

ORDER NO. 19-214

ENTERED Jun 20 2019

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1020

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Request to Extend the Deadline to Submit the
Portfolio Options Committee's Annual
Recommendations.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on June 18, 2019, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

Nolan Moser
Chief Administrative Law Judge

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: June 18, 2019**

REGULAR **CONSENT** **EFFECTIVE DATE** _____ **N/A**

DATE: June 10, 2019

TO: Public Utility Commission

FROM: Natascha Smith and Caroline Moore

THROUGH: Jason Eisdorfer and JP Batmale **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1020) Request to extend the deadline to submit the Portfolio Options Committee's annual recommendations.

STAFF RECOMMENDATION:

Staff recommends that the Commission extend the deadline to submit the Portfolio Options Committee's (POC) annual recommendations from July 1, 2019 until October 1, 2019, by granting a waiver of the July 1 deadline in OAR 860-038-0220(3).

DISCUSSION:

Issue

Whether the Commission should extend the deadline to submit the POC's annual recommendations from July 1, 2019 until October 1, 2019, by granting a waiver of the July 1 deadline in OAR 860-038-0220(3).

Applicable Rule or Law

ORS 757.603 requires electric utilities to provide a portfolio of rate options to residential customers (Portfolio Options). OAR Chapter 860, Division 38 outlines the provision of the Portfolio Options, including the formation of an advisory committee to make recommendations about the Portfolio Options to the Commission (the POC).¹ OAR 860-038-0220(3) requires the POC to submit recommended Portfolio Options to

¹ OAR 860-038-0005(2) specifies that the POC consist of a group appointed by the Commission that includes representatives of Commission staff, Oregon Department of Energy, electric companies, residential and small nonresidential customers, local governments, and public or regional interest groups.

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the Commission by July 1 of each year to be effective on January 1 of the following year.

OAR 860-038-0001(4) allows the Commission to waive any rule in Division 38 of its rules upon a showing of “good cause.”

Analysis

The POC was scheduled to discuss and vote on its annual recommendations to the Commission at its May 15, 2019 Public Meeting. After the vote, the POC’s recommendations were to be memorialized in a memo from the POC Chair to OPUC Staff. OPUC Staff intended to present these recommendations to the Commission at the June 18, 2019 public meeting, which is the last public meeting prior to July 1.

Despite best efforts on behalf of Staff and the POC, a host of POC member scheduling conflicts left the May 15, 2019 meeting with insufficient attendance to form the quorum necessary to approve recommendations to the Commission.² Moreover, ongoing scheduling constraints prevented Staff from rescheduling the POC public meeting in adequate time to develop and then present the POC’s recommendations to the Commission prior to July 1, 2019.

Staff supports a 90-day extension to address ongoing scheduling constraints and allow for further discussions. Staff consulted with members of the POC and finds that a 90-day extension would allow the POC enough time to develop and present its annual recommendations to the Commission at the Public Meeting on September 24, 2019, the last Public Meeting before the proposed October 1, 2019 deadline. All POC members were informed about an extension request on June 10, 2019.

Conclusion

Due to the need for additional dialog, as well as scheduling difficulties, Staff finds the Committee is unable to meet the July 1 date. Staff, in consultation with the POC, requests that the Commission provide a partial waiver of OAR 860-038-0220(3) under OAR 860-038-0001(4) and allow a deadline extension for submitting POC recommendations until October 1, 2019.

² ORS 174.130; Portfolio Options Committee, Charter §2(b) (2013).

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PROPOSED COMMISSION MOTION:

Approve a waiver of the July 1 deadline in OAR 860-038-0220(3) and extend the deadline to submit the POC's annual recommendations from July 1, 2019 until October 1, 2019.

UM 1020 – POC 2019 Recommendations Extension