

ORDER NO. 12 067

ENTERED FEB 26 2014

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 555

In the Matter of a Rulemaking to Update
Certain Division 038 Rules.

ORDER

DISPOSITION: RULES AMENDED

I. INTRODUCTION

Division 038 of Chapter 860 of the Oregon Administrative Rules contains rules relating to “Direct Access Regulation for Electric Companies, Electricity Service Suppliers, and Aggregators.” Because the Portfolio Options¹ program, associated Labeling², and customers have matured and evolved since implementation in 2000, this proceeding was opened by Commission Order No. 11-245 to determine the nature and extent of updates necessary to reflect current conditions.

II. PROCEDURAL HISTORY

On October 1, 2013, we filed a Notice of Proposed Rulemaking Hearing and Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State. That notice established a rulemaking hearing date of December 11, 2013.

On October 9, 2013, we provided notice to certain legislators specified in ORS 183.335(1)(d) and to all interested persons on the service lists maintained pursuant to OAR 860-001-0030, and interested persons were given until December 18, 2013, to file written comments. Notice of the December 11, 2013, hearing was published in the November 2013 *Oregon Bulletin*.

Written comments were filed by Oregon Public Utility Commission Staff, Portland General Electric Company (PGE), PacifiCorp d/b/a Pacific Power, Oregon Department of Energy (ODOE), and Citizens’ Utility Board of Oregon (CUB) and Renewable Northwest Project (RNP), filing jointly.³

¹ OAR 860-038-0220

² OAR 860-038-0300

³ CUB and RNP filed two rounds of joint comments.

III. DISCUSSION

A. In General

Most of the proposed rule changes are non-substantive in nature and elicited expressions of general agreement or no comment. Only a few matters of concern were noted.

B. Spent Nuclear Fuel

Presently, as part of their labeling requirement, electric companies and electricity service suppliers are required to report annual emission factors for the expected production level for each of their sources of supply under OAR 860-038-0300(6). Among the environmental impacts that must be reported is “spent nuclear fuel, measured in mg/kWh of spent fuel⁴” (OAR 860-038-0300(6)(d)).⁵

According to PGE, there is no data from which to report the required environmental impact. PGE proposes that the language be deleted from the rule. In its place PGE proposes that in the section of the labeling bill insert that also directs consumers to the Environmental Protection Agency for information about greenhouse gas emissions, consumers be directed to the Nuclear Regulatory Commission website for information about nuclear waste.

ODOE states that the requirement to “quantitatively” report on spent nuclear fuel is overly burdensome and may not be possible due to insufficient data. ODOE agrees with PGE that the current language should be deleted.

However, ODOE notes that the Columbia Generating Station, the only operating nuclear facility in the northwest, generates power dedicated to the Bonneville Power Administration that contributes to the regional pool of unspecified market power. ODOE believes that consumers should understand that the operation of that plant has significant environmental impacts. Accordingly, ODOE proposes that the rule be amended require “a qualitative explanation of the sources and environmental impacts of spent nuclear fuel.”

Staff agrees that the percentage of nuclear power in the Oregon source power mix is “small, and thus it is not worthy of quantification in the environmental impact reporting.”⁶ Staff proposes to delete the provision.

CUB and RNP state that the issue of removing nuclear power from the portfolio may be a minimal one. “Or it may not.”⁷ They believe that this is one of the issues that should be taken up in additional workshops, as discussed below.

⁴ This unit of measurement is corrected from “lbs./kWh of Hg emission” found in the draft order attached to the Administrative Hearings Division Report for the February 18, 2014 Public Meeting.

⁵ Under the proposed rules, this provision would be redesignated subsection (e).

⁶ Staff Comments, pp. 1-2.

⁷ CUB/RNP Comments, Dec. 18, 2013, p. 2.

We adopt Staff's proposal and delete the provision. We decline to adopt either ODOE's or PGE's recommended changes and encourage parties to discuss in workshops whether and how to provide any information about nuclear power.

