

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2163

In the Matter of
PACIFICORP d/b/a PACIFIC POWER'S
Investigation in Schedule 272, Renewable
Rider Optional Bulk Purchase.

VITESSE LLC'S COMMENTS ON
INTERIM SCHEDULE 272 CHANGES

I. INTRODUCTION

Vitesse LLC ("Vitesse") submits these comments regarding Staff's proposed interim changes to PacifiCorp dba Pacific Power's ("PacifiCorp's") Schedule 272 while the Oregon Public Utility Commission (the "Commission") investigates the schedule. Vitesse appreciates the efforts of Staff and all involved stakeholders who worked to preserve a cost-of-service renewable energy purchase option for customers within PacifiCorp's service territory. Schedule 272 remains important for Vitesse to meet its company-wide renewable energy goals to support 100 percent of its Oregon operations with renewable energy.

Vitesse is generally supportive of Staff's recommendations because they appear to allow Vitesse to continue to use the program to meet its needs in 2021. Vitesse's comments focus on the two most important recommendations related to Vitesse's Oregon sustainability goals. First, Vitesse supports Staff's proposed Schedule 272 power purchase agreement ("PPA") execution notification process because it provides a reasonable level of transparency and will facilitate a prudence review of the transactions in a future power cost proceeding without delaying transactions. Second, Vitesse supports Staff's proposed 175 average megawatt ("aMW") cap for Schedule 272 transactions that excludes the Pryor Mountain Wind Project because it likely

provides adequate near-term space for Vitesse's renewable energy needs during the investigation. However, Vitesse wishes to preserve the right to participate above the cap in the event of unforeseen events. Vitesse asks the Commission to clarify that Staff's proposed interim changes would not preclude the right to seek a waiver of the cap in the event Schedule 272 transactions reach the cap before the investigation concludes.

II. BACKGROUND

Staff is recommending several revisions to Schedule 272 during the pendency of this proceeding, which the Staff Memo summarizes. Staff collaborated with all stakeholders ahead of finalizing its memo and made substantive improvements. First, Staff's proposals would not apply to individually negotiated Schedule 272 agreements where PacifiCorp has either already acquired or plans to acquire the underlying PPA-base resource. Second, PacifiCorp would not be able to own resources acquired for meeting Schedule 272 demand, as the investigation may explore the question of utility ownership. Third, there would be a 175 aMW cap for PacifiCorp's Schedule 272 transactions during the investigation, with the Pryor Mountain Wind Project not counting towards the cap. Staff originally considered a "soft cap" that would allow additional Schedule 272 transactions above the soft cap with permission from the Commission based on specifically defined criteria. Now, no participation would be allowed above that cap. Fourth, after executing a new Schedule 272 PPA, PacifiCorp would provide notice and information to the Commission and hold a workshop to provide transparency to PacifiCorp's procurement process. Lastly, PacifiCorp will include a sensitivity analysis in its future Integrated Resource Plans that considers the impact of full subscription up to the cap. Vitesse appreciates the thought and work that Staff put into these interim proposals.

III. COMMENTS

Vitesse is generally supportive of Staff's recommendations. In particular, Vitesse supports Staff's recommendation not to count the Pryor Mountain Wind Project towards PacifiCorp's 175 aMW cap, which is consistent with one recommendation Vitesse made in its Application for Reconsideration. Vitesse is also supportive of adding more transparency to PacifiCorp's procurement process, including Staff's proposal that PacifiCorp must provide notice after execution of new Schedule 272 transactions.

Vitesse's only reservation regarding Staff's recommendations is the nature of the cap on program participation during the Schedule 272 investigation. As Vitesse has previously explained at length, Schedule 272 is its only voluntary renewable energy option as a large cost-of-service PacifiCorp customer.¹ Vitesse has used Schedule 272 to meet its Prineville Data Center Campus's sustainability objectives, and its main concern is ensuring the viability of the tariff during this investigation to support the Prineville Data Center Campus growth.² Without Schedule 272, the Prineville Data Center Campus would be Facebook's only data center in the country with no practical way to meet its sustainability goals.

The Commission does not need to address how participation above Staff's recommended cap could be exceeded at this time. Vitesse expects that excluding the Pryor Mountain Wind Project from the cap should provide sufficient room for transactions under Schedule 272 for Vitesse and other interested customers. However, Vitesse notes that there is no clarity regarding what other current or prospective PacifiCorp cost-of-service customers may need under Schedule

¹ *In re PacifiCorp's Request for a General Rate Revision*, Docket No. UE 374, Vitesse Prehearing Brief at 2; Docket No. UE 374, Vitesse Opening Brief at 2.

² <https://www.facebook.com/notes/prineville-data-center/facebook-announces-ninth-building-in-prineville/10157358190538133/>

272 in the near term. Additionally, there is no set limit to the length of this investigation. Therefore, Vitesse does not have an accurate picture of how long this cap will be in effect, nor how much room it specifically has to utilize under the cap.

Accordingly, Vitesse only asks that the Commission not preclude the right to seek a waiver of the cap in the event Schedule 272 transactions reach the cap before the investigation concludes. Vitesse understands that Staff's proposal would not (and could not as a matter of law) prevent any interested party or stakeholder from filing a petition to waive or other pleading seeking an exemption from the cap before the ultimate conclusion of the Schedule 272 investigation.

Vitesse is also supportive of Staff's notice process. Staff has proposed to add transparency to PacifiCorp's procurement process and to facilitate review of any Schedule 272 resources in the appropriate power cost proceeding. Staff's proposal is a reasonable balance between its desire for additional information without imposing a burdensome review process that could delay or prevent transactions during this proceeding. Specifically, Vitesse supports Staff's process because it would occur after any Schedule 272 transactions are entered into, and that there would be no Commission order or other formal action needed as part of that notice.

IV. CONCLUSION

For the reasons explained above, Vitesse respectfully requests that the Commission approve Staff's recommendations, with the caveat that Schedule 272 customers may still seek a waiver of the cap limit if PacifiCorp reaches it during this investigation.

Dated this 30th day of April 2021.

Respectfully submitted,



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