

June 12, 2023

VIA ELECTRONIC FILING

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

RE: UM 2143—PacifiCorp’s Comments on Staff’s Draft Rules

PacifiCorp d/b/a Pacific Power (PacifiCorp or the Company) provides these comments in response to the May 18, 2023 draft rules (Rules) provided by the Staff of the Public Utility Commission of Oregon (Commission Staff). The Company values the significant effort and analysis that has characterized Commission Staff’s approach to Resource Adequacy (RA) in this docket so far and the collaborative engagement with stakeholders that resulted in the latest draft rules. PacifiCorp would like to address concerns around the provision of extremely commercially sensitive information through the integrated resource plan (IRP) process, and additionally address Staff’s questions on establishing the planning reserve margin (PRM) and penalties for the state RA program.

1. The Provision of Commercially Sensitive Resource Adequacy data submission information creates undue risk and could harm customers.

PacifiCorp has significant concerns regarding the inclusion of the Company’s “most recent data submission” to its Qualified Regional Program as part of the IRP.¹ Specifically, this information contains extremely commercially sensitive information that is fundamentally inappropriate to be provided in a public proceeding like the IRP. Even with a protective order, PacifiCorp has had significant difficulty in ensuring the protection of commercially sensitive information in the IRP from developers and market participants. In a ruling on one of these disputes in PacifiCorp’s 2021 IRP, the Commission specifically requested that PacifiCorp consider “the extent to which they might need to limit competitors from accessing information and what safeguards they can place on access to allow full participation in the docket to the greatest extent possible.”² Staff’s requirement that PacifiCorp place the Company’s data submission of competitively sensitive information directly into an informational filing that must be provided with the IRP creates immediate concerns.

This RA filing contains detailed information about PacifiCorp’s unit generation profiles, forward trading positions, and additional material non-public information. Access to this information by other market participants would allow those participants to take advantage of PacifiCorp’s

¹ Staff’s Draft Resource Adequacy Rules Proposal at §3 (May 18, 2023).

² *In the matter of PacifiCorp d/b/a Pacific Power, 2021 Integrated Resource Plan*, Docket No. LC 77, Order No. 22-128 at 4 (Apr. 25, 2022).

market positions and increase the cost of power for the Company's customers. Placing this information in any position that is accessible and actionable by other market entities, who regularly participate in PacifiCorp's IRP is both inappropriate and unnecessary. Even a modified protective order would provide many parties access to information that only needs to be reviewed by Commission staff and the Commission. The Western Resource Adequacy Tariff, specifically in §10.3, creates stringent requirements that no Western Resource Adequacy Program (WRAP) participant, QF entity, or third party shall have any right to receive the resource adequacy filings provided by another participant.³ PacifiCorp simply requests that the Commission provide the same level of protection for this information in this rule that is provided for by the WRAP.

PacifiCorp recommends that this advisory forecast be provided to Commission Staff outside the IRP process, because this document contains extremely competitively sensitive information which would be very harmful to the Company and customers if shared in a broader stakeholder process like the IRP. Alternatively, PacifiCorp recommends that Staff revise the draft rule to specify that this information will only be submitted to the Commission and *will not* be available to any other participants in the IRP.

2. *PacifiCorp recommends that the PRM methods from the regional RA form the basis of the Commission's PRM.*

Accurate and appropriate PRM and qualifying contribution methodologies are going to evolve with changes in loads and the resource mix across the west, such that details about specific methodologies in the rules will become outdated. Instead, PacifiCorp would suggest that methods and results from regional programs are likely to form the best starting point to evaluate the submissions of those entities who choose not to participate in a regional program. For resources, this data could be developed directly under a regional program, as resources can be registered by non-participants. For load, any regional results can only be a starting point, because entities that do not participate will not contribute to the diversity that the regional program is able to capture, and such entities will need to demonstrate more capacity if they are going to achieve the same level of risks as that of program participants and are not transferring risk to non-participants.

3. *PacifiCorp recommends that the penalties be sufficient to ensure compliance with the RA requirements.*

PacifiCorp supports the Commission's efforts to ensure that a load-serving entity that does not participate in a regional RA program be subject to penalties for not having sufficiently planned to ensure the RA to serve the load they are required to serve. PacifiCorp does not have a specific recommendation on how to set these penalties but rather provides that the guiding principle

³ WESTERN RESOURCE ADEQUACY PROGRAM TARIFF, Northwest Power Pool d/b/a Western Power Pool, §10.3 Access to Confidential or Commercially Sensitive Information (Dec. 12, 2022) available at <https://www.westernpowerpool.org/resources/wrap-ferc-filing>.

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should be ensuring RA. That is, the penalty should not be simply considered a payment that can be made in place of a load serving entity having a RA program.

PacifiCorp appreciates the opportunity to provide these comments and looks forward to continuing to actively participate in the development of these draft rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew McVee', written in a cursive style.

Matthew McVee
Vice President, Regulatory Policy and Operations