C. "Regulatory Gap"

Currently, under OAR 860-038-0300(2), for each service or product it offers, an electric company must provide price, power source, and environmental impact information to all residential consumers "at least quarterly." Under the revised rule, the language "at least quarterly" would be deleted and replaced by "consistent with the requirements and frequency" prescribed by the Commission.

PGE is concerned that the proposed rule change would cause uncertainty regarding its reporting requirements, because the Commission has not yet prescribed the "requirements and frequency" of reporting. Accordingly, PGE proposes that the rule changes become effective with the Commission's later determination in this regard. Pacific Power concurs with PGE.

Staff acknowledges the "regulatory certainty gap." To alleviate the concern, Staff proposes that the Commission adoption of the proposed rule have an effective date coincident with the date the Commission prescribes the labeling requirements and frequency.

We decline to adopt Staff's proposal to make the effective date of the changes to the rule coincident with our prescription of the labeling requirements and frequency as contemplated by the changes to OAR 860-038-0300(2). Instead, we specify that the reporting requirements remain at quarterly. The schedule for reporting is one of the issues that should be addressed by the parties in their workshops.

D. Label Template

In their comments, Pacific Power, ODOE, and CUB and RNP each express concerns regarding the "label template" that is intended to provide consumers a visual representation of the resource mix.

Pacific Power states that, in designing its new label insert, it found the pie chart format to be difficult to read when depicting small percentages. The company agrees that the portfolio options committee should evaluate the alternate chart formats for recommendation to the Commission.

ODOE repeats its concerns regarding the environmental impacts of nuclear spent fuel and further recommends a similar "qualitative approach" for providing information on the environmental impacts of hydropower. ODOE does not support implementing process changes for the label template in this proceeding.

CUB and RNP believe the primary graphic design challenge is on account of the difficulty of depicting the distinction between specified and unspecified power in a small format paper chart.

Because the label template will be adopted separately from the rules, “there is time outside the formal rulemaking process to get the label’s content, format, process and timing right.”⁸

Based on the concerns of the parties, we expect workshops will be convened to address these matters. In their comments none of the parties propose any changes to the proposed rules, so there is no need for Commission action at this time.

E. Market Purchase “Mix”

As proposed, the language “unspecified market purchases” would replace “net system power mix” in OAR 860-038-0300(10). In its comments Staff proposes instead that the language be “unspecified market purchase mix.”

Staff’s change would conform the language with the language in OAR 860-038-0005(72)⁹ and is adopted.

IV. CONCLUSION

The proposed rules, as modified herein, should be adopted. Reporting requirements in OAR 860-038-0300(2) remain at least quarterly until modified at a later date by us.

V. ORDER

IT IS ORDERED that:

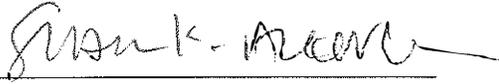
1. The modifications to Oregon Administrative Rules Chapter 860, Division 038, as set forth in Appendix A, are adopted.

⁸ CUB and RNP Comments, December 18, 2013, p. 1.

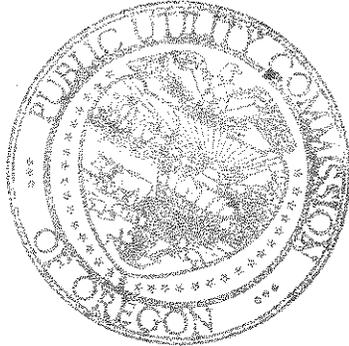
⁹ Definitions for Direct Access Regulation

2. The rule modifications become effective upon filing with the Secretary of State.

Made, entered, and effective FEB 26 2014.



Susan K. Ackerman
Chair





John Savage
Commissioner



Stephen M. Bloom
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

860-038-0005**Definitions for Direct Access Regulation**

As used in this Division:

(1) "Above-market costs of new renewable energy resources" means the portion of the net present value cost of producing power (including fixed and operating costs, delivery, overhead, and profit) from a new renewable energy resource that exceeds the market value of an equivalent quantity and distribution (across peak and off-peak periods and seasonality) of power from a nondifferentiated source, with the same term of contract.

