



**DEPARTMENT OF JUSTICE**  
GENERAL COUNSEL DIVISION

July 20, 2020

Public Utility Commission of Oregon  
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**Re: UM 2024 – Parties’ Proposed Commissioner Workshop Agenda**

In accordance with Administrative Law Judge (ALJ) Allwein’s June 19, 2020 Ruling, Commission Staff hereby submits the attached proposed Commissioner Workshop Agenda for the August 20, 2024 Commissioner Workshop in OPUC Docket No. UM 2024. The parties to this proceeding have been invited to confer on the attached agenda, and as of the time of this filing, no party has raised objections or concerns. To the extent that a party has an alternative proposed agenda, it may file that agenda with the Commission in accordance with ALJ Allwein’s ruling.

Sincerely,

*/s/ Sommer Moser*

Sommer Moser  
Assistant Attorney General  
Business Activities Section

Enclosure  
ST7/pjr/#10344499

# UM 2024 Workshop Proposed Agenda

AWEC Petition for Investigation into Long-Term Direct Access Programs, Phase I  
Thursday August 20, 2020 [TBD] Time/Duration [TBD/Requesting 3 hours]

## Workshop objective

Oregon PUC Staff will facilitate a discussion of the areas of commonality to be found in stakeholders' opening and closing comments (filed March 16 and April 6 respectively). This workshop will provide an opportunity for the Commission to: i) clarify their understanding of Phase I issues; ii) understand where there may be agreement on issues; and iii) provide direction regarding the scope of subsequent phases. Such clarification will help parties determine whether Phase II (legal briefs) is necessary, and if so, how to refine the scope. It will also enable parties to participate more efficiently and productively in Phase III (testimony).

## Introduction: Phase I Comments

**(15 to 45 minutes)**

Opportunity for Commissioners' introductory comments, requests, and clarifications from interested parties. This could include a short (5 min) summary from each party of their Phase I comments, if the Commissioners believe this would be helpful. In the subsequent discussion, parties should be prepared for and consider:

- The potential costs and benefits of long-term direct access;
- How a resource adequacy requirement could be applied to ESSs/direct access customers;
- Lessons from other states' direct access programs

## NWPP Speaker on Resource Adequacy Program

**(30 minutes)**

- Update on status of NWPP's resource adequacy efforts (external speaker), including high-level discussion of program structure and conceptual design.
- Follow-up discussion on whether the Commission should develop a resource adequacy program in this docket, or whether it should wait until the conclusion of NWPP's efforts

## Commission Feedback on issues in Phases II and III

**(60 to 90 minutes)**

This session will build upon Phase I opening/closing comments on the costs and benefits of long-term (and new-load) direct access. In addition, participants should be ready to discuss the following topics:

# UM 2024 Workshop Proposed Agenda

- Exploration and agreement on timing/scope of related details in the future phases of the docket.
  - Whether there is any value in Phase II legal briefing, or whether it should be subsumed into Phase III. Current Phase II issues list includes:
    - Meaning of unwarranted cost shifting;
    - Commission authority (over ESS/customer resource adequacy requirements, POLR, utility resource adequacy rates, choice of resource adequacy provider);
    - Commission role in removing barriers to the development of competitive retail market; and
    - Utility requirements in planning for load and resource adequacy.
    - The Commission's statutory obligations with respect to retail markets and customer choice.
  - Discussion of non-bypassability of legislative mandates.
- Party and Commissioner discussion on other Phase III issues in light of Phase II decision.
  - Exploration and agreement on timing/scope of resource adequacy in the Phase III of the docket. Specifically, what areas should be presented on the evidentiary record. For example:
    - Appropriate resource adequacy metrics and timing;
    - What products qualify and how are they measured;
    - How a resource adequacy program should be operationalized; and
    - Compliance verification – reporting, auditing roles and responsibilities
  - Current Phase III issues include:
    - Regarding potential benefits and costs of direct access programs:
      - How should long-term direct access programs be structured to maximize these potential benefits?
      - How should long-term direct access programs be structured to minimize or eliminate these potential costs?
    - What cost shifts occur when load departs a utility?
      - What constitutes “unwarranted” cost-shifting?
        - Are PGE's and PacifiCorp's current long-term direct access programs structured in a way that avoids unwarranted cost-shifting? Topics may include:
          - transition adjustments and the potential for capacity credits or capacity charges
          - consumer opt-out charge
          - resource intermittency
          - freed up RECs
          - legislative mandates (state and federal) and the bypassability of costs
          - load growth

# UM 2024 Workshop Proposed Agenda

- return-to-cost-of-service restrictions
  - resource adequacy
  - if not, how should these programs be structured to avoid unwarranted cost-shifting?
- What limits, if any, should be placed on the ability of a customer to participate in a long-term direct access program? Including:
  - caps
  - notice requirements
    - election windows
    - return notice
    - energization notice/timing
  - customer size requirements
- How should load serving entities plan in the short and long-term for direct access and all jurisdictional load to ensure resource adequacy?
- Are current rules, regulations and other programs recognizing the current state of wholesale power markets while preserving and protecting those markets?
  - Commission's role in removing barriers to a competitive marketplace.

## Concluding Remarks and Guidance from Commissioners

(15 minutes)

In this concluding session, Commissioners can further present their views on UM 2024 Phase I issues, and provide clarity on the following topics should they see fit to:

- Whether the circulation of a list of issues of commonality be welcomed by the Commission and useful prior to Phase III.
- Any other scoping guidance for Phases II and III.
- What issues the Commission would like discussed in Phase III.