

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 669

In the Matter of

Rulemaking to Amend Integrated Resource
Plan Guidelines and Competitive Bidding
Rules.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

This order memorializes our decision, made and effective at our September 16, 2025 Regular Public Meeting, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Made, entered, and effective Sep 18 2025.



Letha Tawney
Chair



Les Perkins
Commissioner



Karin Power
Commissioner



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.

ITEM NO. RA1

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 16, 2025**

REGULAR X CONSENT EFFECTIVE DATE N/A

DATE: September 10, 2025

TO: Public Utility Commission

FROM: Sudeshna Pal

THROUGH: Caroline Moore and Kim Herb **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. AR 669)
Request to Issue Notice of Proposed Rulemaking

STAFF RECOMMENDATION:

Staff recommends that the Oregon Public Utility Commission (Commission) issue a notice of proposed rulemaking to consider adoption of proposed Division 90 System Planning Rules, repeal of existing OAR 860-027-0400 governing integrated resource planning, revisions to Division 89 Resource Procurement for Electric Companies' Competitive Bidding Rules (CBRs), and adoption of Division 001 Information Requests in Resource Planning and Competitive Bidding Rules.

DISCUSSION:

Issue

Whether the Commission should initiate a formal rulemaking process for the rules developed in the informal process (AR 669) following Staff's proposal for Modernization of Integrated Resource Plan (IRP) rules and revisions to Competitive Bidding Rules (CBR) following the UM 2348 process and as further directed in Docket No. UM 2371, Order No. 25-255.

Applicable Rule or Law

ORS 756.060 states:

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The Public Utility Commission may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission and may adopt and publish reasonable and proper rules to govern proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and telecommunications utilities and other parties before the commission.

Under ORS 469A.075(4)(b) and (c), the Commission was required to adopt rules “[p]roviding for the least-cost, least-risk acquisition of resources” and “[p]roviding for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity.”

Commission Order Nos. 07-002 and 07-047 adopted IRP guidelines for investor-owned utilities in Oregon. While these guidelines have been in place since 2007 and used as a standard in utility IRP evaluations, they had not been formalized into rules, other than by cross-reference in OAR 860-027-0400. The CBRs as presented in Division 89 must be followed by electric utilities while soliciting requests for proposals (RFPs) for the purpose of resource procurement.

UM 2371, Order No. 25-255 directs Staff to include in the AR 669 proposed rules changes providing for the issuance of information requests in hybrid proceedings.

Analysis

Background

The Commission opened Docket No. UM 2348 on October 7, 2024, to investigate modernization of IRP requirements for gas and electric utilities and CBRs for electric utility resource procurement. Additionally, for electric utilities subject to Oregon HB 2021, the investigation explored rules for the Clean Energy Plan (CEP). The investigation, led by Staff, engaged a broad range of participants and was motivated by the following goals:

- A. Focus IRPs on the most impactful planning questions, methodologies, and decisions.
- B. Promote public engagement around utility plans.
- C. Provide more visibility into affordability implications, community impacts, reliability risks, and economic risks associated with near-term plans.
- D. Promote flexibility, transparency, and efficient scrutiny as utilities implement their plans
- E. Improve visibility into policy compliance strategies and policy related risks.

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- F. Surface key planning and procurement information to inform future cost recovery determinations.
- G. Enable more efficient development and review of IRPs, IRP Updates, and RFPs.

The UM 2348 process concluded with Commission recognition that the concepts developed through this process were ready to be converted into rules and initiating an informal process (Docket No. AR 669). At the public meeting, the Commission identified a limited set of issues to add to the scope or refine, including incorporation of adaptive management principles in long-term resource strategy to inform acknowledgement decisions, consideration of acceptance or non-acceptance decision options for IRP Updates, narrowing of the scope of “overall cost” estimates in the IRP, clarity on analytical expectations around examining the IRP-RFP connection, transparency into and provision of utility-owned assets in RFPs, information access disparities in utility RFPs and provisions in IRP analyses to inform HB 2021 compliance costs.¹ Staff’s initial draft rule language was further revised and refined in consultation with participants through presentation of the draft rules in multiple workshops and responding to multiple rounds of stakeholder comments.

