



825 NE Multnomah Street, Suite 2000
Portland, Oregon 97232

December 27, 2022

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Attn: Filing Center
201 High Street SE, Suite 100
Salem, OR 97301-3398

**Re: LC 77—PACIFICORP’S REPLY TO JOINT PARTIES’ OPPOSITION TO
MOTION FOR WAIVER OF INTEGRATED RESOURCE PLAN GUIDELINE
2(C)**

PacifiCorp d/b/a Pacific Power encloses for filing its Reply to Joint Parties’ Opposition to Motion for Waiver of Integrated Resource Plan Guideline 2(c) in the above-referenced docket.

Informal inquiries may be directed to Cathie Allen, Regulatory Affairs Manager, at (503) 813-5934.

Sincerely,

Matthew McVee
Vice President, Regulatory Policy and Operations

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 77

In the Matter of

PACIFICORP, d/b/a PACIFIC POWER,
2021 Integrated Resource Plan.

**PACIFICORP’S REPLY TO JOINT
PARTIES’ OPPOSITION TO MOTION
FOR WAIVER OF INTEGRATED
RESOURCE PLAN GUIDELINE 2(C)**

Pursuant to Oregon Administrative Rule (OAR) 860-001-0420, PacifiCorp d/b/a Pacific Power (PacifiCorp or Company) provides this reply to the opposition filed by Sierra Club, Northwest Energy Coalition (NVEC), the Oregon Citizens’ Utility Board (CUB), and the Green Energy Institute¹ (collectively Joint Parties) to PacifiCorp’s Motion for Waiver of Integrated Resource Plan (IRP) Guideline 2(c), filed December 20, 2022. PacifiCorp replies as follows:

I. No objection was filed to a waiver of IRP Guideline 2(c) filed by Portland General Electric Company (PGE).

No objection was filed to a substantially similar PGE motion requesting a waiver of IRP Guideline 2(c).² Both PGE and PacifiCorp have an IRP and Clean Energy Plan (CEP) anticipated to be filed in March 2023. Both companies have also requested a waiver of IRP Guideline 2(c) for substantially the same reasons. In particular, that a waiver of this guideline is appropriate because of new regulatory requirements associated with House Bill 2021 and that each company’s respective public input process has/will meet the intent of Guideline 2(c) for this IRP cycle. Given that PGE and PacifiCorp are similarly situated in this regard, the Commission

¹ The Green Energy Institute did not intervene as a party in Docket No. LC 77. However, pursuant to the Commission’s Internal Operating Guidelines, a party appears only to need to intervene for purposes of service and protective orders. See Internal Operating Guidelines at 27-28, 30.

² *In the Matter of Portland General Electric 2019 Integrated Resource Plan*, PGE’s Motion Requesting Waiver of Integrated Resource Plan Guideline 2(c), Docket No. LC 73 (Nov. 22, 2022).

should question why the Joint Parties have no objection to PGE’s request but have decided to file an objection to PacifiCorp’s request in this docket.³ The Commission should strive to treat similarly situated utilities in a consistent manner and not arbitrarily and capriciously as contemplated by the Joint Parties.

II. PacifiCorp has not ignored the IRP Guidelines and has developed a public input process to provide for significant stakeholder input.

The statement by the Joint Parties that PacifiCorp has “willfully ignored Guideline 2(c)” is incorrect and very misleading.⁴ IRP Guidelines were adopted by the Commission in 2007.⁵ Since adoption of these guidelines, PacifiCorp has implemented a robust, transparent, and thorough public input process. This dynamic and interactive process has worked exceptionally well to facilitate meaningful and timely stakeholder feedback that has been incorporated into the development of prior IRPs. The materials provided over the course of a public input process, and adjustments made due to stakeholder feedback, are largely consistent with the substance of the final IRP filed with the Commission—with the exception of specifically identifying the preferred portfolio from among possible candidates. Nevertheless, during the public input process, stakeholders have substantial opportunity to comment and ask questions pertaining to the inputs and model that develop the preferred portfolio. Public input is of critical importance to the Company. The Company believes that this existing process, which allows for ongoing and interactive communication with a wide public audience, meets the intent of the IRP guidelines adopted by the Commission.

³ CUB and NWECA are common intervenors in Docket Nos. LC 73 and LC 77.

⁴ Joint Parties’ Opposition at 3.

⁵ *In the Matter of Public Utility Commission of Oregon Investigation Into Integrated Resource Planning*, Docket No. UM 1056, Order 07-003 at 8 (Jan. 7, 2007).

Thus, consistent with the Company's previous IRP processes, the Company has held and will continue to hold 2023 IRP public-input meetings, provide meeting materials, which have been and will be reviewed with stakeholders, and receive and consider extensive stakeholder feedback forms throughout the 2023 IRP development cycle. Throughout the 2023 IRP public input process, the Company has and will continue to engage stakeholders to discuss inputs, methodology and outcomes, responding and incorporating feedback and comments where applicable. This process works well to facilitate discussion, review, and feedback that can be incorporated during the development process prior to filing the final 2023 IRP. The Company began holding monthly public input process for the 2023 IRP in February 2022 and plans to hold monthly meetings until the issuance of the 2023 IRP in March 2023.⁶ PacifiCorp appreciates the value that the months of extensive stakeholder involvement provided in the 2023 IRP development cycle, including over 30 feedback forms to date and hundreds of questions and comments to which the Company responded. PacifiCorp looks forward to continuing this ongoing dialog.

