

February 14, 2024
Via Electronic Filing

Oregon Public Utility Commission 201 High St. SE, Suite 100
Salem, OR 97301-3398

Re: Docket LC 82: Columbia River Inter-Tribal Fish Commission’s Comments on Staff Report and Final Recommendations for Pacificorp’s Clean Energy Plan and Integrated Resource Plan.

The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates the opportunity to provide comments on the Public Utility Commission of Oregon (Commission) Staff’s Final Comments and Draft Recommendations for PacificCorp’s (PAC) 2023 Integrated Resource Plan (IRP) and Clean Energy Plan (CEP).

CRITFC appreciates Staff’s thoughtful analysis of party comments throughout this proceeding. We support Staff’s substantive recommendations and expectations, and we appreciate Staff’s approach to aligning this IRP with future proceedings. We agree with Staff’s conclusion that, in light of outstanding issues with PAC’s current preferred portfolio, the Commission lacks “a shared analytic foundation from which an acknowledgement determination can be made.”¹ We therefore urge the Commission to order non-acknowledgement of the sections Staff identified and require PAC to revise its CEP and IRP to implement Staff’s final recommended actions and expectations in its April 2024 IRP update.

We offer the following comments to further the conversation and emphasize aspects of these recommendations that we believe are critical to future planning cycles.

¹ OPUC Staff Round 2 Comments and Recommendations, at 3

Community Benefits Indicators (Recs. 5 & 6)

CRITFC strongly supports Staff’s recommendations to improve development of community benefits indicators (CBI) and ensure these metrics influence resource selection. As Staff observes, CBIs should be a tool “to meaningfully inform utility decisions and to track progress over time.”² Specifically, recommendation 5 marks a meaningful and concrete step toward achieving House Bill 2021’s environmental justice mandate by directing PAC to incorporate CBI scoring criteria in its next request for proposals (RFP). We emphasize that this is an important milestone, and we urge the Commission to adopt this recommendation fully.

The aim of these efforts should be for all parties to have a clear understanding of how different resource pathways deliver the greatest benefits to environmental justice communities and the region as a whole. In this light, we appreciate Staff’s listed expectations, which further an integrated approach to resource planning and development. PAC should engage tribes and local communities to develop CBIs, including tribal-focused CBIs and CBIs for small-scale and efficiency projects, resiliency, and health outcomes. These indicators represent key elements of HB 2021 to supplement least-cost, least-risk planning.

We welcome PAC’s intention to develop a tribal-specific transportation electrification CBI and look forward to engaging with PAC in the development of additional tribal CBIs. Our past comments emphasized the importance to our Member Tribes of holistic energy development that furthers a reliable, equitably distributed and decarbonized grid, while sustaining ecosystem functions, healthy salmon populations, and protecting treaty resources. Through our Energy Vision, we identified important indicators of these co-benefits as projects that reduce peak loads, maximize energy efficiency, reduce reliance on Federal hydro resources, minimize new

² Staff Comments, at 15.

transmission and distribution infrastructure, and are strategically sited through consultation with tribal governments.³ With partners, we have begun to explore grid modeling techniques to identify salmon-friendly resource pathways. We expect to gain insights through this process and expect this work to support related CBI modeling.

Tribal Consultation (Rec. 8)

We appreciate Staff's recommendation and expectations that PAC improve tribal and community collaboration and report on this work in its future IRP/CEPs. To this end, the utility should engage with tribal governments throughout the IRP planning and development process, and especially as proposed portfolios intersect with tribal lands and treaty resources. This relationship should begin with meaningful prior consultation with tribal council members or appropriate staff. PAC's decision to hire a dedicated tribal liaison is a positive first step. As needed, we can assist in connecting that person with the Warm Springs and Umatilla tribal governments.

When PAC engages with tribal governments and communities, we suggest and encourage it to apply the following principles in order to build and support a durable working relationship:

- 1) **Early and frequent communication:** Consultation means respectful, meaningful, and effective two-way communication *before* the utility makes its decision or moves forward with its action.
- 2) **Appropriate representation:** Tribal consultations take place as planned, structured meetings, either in person or via phone/video teleconference (as mutually agreed upon), between utility representatives and representatives of the affected tribal government or

³CRITFC, *Energy Vision for the Columbia River Basin*, Executive Summary, 8-11 (2022), available at https://critfc.org/wp-content/uploads/2022/07/CRITFC_EV_2022_Exec_Summ.pdf

their designees. For formal tribal to utility consultation, the appropriate leadership and decision-makers need to be present.

3) **Understanding of and respect for Tribal processes:** It is important for utility counterparts to be aware of tribal decision-making processes in order to understand how their own processes and information needs could integrate with those of the tribe. This includes having a shared recognition of the current stage of the consultation process.

4) **Consensus-seeking approach:** Consultation works towards the goal of consensus that reflects the concerns of the affected tribal government. The objective is to promote cooperative decision making on activities that may impact treaty trust resources, cultural resources, tribal lands, reserved rights, or the exercise of a tribe's sovereign authorities.

5) **Utility transparency and accountability:** It is important for the utility to provide clarity around their own decision-making processes and the potential for tribal government input to affect the final decision. Furthermore, both parties should ensure accountability to the agreements made during tribal consultation by documenting and sharing the results of those discussions.

We also appreciate Staff's observation that the U.S. Government's commitments to the Columbia Basin Restoration Initiative (CBRI) presents a unique and important opportunity to align energy development with regional efforts towards salmon restoration. The Initiative is led by the Six Sovereigns, comprised of the States of Oregon and Washington, and the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation. The four tribes constitute CRITFC's Member Tribes and have a substantial interest in seeing energy strategies further this region-wide planning effort.

Resiliency planning in rural and tribal communities (Rec. 9)

We support Staff's recommendation that PAC include resiliency factors in its small-scale renewable (SSR) RFP. Staff also establishes important expectations for PAC's continuing resiliency planning framework by emphasizing the importance of geographic scope, lived experience, and the specific risks and assets of different communities.

Risks to distribution system reliability include wildfires, extreme weather events, and the under-capitalization of distribution system investment in low-income, rural and tribal communities. Reliability risks such as these are exacerbated by transmission line capacity limits during high use hours and wildfires in or near the transmission corridor. CRITFC encourages PAC to look to local and customer-side solutions to strengthen community resilience and improve system safety and reliability, while using these resources to support the economic and operational efficiency of the system.

Demand side management (Recs. 12 & 13)

We cannot overstate the importance of demand side resources for a fish-friendly energy transition. We understand Staff's rationale for recommending acknowledgement of PAC's near-term goals and write separately to underline this point: "The acquisition of higher-value Oregon EE in light of HB 2021 requirements, should be part of PacifiCorp's preferred portfolio in both IRP and CEP planning, not relegated to one or the other."⁴ We appreciate Staff's recognition that HB 2021 created new standards for EE acquisition that PAC's IRP/CEP should reflect and emphasize support for new approaches to avoided cost analysis. We look forward to engaging with Staff in UM 1893 and urge the Commission to direct PAC to join this docket.

⁴ Staff Comments, at 52.

Finally, we support Staff's expectations that PAC expand its demand response (DR) classes, and specifically analyze low-cost, readily deployable solutions it can begin to model and implement.

Conclusion

CRITFC looks forward to future engagement with PacifiCorp and the Oregon Commission to effectuate the *2022 CRITFC Energy Vision*.

Sincerely,



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