(2) "Portfolio Options Committee" means a group appointed by the Commission, consisting of representatives from Commission Staff, the Oregon Department of Energy, and the following:

- (a) Local governments;
- (b) Electric companies;
- (c) Residential consumers;
- (d) Public or regional interest groups; and
- (e) Small nonresidential consumers.

(3) "Affiliate" means a corporation or person who has an affiliated interest, as defined in ORS 757.015, with a public utility.

(4) "Aggregate" means combining retail electricity consumers into a buying group for the purchase of electricity and related services. "Aggregator" means an entity that aggregates.

(5) "Ancillary services" means those services necessary or incidental to the transmission and delivery of electricity from resources to retail electricity consumers, including but not limited to scheduling, frequency regulation, load shaping, load following, spinning reserves, supplemental reserves, reactive power, voltage control and energy balancing services.

(6) "Commission" means the Public Utility Commission of Oregon.

(7) "Common costs" means costs that cannot be directly assigned to a particular function.

(8) "Competitive operations" means any electric company's activities involving the sale or marketing of electricity services or directly related products in an Oregon retail market. Competitive operations include, but are not limited to, the following:

- (a) Energy efficiency audits and programs;
- (b) Sales, installation, management, and maintenance of electrical equipment that is used to provide generation, transmission, and distribution related services or enhances the reliability of such services; and
- (c) Energy management services, including those services related to electricity metering and billing.

Services or products provided by the electric company as part of its electric service to its non-direct access customers within its allocated service territory, or transmission and distribution services to its direct access customers are not competitive operations.

(9) "Constructing and operating," as used in ORS 757.612(3)(b)(B), means constructing, or operating, or both.

(a) As used in ORS 757.612(3)(b)(B), "constructing" includes the following activities:

(A) Pre-development project studies, activities or costs that are related to the planned development of a new renewable energy resource that a developer or owner would reasonably expect to incur; and

(B) Activities or costs directly related to the building of a new renewable energy resource.

(b) As used in ORS 757.612(3)(b)(B), "operating" includes the activities and costs necessary for a new renewable energy resource to function and to be maintained in good working order.

(10) "Consumer-owned utility" means a municipal electric utility, a people's utility district, or an electric cooperative.

(11) "Cost-of-service consumer" means a retail electricity consumer who is eligible for a cost-of-service rate under ORS 757.603.

(12) "Default supplier" means an electric company that has a legal obligation to provide electricity services to a consumer, as determined by the Commission.

(13) "Direct access" means the ability of a retail electricity consumer to purchase electricity and certain ancillary services directly from an entity other than the distribution utility.

(14) "Direct service industrial consumer" means an end-user of electricity that obtains electricity directly from the transmission grid and not through a distribution utility.

(15) "Distribution" means the delivery of electricity to retail electricity consumers through a distribution system consisting of local area power poles, transformers, conductors, meters, substations and other equipment.

(16) "Distribution utility" means an electric utility that owns and operates a distribution system connecting the transmission grid to the retail electricity consumer.

(17) "Divestiture" means the sale of all or a portion of an electric company's ownership share of a generation asset to a third party.

(18) "Economic utility investment" means all Oregon allocated investments made by an electric company that offers direct access under ORS 757.600 to 757.667, including plants and equipment and contractual or other legal obligations, properly dedicated to generation or conservation, that were prudent at the time the obligations were assumed but the full benefits of which are no longer available to consumers as a direct result of ORS 757.600 to 757.667, absent transition credits. "Economic utility investment" does not include costs or expenses disallowed by the Commission in a prudence review or other proceeding, to the extent of such disallowance, and does not include fines or penalties authorized and imposed under state or federal law.

(19) "Electric company" means an entity engaged in the business of distributing electricity to retail electricity consumers in this state but does not include a consumer-owned utility.

