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## *Via Electronic Filing*

Oregon Public Utility Commission  
201 High Street SE, Suite 100  
Salem, OR 97301

*Re: April 21, 2020 Public Meeting Regular Agenda Item #3 – ADV 1105*

Dear Commissioners:

The Alliance of Western Energy Consumers (“AWEC”) submits the following comments to the Oregon Public Utility Commission (“Commission”) on Regular Agenda Item 3 for the April 21, 2020 Public Meeting, pertaining to Portland General Electric Company’s (“PGE” or “Company”) proposal to modify its curtailment rules to allow it to curtail new load direct access (“NLDA”) customers during certain system emergencies. AWEC recommends that the Commission either dismiss PGE’s filing or suspend the filing and hold this proceeding in abeyance pending the outcome of the Commission’s general investigation into long-term direct access issues in Docket UM 2024.

AWEC agrees with Calpine Energy Solutions, LLC that, because PGE proposes to curtail NLDA customers in an emergency under any circumstance, rather than only when the customer’s supplier fails to deliver, the Company’s filing does not comply with Commission Order No. 20-002 and should be denied outright. PGE’s filing, if approved, would give the Company the right to appropriate, without compensation, a NLDA customer’s supply for the benefit of cost-of-service customers during an emergency. This is a nonsensical result that is plainly contrary to the public interest and is almost certainly unlawful.

While AWEC agrees with much of Commission Staff’s analysis in its Public Meeting Report, AWEC opposes Staff’s recommendation to suspend and investigate PGE’s filing to develop an “interim” solution pending the outcome of UM 2024. An interim solution is unnecessary and will create substantial uncertainty for customers that will needlessly inhibit participation in the NLDA program. First, the impact of PGE’s filing would not be temporary or interim under any circumstance. PGE’s revisions to Schedule 689 would impose on NLDA customers all of the costs of facility upgrades to ensure the interruptibility of these customers. Thus, even if the Commission only approved interruptible status for these customers on an

interim basis, those costs, which could be substantial, would be permanent for these customers. Second, these customers have no way of knowing at this time whether they would be committing to interruptible status on a temporary or permanent basis. This is a risk many customers will be unwilling to take, which will effectively preclude their participation in the program, as eligibility for the NLDA program is time-limited (customers can no longer participate once they energize their loads).

AWEC acknowledges that the Commission invited PGE to propose changes to the Company's curtailment protocols in Order 20-002.<sup>1/</sup> However, this order was drafted before the current COVID-19 crisis emerged, which is now straining agency and party resources. There are no NLDA customers in existence today and, as the Commission found in Order No. 20-002, near-term protections are in place to mitigate any potential impacts from this program to cost-of-service customers if and when a customer finally does join this program.<sup>2/</sup> There is insufficient urgency to the issues PGE is attempting to address to warrant the dedication of resources necessary to litigate it now, particularly considering the current extraordinary circumstances.

In Order 20-002, the Commission also “note[d] the importance of addressing [resource adequacy] issues with specific data, clearly described scenarios, and real experience.”<sup>3/</sup> The evidentiary basis for preferentially curtailing NLDA customers under any circumstance has yet to be established, and may depend substantially on whether the Commission imposes resource adequacy requirements on electricity service suppliers and what those requirements are. If NLDA customers are required to adhere to a resource adequacy standard following the outcome of the Commission's general investigation in UM 2024, it is unclear why it would be fair and reasonable also to require them to be interrupted on a priority basis during system emergencies. The issues that would be litigated in this docket when determining whether to preferentially curtail NLDA customers are the same ones that are squarely within the scope of UM 2024. It will be a far more efficient use of time and resources for parties to address these issues holistically in a single docket than to piecemeal them into separate, concurrently running dockets. It would also be unnecessarily confusing for parties as to which issues are rightfully addressed in which docket. Therefore, AWEC recommends that the Commission decline to consider any further attempts by PGE to modify its curtailment tariffs with respect to NLDA customers until the general direct access investigation in UM 2024 has concluded.

For the sake of: (1) administrative efficiency; (2) avoiding needless customer uncertainty; (3) the lack of urgency; (4) the ability to achieve better results through a single docket; and (5) in consideration of the current extraordinary circumstances, AWEC strongly urges the Commission to dismiss PGE's filing and express an intention to complete the process in UM 2024 before considering any further modifications to PGE's curtailment protocols. If the Commission does not dismiss PGE's filing outright, then AWEC recommends that the Commission hold this proceeding in abeyance pending the outcome of UM 2024.

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<sup>1/</sup> Docket UE 358, Order 20-002 at 8 (Jan. 7, 2020)

<sup>2/</sup> Id. at 11.

<sup>3/</sup> Id. at 10.

Dated this 16th day of April, 2020.

Respectfully submitted,

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