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July 27, 2017

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Public Utility Commission of Oregon
P.O. Box 1088
Salem, OR 97308-1088

Re: UM 1854 – Comments on Portland General Electric’s Motion for expedited relief

Dear Commissioners Hardie, Bloom, and Decker:

OneEnergy, Inc. (“OneEnergy”) opposes the motion for expedited relief (“Motion”) filed by Portland General Electric (“PGE”) to lower the eligibility threshold for standard contracts under Schedule 201 on an emergency basis. We request the Commission reject PGE’s Motion. In the event the Commission is inclined to grant the Motion, we implore you to ensure at minimum that projects that commenced the Schedule 201 process in good faith prior to the date of PGE’s Motion (June 30, 2017) are protected and able to complete contracting.

Background:

OneEnergy is a solar project developer that has developed two operating qualifying facilities in Oregon: Steel Bridge solar project in Polk County (~2.5 MWac) and Ewauna Solar 1 in Klamath County (~900 kWac). We have other qualifying facility developments actively underway in Oregon. We are a small company.

As noted in Exhibit 1, OneEnergy-affiliated entities currently hold about 55.5 MWac of fully executed standard contracts, as well as a single contract for 10 MWac which is partially executed.

In addition, OneEnergy-affiliated entities have four standard contracts pending with PGE for a total of 40 MWac (“Pending Contracts”). These Pending Contracts commenced the Schedule 201 process on May 8, 2017 (two projects) and June 26, 2017 (two projects) – all prior to PGE’s Motion.

Our most immediate concern with respect to PGE’s Motion relates to the 40 MWac of Pending Contracts that are in the Schedule 201 process but are not yet executed. OneEnergy asserts that we have established a legally enforceable obligation for those Pending Contracts, however we anticipate PGE might take a different position. We have taken reliance upon the pricing and other terms offered under Schedule 201 in advancing those projects,



making payments and commitments to landowners and incurring other time and expense to advance the projects.

For all our projects, OneEnergy has sought to follow PGE's Schedule 201 process, to provide all requested information to PGE during the process, and to follow both the letter and spirit of established Commission policies related to standard contracts. For example, we have not sought to co-locate projects within the 5 miles separation requirement adopted in Order 05-584.

Discussion:

PGE's request for interim relief is unfair and contrary to established Commission policy. One basic policy undergirding the Oregon standard contract program is stability and predictability: "It is the goal of the Commission to ensure desired qualifying facility development through stable and predictable actions by the Commission, accurate price signals, and full information to developers and the public regarding power sales requirements." Order 05-584 at 9.

PGE's Motion is fundamentally contrary to this policy of stability and predictability. It seeks an immediate rule change implemented with no advance warning. It would "pull the rug out" from under developers who are simply playing by the rules in good faith.

Moreover, Schedule 201 has not been a static program. The most recent pricing update was effective May 17, 2017 and then refreshed again on June 1, 2017 (just 29 days before PGE filed its Motion). The May 2017 price change reflected *significant* lowering of published avoided cost pricing from prior levels. PGE cannot claim to have been taken by surprise by the uptake of the Schedule 201 standard contract program by developers. Indeed, OneEnergy-affiliated projects had executed over 45 MWac of contracts as of November 2016 – 7 months before PGE's Motion.

Finally, PGE is not in a similar position as Idaho Power and PacifiCorp in the prior cases dealing with standard contract size thresholds for those utilities. First, PGE has much larger Oregon load than any other utility. Second, PGE itself is seeking to acquire renewables as part of its current IRP process. If PGE believes the current standard avoided cost prices are inaccurate, then it should make appropriate filings at the Commission – not seek to discriminate against small QF generation.

Again, we request the Commission reject PGE's Motion. If the Commission elects to grant the Motion in part, we request you ensure that projects which commenced the Schedule 201 process in good faith prior to the date of PGE's Motion (June 30, 2017) are protected from any relief and able to complete contracting.



Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'WZ', followed by a long horizontal line.

WILLIAM EDDIE
CEO
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bill
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Exhibit

Number and status of standard contracts executed or in-process held under OneEnergy-affiliated entities:

	Size (MWac)	Status	Execution Date [Estimated]
Project 1	499 kWac	Executed 11/13/15	Complete
Project 2	10 MWac	Executed 1/25/16	Complete
Project 3	10 MWac	Executed 1/25/16	Complete
Project 4	5 MWac	Executed 1/25/16	Complete
Project 5	10 MWac	Executed 3/7/16	Complete
Project 6	10 MWac	Executed 11/7/16	Complete
Project 7	10 MWac	Executed 6/15/17	Complete
Project 8	10 MWac	Executable contract tendered by PGE, partially executed by project	Project executed on July 17, 2017; PGE execution date unknown
Project 9	10 MWac	Schedule 201 process formally commenced May 8, 2017	[August 31, 2017]
Project 10	10 MWac	Schedule 201 process formally commenced May 8, 2017	[August 31, 2017]
Project 11	10 MWac	Schedule 201 process formally commenced June 26, 2017	[September 15, 2017]
Projects	10 MWac	Schedule 201 process formally commenced June, 2017	[September 15, 2017]