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VIA E-FILE

May 14, 2020

Public Utility Commission of Oregon  
Attn: Natascha Smith  
201 High St SE, Suite 100  
Salem, Oregon 97301

**Re: Docket No. ADV-1112, Portland General Electric Company, Advice No. 20-09, Schedule 136  
Oregon Community Solar Program Cost**

Dear Ms. Smith:

Fred Meyer Stores and Quality Food Centers, Divisions of The Kroger Co. (“Fred Meyer”) submits the following Comments in opposition to Portland General Electric Company’s (“PGE”) Advice 20-09. Fred Meyer recommends that PGE’s proposal to allocate Community Solar Projects (“CSP”) “bill credit payment” costs to all customer classes, including direct access customers, be denied.

**COMMENTS**

**PGE’s proposal to allocate “bill credit payment” costs to direct access customers should be denied at this time.**

PGE’s Advice 20-09 proposes to recover “bill credit payment” costs from all customers, including direct access customers, for the life of the program. This is problematic for two reasons. First, PGE takes the position that direct access customers should be excluded from participating in CSPs.<sup>1</sup> It is inherently inequitable to exclude direct access customers from participating in CSPs while denying them access to the program.

Second, PGE states that its proposal was reached as part of a mediation and settlement between PGE and Qualifying Facilities who are seeking to develop solar projects through Oregon’s CSP in PGE’s service territory. It is notable that no direct access customers were parties to that settlement. Direct access customers *were* parties to the stipulations approved in PGE’s last rate case (UE 335). In that case, the Commission approved a specific Direct Access Stipulation<sup>2</sup> containing multiple provisions involving direct access issues, but most notably contained a provision in which the stipulating parties, including PGE, agreed that they would “*refrain from making new proposals to the Commission for any changes that would become effective for the existing Direct Access programs for service years 2020 or 2021.*”<sup>3</sup>

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<sup>1</sup> See PGE’s Response to Calpine Solutions’ Information Request Nos. 5 & 8.

<sup>2</sup> The Direct Access Stipulation in UE 335 was filed on August 20, 2018 and executed by PGE, Staff, Fred Meyer, Calpine Solutions, and Safeway Inc. and Albertson's, LLC.

<sup>3</sup> See Direct Access Stipulation in UE 335, Paragraph 6. “The Stipulating Parties agree to refrain from making new proposals to the Commission for any changes that would become effective for the existing Direct Access programs for service years 2020 or 2021. The Stipulating Parties may continue to advocate their respective positions in UM 1953, PGE’s green tariff proposal, and in any docket(s) opened by the Commission to fulfill statutory obligations or at the request of the legislature.”

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This language specifies that PGE should not make any proposal that would change direct access rates that go into effect prior to January 1, 2022. Therefore, PGE's proposal to allocate "bill credit payment" costs to direct access customers appears to violate the terms of the UE 335 Direct Access Stipulation that was approved by the Commission on December 14, 2018.

For these reasons, Fred Meyer recommends that the Commission deny PGE's proposal to collect bill credit costs from direct access customers. It would be appropriate for the Commission to instead defer a decision on this issue until PGE's next base rate case when all effected customers, including direct access customers, have a full opportunity to participate in the process.

Sincerely,

*/s/ Kurt J. Boehm* \_\_\_\_\_

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