



# Oregon Citizens' Utility Board

610 SW Broadway, Suite 400  
Portland, OR 97205

(503) 227-1984  
[www.oregoncub.org](http://www.oregoncub.org)

May 11, 2020

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

Re: ADV 1112/Advice No. 20-09 – Portland General Electric Schedule 136 Oregon Community Solar Program Cost Recovery

Dear Ms. Smith:

The Oregon Citizens' Utility Board (CUB) appreciates the opportunity to submit these written comments on the above-referenced filing in advance of the May 19, 2020 Oregon Public Utility Commission (Commission) public meeting. CUB hopes these comments help the Commission reach resolution on the issue and respectfully requests that the Commission grant Portland General Electric Company's (PGE) tariff as filed. The tariff fairly allocates costs associated with PGE's community solar program equitably to a wide range of customers and furthers the spirit of Oregon's community solar program (CSP).

In its Advice No. 20-09 filing, PGE requests approval of a tariff that would no longer allow direct access and new load direct access customers to bypass CSP costs that are borne by all other PGE customers, including residential customers who are not participating in the CSP. As PGE notes, its filing is the result of a thoughtful and successful mediation between the Company and PURPA QFs that are seeking to terminate their PPAs in order to make their projects available to the CSP. CUB believes the Commission should approve PGE's advice filing for a number of reasons, not the least of which is the fact that this filing comes before the Commission as the result of a reasoned compromise between diverse parties.

Further, CUB has advocated for the nonbypassability of legislatively-mandated costs in a variety of proceedings and settings. Through pieces of legislation like SB 1547 and Governor Kate Brown's recent Executive Order 20-04, the State of Oregon has made it clear that decarbonization of the electricity sector is a priority. If the costs related to the programs, such as the CSP, that flow from these mandates are not borne by all customers of a utility's system, remaining, captive cost-of-service customers will bear the lion's share of decarbonization-related costs. CUB emphasizes PGE's point that "[i]t is fundamentally unfair to those mostly residential customers to bear the majority of the costs to support the state's policy goals."<sup>1</sup> This inequity is further explored in CUB's comments in the ongoing UM 2024 Long Term Direct Access investigation.

---

<sup>1</sup> PGE Advice No. 20-09 at 3.

While the bypassability of costs related to state-mandated programs by direct access customers remains an outstanding issue in the UM 2024 proceeding, CUB does not believe that precludes the ability of the Commission to act now. Approval of this tariff would not set a precedent that UM 2024 would be required to follow.

Costs that flow from legislation or other top-down state mandates should be borne by all customers of a utility's system, regardless if the customer is enrolled in a direct access program. State policies like decarbonization create benefits for all utility customers, and all customers should pay a corresponding cost. If direct access and new load direct access customers are able to bypass costs related to Oregon's legislatively-mandated CSP, captive cost-of-service customers, including many residential customers whom have been hit hard by the recent economic downturn, will have to bear these costs. CUB believes this would be an inequitable outcome, and therefore encourages the Commission to approve PGE's advice filing in this matter.

Respectfully Submitted,

*/s/ Michael P. Goetz*

Michael P. Goetz, OSB # 141465

General Counsel

Oregon Citizens' Utility Board

610 SW Broadway, Suite 400

Portland, OR 97205

T: (503)-227-1984, ext. 16

F: (503) 224-2596

mike@oregoncub.org