Discussion in the process has been robust, with individuals representing many stakeholders. Parties involved include the investor-owned electric and gas utilities operating in Oregon including Idaho Power Company, PacifiCorp, Portland General Electric Company (PGE), Northwest Natural (NWN), Cascade Natural Gas Corporation (Cascade), and Avista Utilities (Avista). Other groups include Renewable Northwest (RNW), Oregon Solar + Storage Industries Association (OSSIA), NW Energy Coalition (NWECC), Northwest and Intermountain Power Producers Coalition (NIPPC), Oregon Citizens’ Utility Board (CUB), Green Energy Institute at Lewis & Clark Law School (GEI), Mobilizing Climate Action Together (MCAT), Sierra Club, and 350PDX.

In addition to stakeholder involvement, the process benefitted from input from Sylvan Energy Analytics who was contracted to develop the IRP/RFP modernization concepts presented in the UM 2348 Staff proposal.

Staff and participants have worked constructively to reach consensus on many of the proposed rules, and Staff believes that this informal round has been exhaustively used to develop the final draft proposed rules in Staff’s proposal in Attachment 1. The remainder of this Staff report will summarize the proposed rules and identify key areas where participants were not able to reach alignment in the informal phase.

Proposed Division 90 (IRP and CEP) System Planning Rules Topics
 The IRP and CEP draft proposed rules cover the following categories:

¹ See Docket No. AR 669: Docket Announcement and Schedule, April 7, 2025.

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- OAR 860-090-0010 Applicability and Purpose,
- OAR 860-090-0020 Definitions,
- OAR 860-090-0030 Integrated Resource Plan Procedural Requirements,
- OAR 860-090-0040 Procedures for Public Participation,
- OAR 860-090-0050 Integrated Resource Plan Acknowledgment,
- OAR 860-090-0060 Components of the Integrated Resource Plan,
- OAR 860-090-0070 Draft Elements of the Integrated Resource Plan,
- OAR 860-090-0080 Clean Energy Plan Procedural Requirements,
- OAR 860-090-0090 Clean Energy Plan Acknowledgment,
- OAR 860-090-0100 Clean Energy Plan Components, and
- OAR 860-090-0110 Integrated Resource Plan Updates.

Proposed Division 90 Rules Primary Issues Discussed in the Informal Phase

Primary issues discussed in the informal phase included the IRP acknowledgement; IRP portfolio scoring and analysis; the use of standard information requests and access to utility IRP software; changes to the IRP update; and public participation and input. Staff discusses each issue below:

1. IRP Acknowledgement

Staff proposed rules in Attachment 1 describe the criteria for IRP acknowledgement including acknowledgment of the utility's long-term resource strategy and near-term action plan. These rules also specify various outcomes related to acknowledgement and its applicability in other dockets, for example, utility rate cases. Staff also proposes rules that eliminate the ability to seek acknowledgement without full IRP analysis to ensure IRP Updates are treated as informational status updates.

The rules on IRP Acknowledgement have been proposed after consideration of stakeholder comments on topics including:

- Interpretation and applicability of Commission acknowledgment of an IRP or CEP.
- Acknowledgment timeline and specific circumstances in which the Commission may require the utility to file a revised or new IRP.

Staff proposes language that confirms that acknowledgement "may" be considered in future rate making decisions. Utilities propose strengthening the language to "will". The IRP's relevance for cost recovery is unchanged from the current approach, and the draft language is formulated to allow for the possibility that an IRP might not be relevant, such as if underlying circumstances have changed significantly since the

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acknowledgment decision. Staff's proposal is consistent with current guidelines and Commission orders discussing acknowledgment.²

While Staff believes best efforts should be put toward an efficient IRP review process, Staff did not set a firm timeline for the Commission to issue an acknowledgment decision. IRP review is inherently iterative and there are multiple recent examples of conditions changing meaningfully in the course of an IRP docket. Staff is not proposing to bind the Commission at this time but is happy to discuss a binding timeline in the formal rulemaking phase if the Commission makes this request. Similarly, if an IRP Update demonstrates that the prior IRP's analysis is no longer relevant, it may be appropriate to accelerate the filing date of the next IRP or otherwise adjust planning approaches.

2. Portfolio Scoring and Analysis

Staff's proposed draft rules in Attachment 1 require utilities to report several scoring metrics to compare resource portfolios based on long-term costs, near-term impacts on customer affordability, economic risk, reliability risk, community impacts and emissions. Parties expressed concerns including the following:

- The usefulness of reporting near-term cost metrics.
- Difficulty of estimating community impacts for proxy resources in electric utility IRPs including identification of communities.
- Whether utilities not subject to HB 2021 should have to estimate community impacts.
- Proposed system-wide optimization requirements for multi-state utilities.
- Cumbersome nature of conducting reliability analysis for all portfolios.