(20) "Electric company operational information" means information obtained by an electric company as part of its provision of services or products, as long as such products or services are not defined as "competitive operations." Such information includes, but is not limited to, data relating to the interconnection of customers to an electric company's transmission or distribution systems; trade secrets; competitive information relating to internal processes; market analysis reports; market forecasts; and information about an electric company's transmission or distribution system, processes, operations, or plans or strategies for expansion.

(21) "Electric cooperative" means an electric cooperative corporation organized under ORS Chapter 62 or under the laws of another state if the service territory of the electric cooperative includes a portion of this state.

(22) "Electric utility" means an electric company or consumer-owned utility that is engaged in the business of distributing electricity to retail electricity consumers in this state.

(23) "Electricity" means electric energy, measured in kilowatt-hours, or electric capacity, measured in kilowatts, or both.

(24) "Electricity services" means electricity distribution, transmission, generation, or generation-related services.

(25) "Electricity service supplier" or "ESS" means a person or entity that offers to sell electricity services available pursuant to direct access to more than one retail electricity consumer. "Electricity service supplier" does not include an electric utility selling electricity to retail electricity consumers in its own service territory. An ESS can also be an aggregator.

(26) "Emergency default service" means a service option provided by an electric company to a nonresidential consumer that requires less than five business days' notice by the consumer or its electricity service supplier.

(27) "Fully distributed cost" means the cost of an electric company good or service calculated in accordance with the procedures set forth in OAR 860-038-0200.

(28) "Functional separation" means separating the costs of the electric company's business functions and recording the results within its accounting records, including allocation of common costs.

(29) "Joint marketing" means the offering (including marketing, promotion, or advertising) of retail electric services by an electric company in conjunction with its competitive operation to consumers either through contact initiated by the electric company, its Oregon affiliate, or through contact initiated by the consumer.

(30) "Large nonresidential consumer" means a nonresidential consumer whose kW demand at any point of delivery is greater than 30 kW during any two months within a prior 13-month period.

(31) "Load" means the amount of electricity delivered to or required by a retail electricity consumer at a specific point of delivery.

(32) "Local energy conservation" means conservation measures, projects, or programs that are installed or implemented within the service territory of an electric company.

(33) "Low-income weatherization" means repairs, weatherization, and installation of energy efficient appliances and fixtures for low-income residences for the purpose of enhancing energy efficiency.

(34) "Market transformation" means a lasting structural or behavioral change in the marketplace that increases the adoption of energy efficient technologies and practices.

(35) "Multi-state electric company" means an electric company that provided regulated retail electric service in a state in addition to Oregon prior to January 1, 2000.

(36) "Municipal electric utility" means an electric distribution utility owned and operated by or on behalf of a city.

~~(37) "Net system power mix" means the mix of all power generation within the state or other region less all specific purchases from generation facilities in the state or region, as determined by the Oregon Department of Energy.~~

(3837) "New" as it refers to energy conservation, market transformation, and low-income weatherization means measures, projects or programs that are installed or implemented after the date direct access is offered by an electric company.

(3938) "New renewable energy resource," as used in ORS 757.612(3)(b)(B), has the meaning provided in ORS 757.600(21) and references a specifically identified project that has, or is planned to have after construction, a nominal electric generating capacity, as defined in ORS 469.300, of 20 megawatts or less.

(4039) "Non-energy attributes" means the environmental, economic, and social benefits of generation from renewable energy facilities. These attributes are normally transacted in the form of Tradable Renewable Certificates.

(4140) "Nonresidential consumer" means a retail electricity consumer who is not a residential consumer.

(4241) "Ongoing valuation" means the process of determining transition costs or benefits for a generation asset by comparing the value of the asset output at projected market prices for a defined period to an estimate of the revenue requirement of the asset for the same time period.

(4342) "One-time administrative valuation" means the process of determining the market value of a generation asset over the life of the asset, or a period as established by the Commission, using a process other than divestiture.

(4443) "One average megawatt" means 8,760,000 kilowatt-hours (8,784,000 in a leap year) of electricity per twelve consecutive month period.

