

BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON

IN PACIFICORP, dba PACIFIC POWER's)	CASE NO. UM 1734
)	
Application to Reduce the Qualifying Facility)	COMMUNITY RENEWABLE ENERGY
Contract Term and Lower the Qualifying)	ASSOCIATION'S RESPONSE TO
Facility Standard Contract Eligibility Cap)	OBSIDIAN RENEWABLE, LLC'S
)	MOTION TO HOLD PROCEDURAL
)	SCHEDULE IN ABEYANCE

The Community Renewable Energy Association (“CREA”) hereby submits its response to Obsidian Renewable, LLC’s (“Obsidian”) motion to hold the procedural schedule in abeyance pending the outcome of Obsidian’s petition for rulemaking filed in docket AR 593 (“AR 593 Petition”). As explained below, CREA takes no position on the merits of the Obsidian’s AR 593 Petition at this time, but supports holding this proceeding in abeyance until the Public Utility Commission of Oregon (“OPUC or “Commission”) addresses the AR 593 Petition.

BACKGROUND

On November 13, 2015, Obsidian filed its AR 593 Petition, requesting that the Commission commence a rulemaking related to the Commission’s implementation of the Public Utility Regulatory Policies Act of 1978 (“PURPA”), 16 U.S.C. § 824a-3, and related state law, ORS 758.505-758-555. On the same date, Obsidian also filed a motion to hold in abeyance the procedural schedules in this docket and in docket UM 1725. The AR 593 Petition requests resolution of two issues relevant to this docket: (1) the threshold nameplate capacity for standard contract terms and pricing; and (2) the length of the contract term for such standard contracts. Obsidian argues it is unlawful for the Commission to issue any orders in this contested case proceeding that change Oregon’s existing rules or policies concerning PURPA because such

changes may only be made through a rulemaking. Obsidian further argues that even if a rulemaking were not otherwise compelled by law, it would still be the most appropriate forum for changing public policy concerning the future of renewable power development in Oregon.

The Commission set a deadline for responses to Obsidian's motion to hold docket UM 1725 in abeyance by November 30, 2015, and a deadline of December 18, 2015, for parties to submit comments in support or opposition of the AR 593 Petition.

CREA'S RESPONSE

CREA has not completed its review of Obsidian's AR 593 Petition and is unable to take a final position on the merits of the AR 593 Petition. CREA intends to submit comments in AR 593 on or before the deadline set for such comments.

However, CREA supports placing this docket in abeyance until the Commission addresses the AR 593 Petition. Staying this proceeding will prevent duplicative efforts by the parties and the Commission if the Commission ultimately agrees with Obsidian that a rulemaking is the better forum to resolve the Commission's implementation of PURPA. The risk of such duplicative efforts will likely create a chilling effect on the participation of parties to this proceeding with limited resources to allocate to advocacy on the Commission's implementation of PURPA. Additionally, the Commission's interim order reducing the eligibility cap for solar qualifying facilities to 3 megawatts ("MW") has addressed PacifiCorp's concerns regarding an influx of solar QFs during pendency of this docket. Accordingly, a stay of this proceeding will preserve the status quo until the issues raised in the AR 593 Petition can be resolved.

CONCLUSION

For the reasons set forth above, although CREA takes no position on the merits of the

Obsidian's AR 593 Petition at this time, CREA supports a stay of this proceeding until the Commission addresses the AR 593 Petition.

RESPECTFULLY SUBMITTED this 30th day of November, 2015.

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