



March 23, 2023

**Via Electronic Filing**

Oregon Public Utility Commission  
Attention: Filing Center  
201 High Street, Suite 100  
Post Office Box 1088  
Salem, OR 97308-1088

**Re: LC 82 – Comments in Response to PacifiCorp Motion for CEP Delay  
AR 655 – Rulemaking Comments**

Dear Commission, Staff and Stakeholders:

NewSun Energy LLC (NewSun) respectfully submits these comments in response to PacifiCorp’s motion to the Oregon Public Utility Commission (Commission) to delay the filing of its Clean Energy Plan (CEP) until May 30, 2023. These comments are also relevant to the CEP procedural rules proposed for adoption in AR 655, and so will be filed in that docket as well. If PacifiCorp will be ready to file the full integrated resource plan (IRP) on March 31, 2023, then they should also be ready to file the CEP given the substantially similar analysis required. NewSun is concerned that the delay in filing the CEP will mean that the CEP is either not analytically consistent with the IRP or that there is otherwise some unforeseen inclusions or exclusions in the CEP such that stakeholders will be deprived of the benefit to see that at the same time as the IRP and the opportunity to provide feedback on that issue and ultimately result in a better, more technically feasible plan.

As such, NewSun opposes PacifiCorp’s motion and suggests that PacifiCorp either: (1) delay the filing of the integrated resource plan (IRP) so that the IRP and CEP are still filed concurrently and both get the benefit of the initial 60-day comment and revision period, or (2) at a minimum that PacifiCorp confirm certain analytical consistencies between the IRP and CEP and that certain analyses will be included in the CEP.

**PacifiCorp has not shown it is an undue burden<sup>1</sup> to file the CEP concurrently with its IRP.** In support of its earlier request to be relieved of its obligation to provide a draft IRP prior to filing with the Commission, PacifiCorp stated such a waiver would “allow the Company to dedicate its resources to the preparation of the final 2023 IRP *and* 2023 CEP, which it will file

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<sup>1</sup> PacifiCorp also argues in AR 655 that the standard should not be “undue burden” but should be a “good cause” standard. OPUC Special Public Meeting, Testimony of Zack Rogala (starting at 10:17) (Mar. 22, 2023). NewSun opposes that proposed change to the proposed rules.

with the Commission in March 2023.”<sup>2</sup> Staff recommended and the Commission approved PacifiCorp’s request on the condition that more time be provided after formal filing for an initial set of stakeholder comments and utility reply and revision, extending the IRP/CEP acknowledgement timelines accordingly.<sup>3</sup> NewSun appreciated this compromise because it is grounded in stakeholders’ need for transparency and process and an ability to influence the outcomes especially with regard to PacifiCorp’s actions to meet HB 2021’s clean energy mandates and its CEP. Given the need for the IRP and CEP to be analytically aligned, both the CEP and the IRP should have the benefit of this initial comment and revision process. As such, PacifiCorp should be required to file its CEP at that same time as its IRP and to the extent it needs more time, NewSun suggests that a delay in filing both may be appropriate so that both can benefit from the initial 60-day comment and revision period with the typical acknowledgment timeline to follow.

**PacifiCorp should at a minimum confirm that certain analyses will be included in the CEP.** NewSun expects to use the initial comment and revision period to review the IRP and CEP to confirm key assumptions and that certain resource options were included and the related timeline assumptions, capacities, and costs. For example, on transmission, NewSun is concerned that the assumptions on which PacifiCorp intends to rely are not defensible or accurate. And on resource options, NewSun is concerned that major choices, such as energy efficiency and distributed generation on a large scale and economic-scale options for community-based resources will be omitted. If these options are included, defensible, and accurate, then there may be no need for revisions. NewSun’s concern, however, is that the delay in filing the CEP will mean that the CEP is not analytically consistent with the IRP or that there is otherwise some unforeseen inclusions or exclusions in the CEP. Given that this first CEP will set up the utility to meet its 2030 compliance target, it is essential for these first plans to be the best that they can be and benefit from the robust stakeholder input processes the Commission has laid out. As such, if the Commission is inclined to grant PacifiCorp’s motion, then it should require PacifiCorp to confirm, at a minimum, that the resource options laid out above will be included and that its plan be made transparent as early as possible so that stakeholders can make better use of the subsequent process.

In conclusion, NewSun recommends that the Commission keep the CEP aligned with the IRP because if the IRP is ready to be filed it should not be an undue burden to file the CEP at the same time. To the extent more time is needed, NewSun suggests pushing out the filing of both, so that both can benefit from the robust stakeholder comment process. Finally, if the Commission is inclined to grant PacifiCorp’s request, then it should direct PacifiCorp to comment further on why the two documents cannot be filed together and confirm that the CEP will include at a minimum the above resource options. Thank you for your work on this important matter. NewSun looks forward to continued engagement.

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<sup>2</sup> *In re PacifiCorp 2021 IRP*, Docket No. LC 77, PacifiCorp’s Motion for Waiver of IRP Guideline 2(c) at 3 (Dec. 13, 2022) (emphasis added).

<sup>3</sup> *In re PacifiCorp 2021 IRP*, Docket No. LC 77, Order No. 23-011, Appendix A and 5-6 (Jan. 26, 2023).

March 23, 2023  
NewSun Comments on CEP Delay  
Page 3 of 3

Sincerely,

/s Marie P. Barlow

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