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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 860
PUBLIC UTILITY COMMISSION

FILED

12/21/2018 8:57 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: In the Matter of Rulemaking Regarding Transportation Electrification Plans.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 02/12/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Salem, OR 97308

Filed By:
Diane Davis
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 02/05/2019

TIME: 1:00 PM

OFFICER: Nolan Moser

ADDRESS: Public Utility Commission -
Hearing Room
201 High Street SE
Salem, OR 97302

NEED FOR THE RULE(S):

This rulemaking is necessary to implement section 20 of Senate Bill 1547 (SB 1547), now codified as ORS 757.357, which requires the Oregon Public Utility Commission (PUC or Commission) to direct electric companies to file applications for programs to accelerate transportation electrification and prescribe the manner and form of these applications. In Order 16-447, the PUC adopted rules for the filing of applications for transportation electrification programs, but deferred adopting rules for related transportation electrification plans it determined were necessary to fully implement the requirements of ORS 757.357. The proposed rule requires electric companies to file transportation electrification plans on specified timelines, which allows for the review of data concerning current and future adoption of electric vehicles and utilization of electric vehicle charging infrastructure. ORS 757.357 requires the PUC to review such data in authorizing transportation electrification programs .

The PUC encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 609 on your comments and file them as a Word or PDF attachment to an e-mail addressed to the PUC's Filing Center at PUC.FilingCenter@state.or.us.

Interested persons may review all filings online at <https://apps.puc.state.or.us/edockets/docket.asp?DocketID=20588>. For guidelines on filing and participation, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://llarcweb.sos.state.or.us/lpagoslrulesloars_800/oar_860/860_001.html.

Participants wishing to monitor the hearing by telephone must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business February 4, 2019, to request a dial-in number. The PUC strongly encourages those planning to present oral comment at the hearing to attend in person.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 757.357 available online at https://www.oregonlegislature.gov/bills_laws/ors/ors757.html

OAR Chapter 860, Division 087 available online at https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=S4rMgUOPmZHd3AGsJgjisie3ACZhXkULy1485036647?selectedDivision=4089

PUC Order No. 16-447 available online at <https://apps.puc.state.or.us/orders/2016ords/16-447.pdf>

FISCAL AND ECONOMIC IMPACT:

ORS 757.357 requires the PUC to direct electric companies to file applications for programs to accelerate transportation electrification. Only electric companies, as defined in ORS 757.600, are subject to the proposed rule. The proposed rule requires electric companies to file transportation electrification plans, and specifies the information that an electric company must include in its transportation electrification plans, including plan design, data collection and analysis, evaluation, reporting, and other administrative activities associated with preparing a program proposal. This information is necessary in order for the PUC to understand the electric companies' long-term strategies for increased transportation electrification in their respective service territories and authorize transportation electrification programs. The PUC does not have available information to estimate the cost of potential plan preparation, or measure reporting costs, because the labor and administrative costs associated with plan proposals are likely to vary across electric companies, and no prior plans have been proposed at this time. Additionally, the PUC does not have any prior transportation electrification plans to use as a basis to estimate or quantify costs. The PUC does, however, anticipate increased administration costs and employee time dedicated to the preparation of the plans by the subject electric companies, but does not anticipate that significant additional FTEs will be required. Thus, it is anticipated that the proposed rules will not have a significant fiscal or economic impact on the subject electric companies.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected

by the rule(s).

No state agencies, units of local government, or members of the public are subject to the proposed rules. The proposed rules simply prescribe the information to be included in transportation electrification plans designed and filed by electric companies; therefore, state agencies, local governments, and the public do not have to comply with the rules and will not experience a significant economic impact as a result of the proposed rules. However, the cost of compliance experienced by an electric company in preparing a transportation electrification plan could be passed on to the public through electric customer rates. Such costs are anticipated to be minimal as they would not include the cost of implementing any programs; the proposed rules govern plan requirements only. Review of plans proposed by an electric company will occur in future administrative proceedings that also allow for stakeholder participation.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

None. No small businesses are subject to the proposed rules and the PUC anticipates that no small businesses will incur costs from the proposed rules. Only electric companies, as defined in ORS 757.600, are subject to the rules and will incur costs of compliance. Further, the proposed rules simply prescribe the information that an electric company must submit in its transportation electrification plan. Small businesses will have an opportunity to comment on the development of the rule before and at the hearing scheduled with this notice.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

None. No small businesses are subject to the proposed rules. Only electric companies, as defined in ORS 757.600, are subject to the proposed rules. The PUC anticipates that no small business will incur costs related to reporting, record keeping, professional services, or other administrative activities. Recordkeeping, analysis, and reporting by subject electric companies will have associated costs. The potential magnitude of these costs to electric companies cannot be determined at this time because they will vary depending on the proposed plans. Administrative costs associated with the proposed rules are not anticipated to be significant.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s)