(4544) "Oregon affiliate" means an affiliate engaged in the sale or marketing of electricity services or directly related products in an Oregon retail market.

(4645) "Oregon share" means, for a multi-state electric company, an interstate allocation based upon a fixed allocation or method of allocation established in a Resource Plan or, in the case of an electric company that is not a multi-state electric company, 100 percent.

(4746) "People's utility district" has the meaning given that term in ORS 261.010.

(4847) "Portfolio" means a set of product and pricing options for electricity.

(4948) "Proprietary consumer information" means any information compiled by an electric company on a consumer in the normal course of providing electric service that makes possible the identification of any individual consumer by matching such information with the consumer's name, address, account number, type or classification of service, historical electricity usage, expected patterns of use, types of facilities used in providing service, individual contract terms and conditions, price, current charges, billing records, or any other information that the consumer has expressly requested not be disclosed. Information that is redacted or organized in such a way as to make it impossible to identify the consumer to whom the information relates does not constitute proprietary consumer information.

(5049) "Qualifying expenditures" means those expenditures for energy conservation measures that have a simple payback period of not less than one year and not more than 10 years and expenditures for the above-market costs of new renewable energy resources, provided that the Oregon Department of Energy may establish by rule a limit on the maximum above-market cost for renewable energy that is allowed as a credit.

(5150) "Registered dispute" means an unresolved issue affecting a retail electricity consumer, an ESS, or an electric company that is under investigation by the Commission's Consumer Services Section but is not the subject of a formal complaint.

(5251) "Regulated charges" means charges for services subject to the jurisdiction of the Commission.

(5352) "Regulatory assets" means assets that result from rate actions of regulatory agencies.

(5453) "Renewable energy resources" means:

(a) Electricity-generation facilities fueled by wind, waste, solar or geothermal power, or by low-emission nontoxic biomass based on solid organic fuels from wood, forest, and field residues;

(b) Dedicated energy crops available on a renewable basis;

(c) Landfill gas and digester gas; and

(d) Hydroelectric facilities located outside protected areas as defined by federal law in effect on July 23, 1999.

(5554) "Residential consumer" means a retail electricity consumer that resides at a dwelling primarily used for residential purposes. "Residential consumer" does not include retail electricity consumers in a dwelling typically used for residency periods of less than 30 days, including hotels, motels, camps, lodges, and clubs. As used in this section, "dwelling" includes but is not limited to single-family dwellings, separately metered apartments, adult foster homes, manufactured dwellings, recreational vehicles, and floating homes.

(5655) "Retail electricity consumer" means the end user of electricity for specific purposes such as heating, lighting, or operating equipment and includes all end users of electricity served through the distribution system of an electric utility on or after July 23, 1999, whether or not each end user purchases the electricity from the electric utility. For purposes of this definition, a new retail electricity consumer means a retail electricity consumer that is unaffiliated with the retail electricity consumer previously served after March 1, 2002, at the site.

(5756) "Self-directing consumer" means a retail electricity consumer that has used more than one average megawatt of electricity at any one site in the prior calendar year or an aluminum plant that averages more than 100 average megawatts of electricity use in the prior calendar year, that has received final certification from the Oregon Department of Energy for expenditures for new energy conservation or new renewable energy resources and that has notified the electric company that it will pay the public purpose charge, net of credits, directly to the electric company in accordance with the terms of the electric company's tariff regarding public purpose credits.

(5857) "Serious injury to person" has the meaning given in OAR 860-024-0050.

(5958) "Serious injury to property" has the meaning given in OAR 860-024-0050.

(6059) "Site" means:

(a) Buildings and related structures that are interconnected by facilities owned by a single retail electricity consumer and that are served through a single electric meter; or

(b) A single contiguous area of land containing buildings or other structures that are separated by not more than 1,000 feet, such that:

(A) Each building or structure included in the site is no more than 1,000 feet from at least one other building or structure in the site;

(B) Buildings and structures in the site, and land containing and connecting buildings and structures in the site, are owned by a single retail electricity consumer who is billed for electricity use at the buildings and structures; and

(C) Land shall be considered to be contiguous even if there is an intervening public or railroad right of way, provided that rights of way land on which municipal infrastructure facilities exist (such as street lighting, sewerage transmission, and roadway controls) shall not be considered contiguous.

