

ORDER NO. 21-070

ENTERED Feb 26 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

ES 23

In the Matter of

BROOKFIELD RENEWABLE ENERGY
MARKETING US LLC

Application for authority to certified as an
Electricity Service Supplier in Oregon.

ORDER

DISPOSITION: APPLICATION GRANTED

NOTE: By issuing this order, the Commission makes no endorsement or certification regarding Applicant's rates or service.

INTRODUCTION

On September 18, 2020, Brookfield Renewable Energy Marketing US LLC (Applicant or Brookfield Renewable) filed an application for certification as a scheduling electricity service supplier (ESS) pursuant to OAR 860-038-0380. Brookfield Renewable is a Delaware limited liability corporation and intends to provide electricity service to nonresidential retail consumers in Oregon. Brookfield Renewable is a wholly-owned subsidiary of Brookfield Renewable Partners L.P., which is a publicly traded company (BEP). BEP is owned by Brookfield Asset Management Inc., which is a publicly traded company that has approximately 12,000 subsidiaries.

Brookfield Renewable does not have any direct employees; rather, Brookfield Renewable's business functions as an electricity service supplier in Oregon will be performed by affiliates of Brookfield Renewable and are employed by BEP's United States business operating unit, which itself employs 730 people across North America.

On September 21, 2020, Commission Staff served notice of the application by electronic mail to the Commission's Electric and ESS application electronic mail lists. No protests to the Application were received.

APPLICABLE LAW

ORS 757.649(1)(a) provides the Commission with authority to certify electricity service suppliers. This provision also required the Commission to adopt rules setting forth the standards for certification, which the Commission fulfilled in adopting OAR 860-038-0400 – Electricity Service Supplier Certification Requirements. Upon finding that the ESS applicant has paid the initial PUC fee required by OAR 860-038-0400(3) and that the application contains accurate, complete and satisfactory information necessary to determine that it meets the requirements to be certified as an ESS, the Commission may issue an order granting the applicant's request for certification.¹

ESSs must be certified as either a scheduling or nonscheduling provider as prescribed in OAR 860-038-0410.²

OAR 860-038-0400 (5) sets forth the information required in ESS applications, which includes information necessary for the Commission to determine the applicant's suitability for providing energy services in Oregon, including ownership and contact information, proof of authorization to do business in Oregon, and documentation demonstrating financial and technical competence.

Subsection (6) sets forth the requirement that an ESS attest to:

- (a) Furnish to consumers a toll-free number or local number that is staffed during normal business hours to enable a consumer to resolve complaints or billing disputes and a statement of the ESS's terms and conditions that detail the customer's rights and responsibilities;
- (b) Comply with all applicable laws, rules, Commission orders, and electric company tariffs;
- (c) Maintain insurance coverage, security bond, or other financial assurance commensurate with the types and numbers of consumers and loads being served, meet any other credit requirements contained in the electric company's tariffs, and cover creditors for a minimum of 90 days from the date of cancellation; and
- (d) Adequately respond to Commission information requests within 10 business days.

¹ OAR 860-038-0400(10).

² OAR 860-038-0400(2).

Subsection (7) requires the ESS, as conditions of certification, to agree to:

- (a) Enter into an agreement or agreements with each respective electric company to assign to the electric companies any federal system benefits available from the Bonneville Power Administration to the residential and small-farm customers who receive distribution from an electric company and are served by the ESS; and
- (b) Not enter into a Residential Sale and Purchase Agreement with the Bonneville Power Administration pursuant to Section 5(c) of the Pacific Northwest Power Act concerning federal system benefits available to residential and small farm customers receiving distribution from an electric company.

The applicant must comply with all other provisions as set forth in OAR 860-038-0400. Once certified, ESSs must either file annual renewal applications 30 days prior to the expiration date of its current certificate or notify the Commission that it will not be renewing its certification.³

FINDINGS OF FACT

In accordance with OAR 860-038-0400(3), Brookfield Renewable has paid the initial certification fee of \$400.

In accordance with the requirements of OAR 860-038-0400(5), Brookfield Renewable provided the following information as part of its application:

- Name of applicant, including owners, directors, partners, and officers, with a description of the work experience of key personnel in the sale, procurement, and billing of energy services or similar products;
- Name, address, and phone number of the ESS applicant's regulatory contact;
- Proof of authorization to do business in the state of Oregon;
- Dun and Bradstreet number;
- Confirmation that the applicant (including owners, directors, partners, and officers) has not violated consumer protection laws or rules in the past three years;
- Unaudited financial statements for each of the three years preceding the filing and for the interim quarters between the end of the last unaudited year and the filing date, as well as a statement explaining why audited statements are not available.
- A showing of creditworthiness through documentation of tangible assets in excess of liabilities (i.e., tangible net worth) of at least \$1,000,000 on its most recent

³ OAR 860-038-0400(13).

balance sheet and demonstration of either its own investment grade credit rating pursuant to a letter of credit issued by a bank or other financial institution, irrevocable for a period of at least 18 months;

- A showing of technical competence in energy procurement and delivery, information systems, and billing & collection;
- A showing that its financial and technical competence is consistent with the services and products it intends to offer, and the targeted customer class(es) and geographical areas;
- A statement as to whether the ESS is applying for certification as a scheduling or nonscheduling ESS and information documenting an ability to comply to the requirements of OAR 860-038-0410; and
- The authorized representative of the applicant must state that all information provided is true and correct and sign the application.

Additionally, Marco Talamo and Gene Alessandrini, on behalf of Brookfield Renewable, attested that it will:

- Furnish to consumers a toll-free number or local number that is staffed during normal business hours to enable a consumer to resolve complaints or billing disputes and a statement of the ESS's terms and conditions that detail the customer's rights and responsibilities;
- Comply with all applicable laws, rules, Commission orders, and electric company tariffs;
- Maintain insurance coverage, security bond, or other financial assurance commensurate with the types and numbers of consumers and loads being served, meet any other credit requirements contained in the electric company's tariffs, and cover creditors for a minimum of 90 days from the date of cancellation; and
- Adequately respond to Commission information requests within 10 business days.

Finally, Brookfield Renewable has agreed to:

- Enter into an agreement or agreements with each respective electric company to assign to the electric companies any federal system benefits available from the Bonneville Power Administration to the residential and small-farm customers who receive distribution from an electric company and are served by the ESS; and
- Not enter into a Residential Sale and Purchase Agreement with the Bonneville Power Administration pursuant to Section 5(c) of the Pacific Northwest Power Act concerning federal system benefits available to residential and small farm customers receiving distribution from an electric company.

The Commission has not received a protest to the application (through submission of an e-mail or letter to Staff) and more than 14 days have passed from the date of the notification for the filing of protests and the date of this order.

OPINION

The Commission finds that Brookfield Renewable has paid the initial certification fee as required by OAR 860-038-0400(3) and that the application filed contains accurate, complete and satisfactory information that demonstrates that it meets the requirements to be certified as an ESS.

CONCLUSION

Brookfield Renewable's Application should be granted.

ORDER

IT IS ORDERED that:

1. The application of Brookfield Renewable, certified as a scheduling electricity service supplier, is granted.
2. Brookfield Renewable may provide authorized services in Oregon for a period of one year from the date of this order; applications for renewal must be filed 30 days prior to the expiration date of this certificate.

Made, entered, and effective _____ Feb 26, 2021 _____.

Bryan Conway



Bryan Conway
Director
Utility Program

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 860-001-0720. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.