As the Joint Parties point out, the guidelines, including Guideline 2(c), were established in 2007. PacifiCorp developed the public input meeting process to address the need for input during the IRP process. Only recently have certain stakeholders raised concerns. During the last IRP, both Commission Staff and NWECC filed comments pertaining to Guideline 2(c).⁷ PacifiCorp is aware of these concerns raised in the 2021 IRP and the concerns now raised by the Joint Parties. Barring future circumstances to indicate otherwise, the Company is not opposed to working with Staff and the Commission to provide a draft in future IRPs. However, given the unique circumstances explained in the motion filed to this docket on December 13, 2022,

⁶ A public input meeting was not held in August 2022.

⁷ NWECC Opening Comments at 1; Staff Opening Comments at 33, 46.

PacifiCorp requests that this guideline be waived for the purposes of its March 2023 IRP and CEP filing.

III. The proposal to delay the IRP and CEP filings fails to consider that PacifiCorp is a multijurisdictional utility.

The Joint Parties' proposal to delay the March 2023 filing for four to eight weeks fails to take into consideration that PacifiCorp is a multijurisdictional utility.⁸ As a multijurisdictional utility, the IRP provides for system planning of all six of its service territories. PacifiCorp is *required* to file an IRP in Utah by March 31, 2023.⁹ Given that the IRP is a planning document for the Company's entire system, the IRP is filed in each state at around the same time for the purposes of transparency, consistency, and administrative efficiency. Under the Joint Parties' proposal, PacifiCorp would have to file the Oregon IRP and CEP up to eight weeks late; however, once filed in any jurisdiction, the IRP cannot be changed otherwise the IRP would vary between the Company's jurisdictions, which is not possible for the Company's system. This is very concerning as the IRP is a single planning document for the Company's entire six-state service territory—not just Oregon.

Furthermore, the Joint Parties request for an extension appears to be an attempt to extend the six-month review process provided for a utility's IRP under OAR 860-027-0400(5). Ultimately, even though engaging in an extensive public input process, at one point, the Company will need to make decisions regarding the planning of its system in the IRP, finalize the IRP, and file it with its state commissions. Through the state commissions' proceedings, stakeholders can provide comments, the Company can respond, and the state commissions can

⁸ Joint Parties' Opposition at 6.

⁹ *In the Matter of the Acknowledgment of PacifiCorp's Integrated Resource Plan*, Utah Docket No. 09-2035-01, Order at 57 (April 1, 2010).

either acknowledge the IRP or not acknowledge the IRP. In Oregon, the formal process is set at six months. The IRP is a living document that the Company issues at least every two years, with the public input process starting a year before the filing. Thus, stakeholders always have the opportunity to provide comments. In denying Sierra Club’s and NewSun’s Motion to Stay and Toll the Procedural Schedule, or in the alternative, To Amend the Procedural Schedule in docket LC 77, the Company’s 2021 IRP proceeding, the Administrative Law Judge stated:

In addition, because PacifiCorp’s IRP and Request for Proposal proceedings are done on an ongoing and iterative basis, it is expected that parties will have additional opportunities to engage on the issue in question in future proceedings.¹⁰

Finally, unlike the IRP, the CEP is unique to Oregon. The CEP will, in part, demonstrate how the Company will reduce greenhouse emissions associated with electricity sold to Oregon customers to 100 percent below baseline emissions levels by 2040.¹¹ The CEP has overlap with the IRP in the types of analysis, the assumptions, many elements of the preferred portfolio, and in potential future actions, such that much of the stakeholder feedback on the IRP is likely to be addressed again in the CEP process. PacifiCorp will be filing its first CEP in Oregon concurrently with its IRP in March 2023. The Company is diligently working towards developing its first CEP in conformance with the guidance received thus far from the Commission. However, because the Commission has yet to establish rules pertaining to the CEP, the Company anticipates that modifications to the CEP, as a result of future Commission guidance and stakeholder feedback, may be needed after it is filed.

Therefore, the Commission should reject the Joint Parties proposal to delay the filing of the 2023 IRP by four to eight weeks.

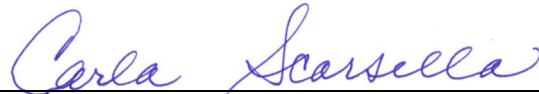
¹⁰ Docket No. LC 77, Ruling dated March 16, 2022.

¹¹ House Bill 2021, Section 3(1).

IV. CONCLUSION

PacifiCorp respectfully requests that the Commission issue an Order granting PacifiCorp's Motion for Waiver of Integrated Resource Plan Guideline 2(c) filed to this docket on December 13, 2022. The Joint Parties objection and its proposal to delay the filing of the 2023 IRP should be denied.

Respectfully submitted this 27th day of December, 2022, on behalf of PacifiCorp.



Carla Scarsella
OR Bar #193139
PacifiCorp
825 NE Multnomah Avenue, Suite 2000
Portland, OR 97232
carla.scarsella@pacificorp.com

Counsel for PacifiCorp d/b/a/ Pacific Power