



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 860

PUBLIC UTILITY COMMISSION

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FILING CAPTION: Rulemaking Regarding Filing, Review, and Update of Clean Energy Plans, revising OAR 860-027-0400.

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AMEND: 860-027-0400

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RULE SUMMARY: The changes to this rule specify the content and filing requirements for a Clean Energy Plan (CEP) required under ORS 469A.415, additional content and filing requirements for Integrated Resource Plan (IRP) updates related to the CEP, provide additional changes to the process for review of IRP, CEP, and IRP update filings, and specify the actions the Commission may take on review of a CEP.

CHANGES TO RULE:

860-027-0400

Integrated Resource Plan and Clean Energy Plan Filing, Review, and Update ¶¶

(1) Scope and Applicability: This rule applies to investor-owned energy utilities. Upon application by an entity subject to this rule and for good cause shown, the Commission may relieve it of any obligation under this rule. ¶¶

(2)(a) As used in this rule, "Integrated Resource Plan" or "IRP" means the energy utility's written plan satisfying the requirements of Commission Order Nos. 07-002, 07-047 and 08-339, detailing its determination of future long-term resource needs, its analysis of the expected costs and associated risks of the alternatives to meet those needs, and its action plan to select the best portfolio of resources to meet those needs. ¶¶

(b) As used in this rule, "Clean Energy Plan" or "CEP" means the plan that an electric company subject to ORS 469A.415 is required to develop concurrently with the development of the IRP. ¶¶

(3) An energy utility must file an IRP within two years of its previous IRP acknowledgment order or as otherwise directed by the Commission. If the energy utility does not intend to take any significant resource action for at least two years after its next IRP is due, the energy utility may request an extension of its filing date from the Commission. ¶¶

~~(4)~~ An electric company subject to ORS 469A.415 must explain how it will make continual progress toward towards meeting the clean energy targets in ORS 469A.410 during the period of extension when making a request. ¶¶

(4) An electric company that is subject to ORS 469A.415 must file a CEP with the Commission concurrently with an IRP filing required under Section (3) of this rule and in the same docket. If filing the CEP concurrently with the IRP would create an undue burden or a significant issue impacting IRP or CEP review exists, the electric company may file a written request to the Commission to extend the filing date for the CEP up to 180 days after the IRP filing date. If the Commission grants an extension for filing the CEP, it may establish an alternate schedule for a

utility presentation and comments under Sections (6) and (7) below.

(5) The CEP must be written in language that is as clear and simple as possible, with the goal that it may be understood by non-expert members of the public. The CEP must contain the information required by ORS 469A.415 and present annual goals for actions that balance expected costs and associated risks and uncertainties for the utility and its customers, including a demonstration of making continual progress toward meeting the clean energy targets, the pace of greenhouse gas emissions reductions, and community impacts and benefits.

(6) The energy utility must present the results of its filed IRP, and, when applicable, its CEP, to the Commission at a public meeting prior to the deadline for written public comment.

(57) Commission staff and parties must file their comments and recommendations ~~within six months of IRP, and, when applicable, their CEP comments and recommendations, generally within six months of IRP filing. If the CEP is not filed with the IRP, Commission staff and parties must file their comments and recommendations generally within six months of CEP filing.~~

(68) The Commission must consider comments and recommendations on an energy utility's IRP, and, when applicable, CEP, at a public meeting before issuing an order on acknowledgment. ~~Except as provided in section (9),~~ the Commission may provide the energy utility an opportunity to revise the IRP before issuing an acknowledgment order.

(79) For an electric company that is subject to ORS 469A.415, the Commission will issue an order memorializing its decision on acknowledgment for the CEP, which may be combined with the IRP acknowledgment order. The Commission may provide the electric company an opportunity to revise the IRP or CEP or both before issuing an acknowledgment order. The Commission may, at its discretion, take one of the following actions for the CEP portion of the acknowledgement order:

(a) Acknowledge a CEP as filed;

(b) Acknowledge a CEP with conditions; or

(c) Not acknowledge the CEP and require that the utility revise and resubmit all or certain elements of the CEP within the procedural timeline directed in the order.

(10) The Commission may provide direction to an energy utility regarding any additional analyses or actions that the energy utility should undertake in its next IRP, and, when applicable, its CEP.

(811) Each energy utility must submit an annual update on its most recently acknowledged IRP. The update is due on or before the acknowledgment order anniversary date. The energy utility must summarize the annual update at a Commission public meeting. The energy utility may request acknowledgment of changes, identified in its update, to the IRP action plan. The annual update is an informational filing that:

(a) Describes what actions the energy utility has taken to implement the action plan to select best portfolio of resources contained in its acknowledged IRP;

(b) Provides an assessment of what has changed since the acknowledgment order that affects the action plan to select best portfolio of resources, including changes in such factors as load, expiration of resource contracts, supply-side and demand-side resource acquisitions, resource costs, and transmission availability; and

(c) Justifies any deviations from the action plan contained in its acknowledged IRP;

~~9, or, where applicable, CEP.~~

(d) Includes an update that summarizes the utility's actions implementing the annual goals in the CEP filed with the most recently acknowledged IRP. The update will include, on an informational basis, an assessment of what has changed since the acknowledgment order that affects the utility's progress toward the clean energy targets in ORS 469A.410, reporting of measured impacts across the metrics that were presented in the most recently acknowledged CEP, and the electric company's two most recent annual emissions reports filed with the Oregon Department of Environmental Quality under ORS 469A.420(4)(a).

(12) As soon as an energy utility anticipates a significant deviation from its acknowledged IRP, or, where applicable, its CEP, it must file an update with the Commission, unless the energy utility is within six months of filing its next IRP. This update must meet the requirements set forth in section (811) of this rule.

(103) If the energy utility requests Commission acknowledgement of its proposed changes to the action plan contained in its acknowledged IRP, or, where applicable, its CEP:

(a) The energy utility must file its proposed changes with the Commission and present the results of its proposed changes to the Commission at a public meeting prior to the deadline for written public comment;

(b) Commission staff and parties must file any comments and recommendations with the Commission and present such comments and recommendations to the Commission at a public meeting within six months of the energy utility's filing of its request for acknowledgement of proposed changes;

(c) The Commission may provide direction to an energy utility regarding any additional analyses or actions that the utility should undertake in its next IRP, or where applicable, its CEP.

Statutory/Other Authority: ORS 183, ORS 756.040, ORS 757.262

Statutes/Other Implemented: ORS 756.040, ORS 757.262