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Caroline Moore and Madison Bolton  
Oregon Public Utility Commission  
Via email to [puc.publiccomments@puc.oregon.gov](mailto:puc.publiccomments@puc.oregon.gov)

**Re: Comments on AR 651 HB 2021 ESS Reporting and Disclosure Requirements**

Dear Ms. Moore and Mr. Bolton:

The Green Energy Institute at Lewis & Clark Law School is a nonprofit energy and climate law and policy institute within Lewis & Clark's top-ranked environmental, natural resources, and energy law program. We appreciate the opportunity to provide comments on the proposals offered by staff in AR 651 to implement important provisions of HB 2021.<sup>1</sup>

We thank staff for the thoughtful questions intended to ensure that ESS (electricity service supplier) reporting and disclosure requirements under the law are effective and transparent. To further those goals, we offer a few additional considerations.

I. Proposed Filing Timeline

Staff proposes that ESSs should begin reporting in 2027, three years before the first compliance target date set out in HB 2021. Given the critical societal importance of confirming that electricity providers are on track to meet the compliance targets in HB 2021, as well as the mandate that the Commission ensure each ESS is "making continual and reasonable progress toward compliance with the clean energy targets[,]"<sup>2</sup> we urge staff to consider expediting the required reporting. Nothing in the law prohibits reporting from starting as early as 2023.

II. Proposed Filing Contents

We appreciate the desire to keep the reporting process as straightforward as possible, both for the ESSs and for stakeholders. We support the suggestion of a reporting template and the use of a checklist.

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<sup>1</sup> Oregon Public Utilities Commission, AR 651 Staff Straw Proposal (Jan. 12, 2022), <https://edocs.puc.state.or.us/efdocs/HAH/ar651hah171835.pdf>

<sup>2</sup> 100% Clean Energy for All, HB 2021, Section 5(d) (Sept. 25, 2021).

We also ask that staff seriously consider the benefits of directing ESSs that serve customers in Pacific Power's service territory *and* Portland General Electric's service territory to file a separate report for emissions and actions in each territory. We believe separate filings will more clearly reflect progress and the future actions anticipated to achieve progress.

### III. Proposed Report Review Process

We seek clarification about how the public may be involved in reviewing an ESS §5(3) report. More specifically, it is unclear to us whether staff propose to treat this proceeding under the Open Meetings Process, whether a Hybrid Process is contemplated, or something more restrictive.<sup>3</sup> We urge application of the least restrictive process in this context.

To make these proceedings as accessible as possible, intervention should not be required and policies should encourage written and oral comments. As the proposal reads now, the only reference to a non-confidential report is the requirement that an ESS post a non-confidential version of its §5(3) report on its website 30 days *after* the Commission makes a decision.<sup>4</sup> We suggest, instead, that the ESS file with the PUC a non-confidential version of its report,<sup>5</sup> and that it post that version to its website *before* the Commission's decision, to provide wide access to the information.

Please do not hesitate to contact us should you have questions about our suggestions.

Sincerely,



Carra Sahler

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<sup>3</sup> Oregon Public Utility Commission, Order No. 20-386, UM 2055 (Oct. 27, 2020), <https://apps.puc.state.or.us/orders/2020ords/20-386.pdf>

<sup>4</sup> AR 651 Straw Proposal, at 4.

<sup>5</sup> Given the PUC's effort to ensure reporting and disclosure is designed in a way to keep competitively sensitive or trade secret information confidential, it is unclear to us what, if any, confidentiality concerns will remain. *See* AR 651, Straw Proposal, at 3.