~~(6160)~~ "Small nonresidential consumer" means a nonresidential consumer that is not a large nonresidential consumer.

~~(6261)~~ "Special contract" means a rate agreement that is justified primarily by price competition or service alternatives available to a retail electricity consumer, as authorized by the Commission under ORS 757.230.

~~(6362)~~ "Structural separation" means separating the electric company's assets by transferring assets to an affiliated interest of the electric company.

~~(6463)~~ "Total transition amount" means the sum of an electric company's transition costs and transition benefits.

~~(6564)~~ "Traditional allocation methods" means, in respect to a multi-state electric company, inter-jurisdictional cost and revenue allocation methods relied upon in such electric company's last Oregon rate proceeding completed prior to December 31, 2000.

~~(6665)~~ "Transition benefits" means the value of the below-market costs of an economic utility investment.

~~(6766)~~ "Transition charge" means a charge or fee that recovers all or a portion of an uneconomic utility investment.

~~(6867)~~ "Transition costs" means the value of the above-market costs of an uneconomic utility investment.

~~(6968)~~ "Transition credit" means a credit that returns to consumers all or a portion of the benefits from an economic utility investment.

~~(7069)~~ "Transmission grid" means the interconnected electrical system that transmits energy from generating sources to distribution systems and direct service industries.

~~(7170)~~ "Unbundling" means the process of assigning and allocating a utility's costs into functional categories.

~~(7271)~~ "Uneconomic utility investment" means all Oregon allocated investments made by an electric company that offers direct access under ORS 757.600 to 757.667, including plants and equipment and contractual or other legal obligations, properly dedicated to generation, conservation and work-force commitments, that were prudent at the time the obligations were assumed but the full costs of which are no longer recoverable as a direct result of ORS 757.600 to 757.667, absent transition charges. "Uneconomic utility investment" does not include costs or expenses disallowed by the Commission in a prudence review or other proceeding, to the extent of such disallowance and does not include fines or penalties as authorized by state or federal law.

(72) "Unspecified Market Purchase Mix" means the mix of all power generation within the state or other region less all specific purchases from generation facilities in the state or region, as determined by the Oregon Department of Energy.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

Hist.: PUC 17-2000, f. & cert. ef. 9-29-00; PUC 2-2001, f. & cert. ef. 1-5-01; PUC 21-2001(Temp), f. & cert. ef. 9-11-01 thru 3-10-02; PUC 23-2001, f. & cert. ef. 10-1-01; PUC 5-2002, f. & cert. ef. 2-8-02; PUC 11-2002, f. & cert. ef. 3-8-02; PUC 18-2002, f. & cert. ef. 10-17-02; PUC 13-2004, f. & cert. ef. 8-31-04; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 6-2006, f. & cert. ef. 5-11-06; PUC 13-2007, f. & cert. ef. 12-31-07

860-038-0300

Electric Company and Electricity Service Suppliers Labeling Requirements

(1) The purpose of this rule is to establish requirements for electric companies and electricity service suppliers to provide price, power source, and environmental impact information necessary for consumers to exercise informed choice.

(2) For each service or product it offers, an electric company must provide price, power source, and environmental impact information to all residential consumers ~~quarterly at least quarterly~~. The information must be based on the available service options. The information must be supplied consistent with the requirements using a format prescribed by the Commission. ~~An electric company must also include on every bill a URL address, if available, for a world wide web site where this information is displayed.~~ The electric company must report price information for each service or product for residential consumers as the average monthly bill and price per kilowatt-hour for monthly usage levels of 250, 500, 1,000 and 2,000 kilowatt-hours, for the available service options.