Traditionally IRPs have relied on a long-term cost metric (net present value of revenue requirement or NPVRR) to compare the costs and risks of different resource portfolios that would result under different sets of assumptions. Given the changing technology and procurement landscape, evolving policy priorities, and increasing levels of uncertainty, a narrow set of additional metrics are needed for portfolio comparison to continue to generate insights that will be useful in understanding today's core resource strategy questions. Staff sees these metrics as key in achieving its goal *to provide more visibility into affordability implications, community impacts, reliability risks, and economic risks associated with near-term plans.*

² See Order No. 07-002 at 24. "Consistency with the plan may be evidence in support of favorable rate-making treatment of the action, although it is not a guarantee of favorable treatment. Similarly, inconsistency with the plan will not necessarily lead to unfavorable rate-making treatment, although the utility will need to explain and justify why it took an action inconsistent with the plan."

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Staff's approach to near-term cost metrics is a major remaining point of concern from utility stakeholders. The value proposition of portfolio comparison is changing due to policy, market, and technology conditions. Portfolio analysis is less focused on identifying whether there is a need and a specific resource to meet that need and more focused on exploring questions about pacing or understanding the trade-offs of waiting for emerging technology or changing technology costs. Therefore, Staff is proposing to require a near-term cost metric to facilitate meaningful exploration of pacing and tradeoffs questions. Staff notes that both PGE and PacifiCorp have had to report annual cost metrics in their past Clean Energy Plan data template filings. Staff believes there is value in having visibility into near-term affordability and proposes to include this requirement in the IRP rules.

Utilities also expressed concerns with Staff's proposal for the near-term cost to include comprehensive estimated annual costs allocated to Oregon customers, rather than focus on resource related costs. Utilities note the inaccuracy and administrative complexity of estimating all-in costs and question the value it provides in portfolio comparison. The Commission discussed this issue when moving the UM 2348 proposal to the rulemaking stage. The Commission recognized that there is value in considering a more comprehensive metric and flagged this for further refinement in the informal rulemaking.³ Staff revised its original concept to offer more flexibility in implementation by utilities. Staff recognizes that this approach still requires an approximation—as does all IRP analysis. Staff's proposed rules specify that this value is for use in IRP/CEP review only to reenforce the approximate nature. Staff maintains that the all-in cost approach will help surface information about near-term rate shocks and affordability. For example, questions of pacing and reliance on future technology should be informed by an indication that the utility is also planning significant distribution system investments.

Finally, utilities question Staff's proposal for the near-term cost metric to contemplate resource ownership structure. Staff does not believe that it is more reasonable to assume all resources will be procured through offtake agreements. The trade-offs of near and long-term cost and risks requires exploration of the impact of resource ownership or offtake agreements, and Staff has provided more clarity about potential modeling approaches: One option is to use the annual fixed costs from the utility's revenue requirement model (which start high and decrease over the life of the project) to approximate a utility-owned project and the equivalent annualized costs spread out over the project life to approximate an equivalent offtake agreement. For electric utilities, ownership structure may also factor into how the utility accounts for curtailment-related costs (whether any lost PTCs are experienced in the year when the curtailment occurs or just increase the equivalent PPA price paid in all years).

³ See Docket No. AR 669: Docket Announcement and Schedule, April 7, 2025, and Oregon PUC Special Public Meeting, March 20, 2025, at 1hr.29min.

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Utilities also continue to raise questions about the intent and expected impact of using community benefits indicators (CBIs) in portfolio scoring. Further, some utilities suggest that CBI requirements should be limited to utilities with HB 2021 compliance obligations. Staff recognizes that there is an increasing number of use cases for metrics in utility regulation, including ratemaking, monitoring customer energy burden, or measuring distributional equity of customer offerings. In the IRP, Staff is specifically focused on the use of CBIs to allow for meaningful comparison of resource strategies and portfolios. While community engagement may surface a wide range of priorities for the use of metrics that utilities should act on in appropriate venues, Staff expects utilities to identify a narrower set of CBIs for use in balancing tradeoffs of different resource strategies in the IRP and/or CEP. For example, Staff could envision CBIs that help answer high-priority questions about technology choices or demand-side management resource targets by considering impacts on human health, native fish populations, or local resilience for Oregon customers. Staff expects utilities to start simple and add complexity over time as approaches mature. Staff also anticipates that the Commission may request for CBIs in providing utility-specific guidance with IRP acknowledgement.

