership structure;¶

(J) Where applicable, a discussion addressing interoperability of invested equipment. All spending in the three-year period of the applicable TE Plan in the format of the approved TE Budget;¶

(Kb) Where applicable, a discussion of any national standards for measurement and communication; and¶

(L) Any other information requested by the Commission.¶

(b) Data used to support the descriptions provided in paragraphs (1)(a)(A)-(L) of this rule.¶

(c) A description of all sources of funding for the TE Plan in the three-year period of the applicable TE Plan;¶

(c) An evaluation of each program coordination that includes a description of:¶

(A) Stakeholder involvement in program development;¶

(B) Efforts to coordinate with related state programs;¶

(C) Coordination, if any, of delivery with other market infrastructure measure in the company's portfolio of existing programs, conducted in actions and activities, and how the market and other market actors can leverage the underlying program or projects within the program. Coordinate with third-party evaluation timelines as necessary;¶

(d) A description of the electric company's long-term strategy to accelerate transportation electrification in its service territory in an effective and efficient manner and how the proposed program fits within the long-term strategy. To the extent possible, the strategy how the TE Plan met the performance area categories described in OAR 860-087-0020(3)(c)(A)-(H) and key lessons learned. This description shall include, but not be limited to, a discussion of the following:¶

(A) The current condition of the transportation electrification market in the electric company's service territory and the outlook for development of the market in the absence of the proposed program;¶

(B) Near and long-term market barriers to the development of transportation electrification and how the electric company proposes specifically to address those barriers consistent with performance areas that are developed with stakeholder and electric company input;¶

(C) Near and long-term opportunities for improving the operation and reliability of the electric company's power system through transportation electrification and how the electric company proposes specifically to take advantage of those opportunities; and¶

(D) OA benefit-cost analysis of the TE Plan over the three-year period of the applicable TE Plan in the factors pertinent to the electric company's plans for transportation electrification, in the form of "cost tests;" ¶

(ef) A description of program costs that includes, but is not limited to:¶

(A) Estimated total program costs, including incentives, program delivery, evaluation, marketing, and

administration costs;¶

(B) Estimated participant costs;¶

(C) How the electric company proposes to recover costs; and¶

(D) Any other information requested by the Commission.¶

(f) A descriptive analysis of the estimated ratepayer impact of the TE Plan over the three-year period of the expected program benefits that includes, but is not limited to:¶

(A) Program benefits, including to whom and when benefits are accrued;¶

(B) Electrical system benefits applicable TE Plan; and¶

(C) A discussion of how a net benefit to ratepayers is attainable.¶

(g) A description of how the electric company will evaluate the program that includes, but is not limited to:¶

(A) Timeline of program evaluation and proposed evaluation reporting schedule;¶

(B) Estimated cost of evaluation;¶

(C) How the evaluation will be conducted and whether third-party evaluation is necessary; analysis of how TE Plan has impacted innovation, competition and customer choice in Oregon.¶

(D) How the evaluation will address identified barriers; and¶

(E) A discussion of the method of data collection that is consistent with subsection (1)(b) of this rule and how the data will be used to evaluate the effectiveness of the program.¶

(F) Any other evaluative information requested by the Commission.¶

(h) A description of how the program addresses the considerations in Oregon Laws 2016, chapter 028, section 20(4)(a)-(f).¶

(2) An electric company must file applications for one or more Transportation Electrification Programs on or before December 31, 2016. The Commission may request additional TE Plan updates at any time to assess whether to continue, discontinue, or modify approved programs and infrastructure measures.

Statutory/Other Authority: ORS 756.040, ORS 756.060, OLs 2016, ch. 028, sects. 20, & 29 (SB 1547), ORS 757.357, OL 2021, ch. 095, sect. 4 (HB 2165)

Statutes/Other Implemented: OL 2016, ch. 028, sects. 20, & 29 (SB 1547), OL 2021, ch. 095, sect. 4 (HB 2165)

REPEAL: 860-087-0040

NOTICE FILED DATE: 05/27/2022

RULE SUMMARY: This rule is repealed (information moved to OAR 860-087-0030).

CHANGES TO RULE:

~~860-087-0040~~

~~Transportation Electrification Program Reporting Requirements~~

~~(1) An electric company must report the results of its evaluation for each Transportation Electrification Program approved by the Commission. A program evaluation must include, but is not limited to:~~

~~(a) The information required under OAR 860-087-0030(1)(g)(A)-(F);~~

~~(b) An assessment of program costs and benefits realized by ratepayers and the electric company;~~

~~(c) A tracking of program costs over the life of the program;~~

~~(d) Progress against identified market barriers and implementation barriers;~~

~~(e) Current risk that investment will result in stranded costs;~~

~~(f) Whether any program modifications are recommended to help meet expected outcomes;~~

~~(g) Updated market data, including a description of changes in the condition of the transportation electrification market within the electric company's service territory; and~~

~~(h) An evaluation of whether and how the program has:~~

~~(A) Accelerated transportation electrification;~~

~~(B) Stimulated innovation, competition, and customer choice; and~~

~~(C) Supported system efficiency and operational flexibility, including the ability to integrate variable resources.~~

~~(2) The Commission may request additional program updates, including milestones and progress against success indicators, to assess whether to continue, discontinue, or modify approved Transportation Electrification Programs.~~

~~Statutory/Other Authority: ORS 756.040, 756.060, Oregon Laws 2016, ch. 028, sect. 20 (SB 1547)~~

~~Statutes/Other Implemented: Oregon Laws 2016, ch. 028, sect. 20 (SB 1547)~~