(3) An electric company and an electricity service supplier must provide price, power source and environmental impact information ~~on or with bills~~ to nonresidential consumers consistent with the requirements and frequency using a format prescribed by the Commission. ~~The electric company or electricity service supplier must provide a URL address, if available, for a world wide web site that displays the power source and environmental impact information for the products sold to consumers.~~ An electric company and an electricity service supplier must report price information for nonresidential consumers ~~on each bill~~ as follows:

(a) The price and amount due for each service or product that a nonresidential consumer is purchasing;

(b) The rates and amount of state and local taxes or fees, if any, imposed on the nonresidential consumer;

(c) The amount of any public purpose charge; and

(d) The amount of any transition charge or credit.

(4) For power supplied through its own generating resources, the electric company must report power source and environmental impact information based on the company's own generating resources, not the ~~net system power~~ unspecified market purchase mix. An electric company's own resources include company-owned resources and wholesale purchases from specific generating units, less wholesale sales from specific generating units. An electric company's own resources do not include the non-energy attributes associated with purchases under the provisions of a net metering tariff or other power production tariff unless the electric company has separately contracted for the purchase of the Tradable Renewable Certificates. For net market purchases, the electric company must report power source and environmental impact information based on the ~~net system power~~ unspecified market purchase mix. The electric company must report power

source and environmental impact information for standard offer sales based on the ~~net system power~~unspecified market purchase mix.

(5) For purposes of power source and environmental impact reporting, an electric company and an electricity service supplier~~ESS~~ should use the ~~net system power~~most recent unspecified market purchase mix ~~for the current calendar year~~ unless the electric company or electricity service supplier~~ESS~~ is able to demonstrate a different power source mix and environmental impact. An ~~ESS~~ demonstration of a different mix must be based on projections of the mix to be supplied during the current calendar year. Power source must be reported as the percentages of the total product supply including the following:

- (a) Coal;
- (b) Hydroelectricity;
- (c) Natural gas;
- (d) Nuclear; and
- (e) Other power sources~~fuels~~ including but not limited to new renewable resources, if over 1.5 percent of the total power source~~fuel~~ mix.

(6) Environmental impact must be reported for all retail electric consumers using the annual emission factors for the most recent available calendar year applied to the expected production level for each source of supply included in the electricity product. Environment impacts reported must include at least:

- (a) Carbon dioxide, measured in lbs./kWh of CO₂ emissions;
- (b) Sulfur dioxide, measured in lbs./kWh of SO₂ emissions;
- (c) Nitrogen oxides, measured in lbs./kWh of NO_x emissions; and
- (d) Mercury, measured in lbs/kWh of Hg emission~~Spent nuclear fuel measured in mg/kWh of spent fuel.~~

(7) Every bill to a direct access consumer must contain the ~~ESS~~electricity service supplier's and the electric company's toll-free number for inquiries and instructions as to those services and safety issues for which the consumer should directly contact the electric company.

(8) The ~~ESS~~electricity service supplier must provide price, power source, and environmental impact in all contracts and marketing information.

(9) The electric company must provide price, power source, and environmental impact in all standard offer marketing information.

(10) By ~~June~~September 1 ~~for the prior calendar year~~, each electric company, and each ~~ESS~~electricity service supplier making any claim other than ~~net system power~~unspecified market purchase mix, must file a reconciliation report for the prior calendar year on forms prescribed by the Commission. The report must provide a comparison of the ~~fuel~~power source mix and emissions of all of the seller's certificates, purchase or generation with the claimed ~~fuel~~power source mix and emissions of all of the seller's products and sales.

(11) Each ~~ESS~~electricity service supplier and electric company owning or operating generation facilities shall keep and report such operating data about its generation of electricity as may be specified by order of the Commission.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040 & 757.600 - 757.667

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Hist.: PUC 17-2000, f. & cert. ef. 9-29-00; PUC 7-2005, f. & cert. ef. 11-30-05; PUC 7-2009, f. & cert. ef. 6-25-09