



# Direct Access Rulemaking Including HB 2021 Requirements

**AR 651**

**Madison Bolton  
April 4, 2023**

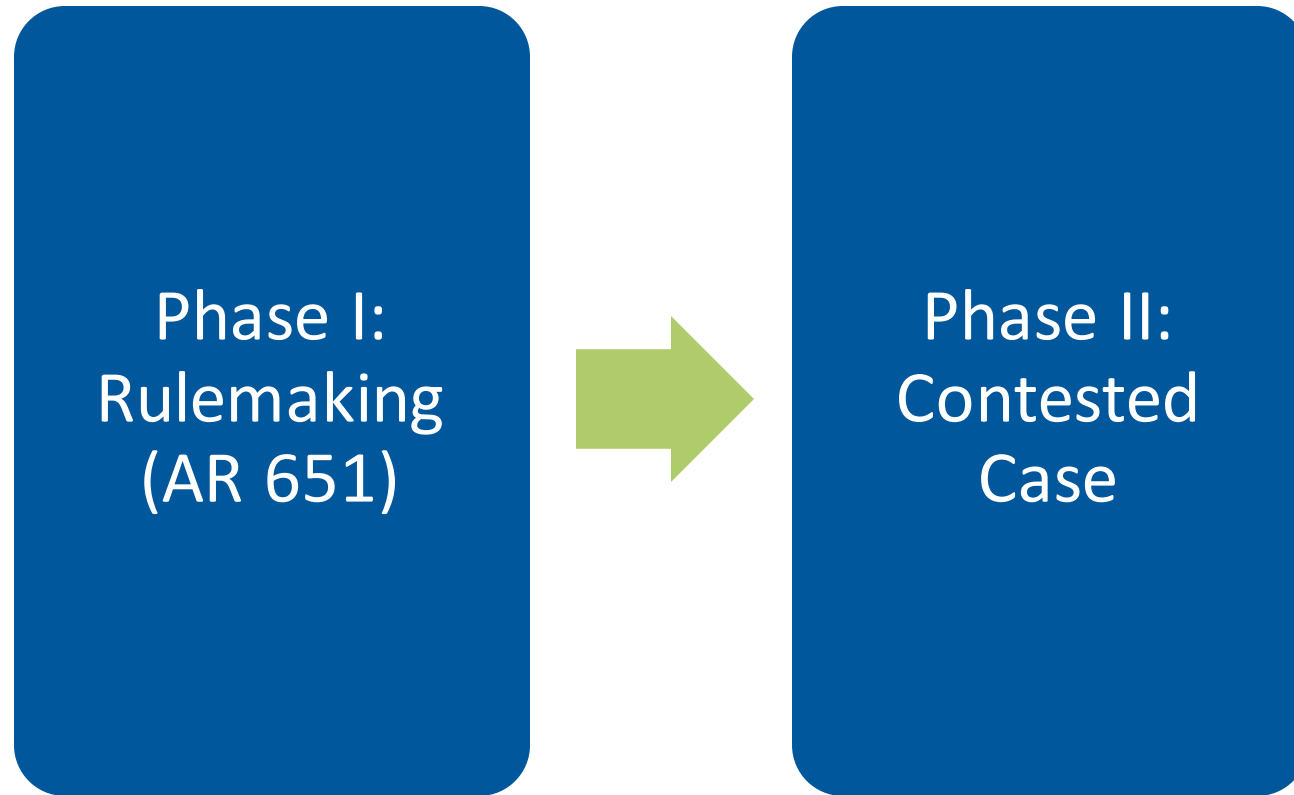
# AR 651

OAR Chapter 860, Division 038

## Goals for rule development:

- Implement requirements of HB 2021:
  - Non-bypassable charges
  - ESS emission reporting
  - Labeling/disclosure requirements
- Evaluate potential updates to Oregon's Direct Access program.
  - i.e. Provider of Last Resort duties and preferential curtailment.
- Guide contested case arguments in UM 2024

# UM 2024: Re-scoped to a Phased Approach



## AR 651 Process

- Oct. 2021
  - Open AR 651, informal rulemaking
  - Iterative rule development process including multiple workshops and stakeholder comments
- Oct. 2022
  - Request for formal rulemaking
  - Additional workshops/comments on POLR and preferential Curtailment Issues
- Feb. 2023
  - Notice of Proposed Rulemaking filed with Secretary of State
- Apr. 25, 2023
  - Final date for comment
- May, 2023
  - Final public meeting determination
- Spring, 2023
  - Contested Case pre-hearing/kick-off

# HB 2021 Requirements in AR 651

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- **Non-bypassable Charges:** Establish criteria to determine what charges cannot be avoided by taking direct access service.
- **ESS Emissions Reporting:** Outline the contents of ESS emission reports beginning in 2027.
- **Labeling Requirements:** Implement requirements for public disclosure of energy mix and emissions summaries.

# Provider of Last Resort Issues

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- Staff and stakeholders continued to workshop preferential curtailment rules as a risk mitigation and reliability tool after formal rulemaking recommendation.
- The curtailment framework no longer requires a backstop capacity charge for non-curtable customers. Instead, a cap on non-curtable load addresses risks posed to cost-of-service.
- Updated direction on electing to become curtable, a utility's obligations to serve a returning customer, and protocol for customer's on standard offer service.

# Next Steps

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## AR 651

- Final day for comment: **April 25, 2023**
- Public meeting for final determination: Expected in May (date and time TBD).

## UM 2024 (Contested Case)

- Scheduling and scoping to take place as AR 651 activities conclude.
- Topics Staff expects to address in UM 2024:
  - Level of caps on direct access program
  - Criteria to be preferentially curtailable
  - Method for estimating and collecting costs of curtailment infrastructure
  - List of non-bypassable charges by direct access
  - ESS emission report template, compliance, evaluation

# QUESTIONS?

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