None. No small businesses are subject to the rule. Only electric companies, as defined in ORS 757.600, are subject to and must comply with the proposed rules. No equipment, supplies, labor, or increased administration is required of small businesses. Increased labor and administration required of subject electric companies to comply with the proposed rules is not anticipated to be significant.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The PUC did not specifically involve small businesses in the development of this rule. The PUC notified stakeholders and members of the public who expressed interest in PUC rulemakings related to ORS 757.357 and AR 599 that the PUC would be hosting stakeholder workshops regarding the development of rules governing transportation electrification plans. Stakeholders, including, but not limited to, non-governmental organizations, government representatives, relevant industry participants, investor-owned utilities, electric customer advocates, and other interested parties were notified of the informal development of this rule. The PUC received feedback from stakeholders with knowledge of the potential impact on small businesses, such as non-governmental organizations and electric companies familiar with their commercial customers, and no concerns were raised regarding the impact of the proposed rules on small businesses. Should any concerns arise, small businesses will also have the opportunity to comment on transportation electrification plans once they are filed with the Commission.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

As discussed above, the PUC hosted workshops with the subject electric companies, industry representatives, customer advocates, other stakeholders, and interested parties. Public participation occurred during these workshops, either in person or by phone. Additionally, the PUC received and reviewed written feedback comments from the electric companies subject to the proposed rule and from other stakeholders during the informal process. This feedback was considered and incorporated into the development of the proposed rule.

ADOPT: 860-087-0020

RULE SUMMARY: This rule requires subject electric companies to file Transportation Electrification Plans and prescribes the required elements of those plans.

CHANGES TO RULE:

860-087-0020

Transportation Electrification Plan

(1) This rule prescribes the required elements of an electric company's Transportation Electrification Plan (TE Plan), which contains the electric company's long-term strategy to accelerate transportation electrification in its Oregon service territory. The objective of the TE Plan is to:

(a) Integrate all of the electric company's TE actions into one document. This includes, but is not limited to, analyzing the electric company's portfolio of near-term and long-term transportation electrification actions, including approved program(s), future transportation electrification actions, and other transportation electrification actions such as Clean Fuels programs.

(b) Identify a portfolio of actions, which may include investments and infrastructure for electric vehicles of various sizes, rate design, programs, and services, reasonably expected to accelerate transportation electrification in an effective and efficient manner. The TE Plan should seek to address areas most hampered by market barriers in the electric company's service territory and to provide benefits for traditionally underserved communities.

(2) An electric company must file for Commission approval of a TE Plan.

(a) As used in this rule, "approval" means the Commission finds that the TE Plan meets the criteria and requirements of this rule and does not constitute a determination on the prudence of the individual actions discussed in the TE plan. Conversely, lack of approval means that the TE Plan does not meet the criteria or requirements of the rule.

(b) An electric company must file for Commission approval of its TE Plan within two years of its previous TE Plan approval order or as otherwise directed by the Commission.

(c) The electric company must present its TE Plan to the Commission at a public meeting prior to the deadline for written public comment.

(d) The Commission staff will work with parties to propose a schedule for review of the TE Plan after it is filed. The

schedule will be adopted by an administrative law judge and will provide an opportunity for written comments by Commission staff and stakeholders, and reply comments by the electric company. ¶

(e) Commission staff will present its recommendation on the electric Company's TE plan at a public meeting. The Commission will also consider comments and recommendations on an electric company's TE Plan at the public meeting before issuing an order on approval. The Commission may provide direction to an electric company regarding any additional analyses or actions that the electric company should undertake in its next TE Plan.¶

(f) An electric company is not prohibited from proposing transportation electrification programs at any time.¶

(3) The TE Plan must include:¶

(a) Current condition of the transportation electrification market in the electric company's Oregon service territory, including, but not limited to:¶

(A) A discussion of existing state policies and programs: ¶

(B) Market barriers, which may include charging station development and electric vehicle adoption: ¶

(C) Existing data on the availability of charging stations:¶

(D) Number of electric vehicles of various sizes in the utility service territory and projected number of vehicles in the next five years: ¶

(E) Other transportation electrification infrastructure, if applicable:¶

(F) Charging and vehicle technology updates, and ¶

(G) Distribution system impacts: ¶

(b) A summary of the electric company's approved transportation electrification program(s) and future transportation electrification concepts and actions in its Oregon service territory. The TE Plan must incorporate project learnings and any other relevant information gathered from other transportation electrification infrastructure investments, programs, and actions to ensure that lessons learned are carried forward:¶

(c) A discussion of how the utility's TE Plan, investments, programs, and actions are expected to accelerate transportation electrification, addresses barriers to adoption, and extend access to traditionally underserved communities:¶

(d) The supporting data and analysis used to develop the TE Plan, which may be derived from elements such as review of costs and benefits; rate design; energy use and consumption; overlap with other utility programs, and customer and electric vehicle user engagement ¶

(e) A discussion of the electric company's potential impact on the competitive electric vehicle supply equipment market, including consideration of alternative infrastructure ownership and business models, and identification of a sustainable role for the electric company in the transportation electrification market: ¶

(f) A discussion of current and anticipated electric company system impacts resulting from increased transportation electrification and the electric company's portfolio of actions, and how the TE Plan is designed to address these system impacts. ¶

(g) A discussion of how programs and concepts in the TE Plan relate to the carbon reduction goals of the Clean Fuels Program and other state programs, including expected greenhouse gas emission reductions based on publicly available metrics.¶

(4) The Commission may direct an electric company to incorporate the TE Plan into other electric company planning documents.

Statutory/Other Authority: 756.040, 756.060, 757.357

Statutes/Other Implemented: 757.357