

Davison Van Cleve PC

Attorneys at Law

TEL (503) 241-7242 • FAX (503) 241-8160 • tcp@dvclaw.com
1750 SW Harbor Way, Suite 450
Portland, OR 97201

June 15, 2020

Via Electronic Filing

Oregon Public Utility Commission
201 High Street SE, Suite 100
Salem, OR 97301

Re: June 16, 2020 Public Meeting Regular Agenda Item #4 – UE 358

Dear Commissioners:

The Alliance of Western Energy Consumers (“AWEC”) submits the following comments to the Oregon Public Utility Commission (“Commission”) on Regular Agenda Item 4 for the June 16, 2020 Public Meeting, pertaining to Portland General Electric Company’s (“PGE” or “Company”) new load direct access (“NLDA”) queue management plan.^{1/}

AWEC supports Commission Staff’s recommendation that PGE be required to include its queue management plan in its NLDA tariff. As Staff describes, this plan impacts the terms and conditions of service for customers interested in participating in the NLDA program, including eligibility and required actions for interested customers. It is therefore important to ensure that these conditions for participating in the NLDA program are found to be just and reasonable through inclusion in a Commission-approved tariff.

AWEC also supports Staff’s request for further guidance on the participation cap waiver process. At this time, guidance on substantive requirements for ensuring that a waiver is in the public interest is not necessary (though if the Commission has such requirements in mind, it would certainly be useful to know those now). Rather, AWEC believes the waiver process should achieve two goals. First, each customer’s waiver request should be considered on its own merits, and not advantaged or disadvantaged based on whether that customer filed before or after another customer. Second, the Commission should ensure that waivers are processed in a timely manner so that customers are not rendered ineligible for the program because they must energize their operations while a waiver is being considered.

With respect to the second goal, AWEC does not advocate for a hard-and-fast deadline for processing each application (i.e., each application must be resolved in three months). Rather, the Commission should look for ways to streamline the process. For instance, the Commission could request that any stakeholder intending to object to a waiver identify this

^{1/} Due to a previously scheduled commitment, AWEC is unable to call into the June 16th public meeting.

position within a week of the waiver application being filed (without necessarily requiring the stakeholder to fully explain the basis for the objection). This could then dictate the process going forward. If no objection is raised, the application could be processed at an open meeting. If an objection is raised, the Commission could immediately open a contested case and convene a prehearing conference at the earliest possible convenience so that the parties to the case can attempt to develop a schedule that allows for resolution of the waiver in time for a customer to receive a Commission order prior to energizing its operations.^{2/}

The process outlined above is likely one of several reasonable options available to the Commission. AWEC is open to other options and will continue to work with the Commission and parties to ensure a successful NLDA program that brings benefits to participants, cost-of-service customers, and the State.

Dated this 15th day of June, 2020.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Tyler C. Pepple

Tyler C. Pepple, OSB # 132256
1750 SW Harbor Way, Suite 450
Portland, Oregon 97201
(503) 241-7242 (phone)
(503) 241-8160 (facsimile)
tcp@dvclaw.com
Of Attorneys for the
Alliance of Western Energy Consumers

^{2/} AWEC recognizes that the timeliness of a ruling on a waiver request must be balanced with the need for the Commission to ensure that a waiver is in the public interest and, therefore, the ability to receive a timely ruling on a waiver request is to some extent in the hands of the applicant. If, for example, a customer seeks a waiver one month prior to energizing its operations, the risk that the waiver will not be approved prior to energization in that instance is on the customer.