

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1370

In the Matter of)	
)	
PACIFICORP, dba PACIFIC POWER)	ORDER
)	
Petition for Waiver of Compliance with)	
OAR 860-038-0300.)	

DISPOSITION: PETITION GRANTED

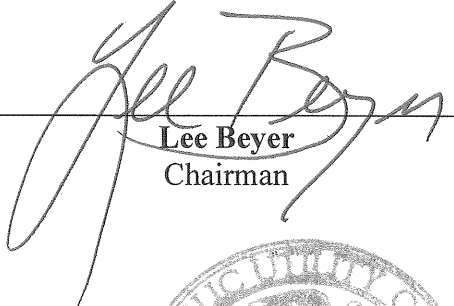
On March 12, 2008, PacifiCorp, dba Pacific Power (Pacific Power), filed a petition with the Public Utility Commission of Oregon (Commission), requesting the Commission waive the filing requirements of OAR 860-038-0300(2) and (3) for the second and third quarters of 2008. These rules require the company to report to customers the price, power source and environmental impacts for each of its services and products in a format prescribed by the Commission. A description of the filing and its procedural history is contained in the Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting on April 8, 2008, the Commission adopted Staff's recommendation, and approved Petitioners' requests.

ORDER

IT IS ORDERED that Pacific Power's petition for waiver of the filing requirements for quarterly fuel mix inserts for the second quarter of 2008 is approved. Such requirements also are waived for the third quarter of 2008 if power source disclosure related to banked renewable energy certificates in compliance with Senate Bill 838 is not resolved by August 1, 2008.

Made, entered, and effective APR 11 2008.



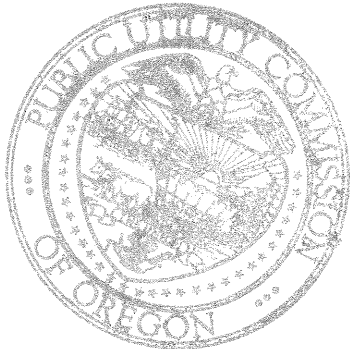
Lee Beyer
Chairman



John Savage
Commissioner



Ray Baum
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: April 8, 2008**

REGULAR _____ CONSENT X EFFECTIVE DATE _____ N/A _____

DATE: March 31, 2008

TO: Public Utility Commission

FROM: Lisa Schwartz 

THROUGH: ^{li} Lee Sparling and ^{EB} Ed Busch

SUBJECT: PACIFICORP: (Docket No. UM 1370) Petition for waiver of the filing requirements for Quarterly Power Source Disclosure Bill Inserts.

STAFF RECOMMENDATION:

Staff recommends that the Commission approve PacifiCorp's petition for waiver of the filing requirements for quarterly power source disclosure bill inserts for the second quarter of 2008. Staff also recommends the Commission waive such requirements for the third quarter of 2008 if power source disclosure related to banked renewable energy certificates in compliance with Senate Bill 838 is not resolved by August 1, 2008.

DISCUSSION:

On March 12, 2008, Pacific Power & Light (PacifiCorp or company) filed a petition requesting the Commission waive the filing requirements under OAR 860-038-0300(2) and (3) for the second and third quarters of 2008. These rules require the company to report to customers the price, power source and environmental impacts for each of its services and products in a format prescribed by the Commission.

The Oregon Renewable Energy Act (Senate Bill 838, 2007 Session) provides for banking of renewable energy certificates toward compliance with the Act's renewable portfolio standard (RPS).¹ The first compliance year is 2011. The Oregon Department of Energy recently adopted rules allowing banking of certificates issued on or after

¹ SB 838, Section 1, defines a banked renewable energy certificate as "...a bundled or unbundled renewable energy certificate that is not used by an electric utility or electricity service supplier to comply with a renewable portfolio standard in a calendar year and that is carried forward for the purpose of compliance with a renewable portfolio standard in a subsequent year."

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January 1, 2007. Utilities use prior calendar year data for the power source and environmental impact information they provide to customers. Thus, PacifiCorp will use 2007 data for its 2008 bill inserts on power source disclosure.

Commission staff has drafted proposed rules that would allow renewable energy certificates to be used both for RPS compliance and power source disclosure only if both uses occur in the same year. Staff is working with the utilities and consumer and environmental groups on how to effectively communicate to consumers the utilities' renewable resource acquisitions while appropriately disclosing power sources as utilities bank and retire certificates for RPS compliance.

OAR 860-038-0001(4) allows the Commission to relieve a utility of the requirements of any Division 38 rule for good cause shown. Staff recommends the Commission grant PacifiCorp's requested waiver for the second quarter of 2008. Regarding the requested waiver for the third quarter of 2008, PacifiCorp finds acceptable staff's recommendation that the company be relieved of its filing requirements under OAR 860-038-0300(2) and (3) if by August 1, 2008, it is still uncertain how renewable energy certificates banked for RPS compliance should be presented in power source disclosure.

Delaying the issuance of 2008 bill inserts will prevent disclosure of information in a manner inconsistent with proposed rules staff is considering in Docket AR 518. The company will resume quarterly fuel mix inserts in the third quarter of 2008, if sufficient information is known in time, or fourth quarter 2008 at the latest.

PROPOSED COMMISSION MOTION:

PacifiCorp's petition for waiver of the filing requirements for quarterly fuel mix inserts for the second quarter of 2008 be approved. Such requirements also are waived for the third quarter of 2008 if power source disclosure related to banked renewable energy certificates in compliance with Senate Bill 838 is not resolved by August 1, 2008.

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