Staff sought to limit new additions to the scope adopted in UM 2348 but adopted a stakeholder proposal to require multi-state utilities to perform a system-wide optimization analysis, as is currently implied in IRP guideline 10.⁴ This proposal addresses an important and time sensitive issue identified in PacifiCorp's 2025 IRP review process.⁵ While the impetus for this late addition was multi-jurisdictional electric utilities, Staff does not believe this would be a departure from current gas system planning practices. Staff is happy to engage in discussion about how it should be applied to gas utilities in the formal rulemaking to strike a balance between administrative simplicity and surfacing meaningful IRP review.

3. Standard Information Requests and Utility Software Access

The proposed rules require utilities when filing an IRP or IRP Update, to confirm they have submitted information requested through a set of standard information requests (SIR). The rules also call for publication of non-confidential data used in the IRP and IRP Updates on the utility's IRP webpage. Main concerns around information sharing include:

- Lack of clarity on the content of the SIRs, and
- Cost and logistics of software license sharing.

Staff understands that SIRs will be developed in a subsequent venue. Staff believes that a streamlined set of SIRs will improve the efficiency of the information request

⁴ See Order No. 07-002 at 20.

⁵ Docket No. LC 85, PacifiCorp 2025 Integrated Resource Plan, Staff's Opening Comments at 10-16.

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process in IRP proceedings. Staff believes that a requirement to respond to SIRs would achieve this goal, although the draft information request rule (OAR 860-001-0205) included in Attachment 1 and authorizing the exchange of information requests during review of a filed IRP would still be needed to support the filing of informed comments.

With respect to stakeholder comments requesting that utilities be required to provide access to modeling software, Staff believes that the database underlying model runs will be available via the information request rules proposed as part of this rulemaking. Staff considers logistics and cost issues related to parties' access to utility modeling software to be outside the scope of the rulemaking docket.

4. IRP Update

Staff's proposed rules require that utilities use a template for the IRP Update, which is to be an informational update on the progress on its action plan and resource needs. Staff considered comments on issues including:

- Basis for IRP Update acceptance compared to previous standard of IRP Update acknowledgment if requested by the utility.

Staff envisions the IRP Update as an informational filing to keep stakeholders and the Commission up to date on the status of IRP implementation and evolving utility resource needs. If there are little to no actionable changes or high-level concerns, the IRP Update would still be a check point to provide that information. Currently, utilities can choose whether to seek acknowledgment of an IRP Update. While the utilities advocate for retaining this discretion under the new construct, the Commission indicated at the March 20, 2025, UM 2348 Special Public Meeting that it supports having a provision in the rules that would allow the Commission to issue a decision on "acceptance" of an IRP Update. The draft rule allows the Commission to do so.

5. Public Participation and Input

Staff's draft proposed rules require utilities to conduct robust public participation and provide a record of public input that is readily accessible in the IRP filings and use appropriate references to such input throughout its IRP. The goal is to hold utilities accountable for using the public input received in developing the different elements of the utility's plan. A few concerns considered in the informal phase were:

- Unduly burdensome requirements added to an already robust process, and
- Need to include rules to require "open participation" in the IRP and CEP public input processes.

Staff's draft proposed rules limit the mechanisms by which public input is received so it does not become overly burdensome for utilities to keep a record of all inputs received

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during the IRP development process. Staff's final draft rules require that utilities conduct meetings that are open to the public.

Summary of Proposed Revisions to Division 89 (Competitive Bidding) Rules

The proposed revisions cover the following topics:

- OAR 860-089-0020: Definitions,
- OAR 860-089-0200: Engaging an Independent Evaluator,
- OAR 860-089-0250: Design of Request for Proposals,
- OAR 860-089-0300: Resource Ownership,
- OAR 860-089-0350: Benchmark Resource Score,
- OAR 860-089-0400: Bid Scoring and Evaluation by Electric Company,
- OAR 860-089-0450: Independent Evaluator (IE) Duties,
- OAR 860-089-0475: Selection of the Initial Shortlist and Final Shortlist, and
- OAR 860-089-0500: Final Shortlist Acknowledgement and Result Publication.

Proposed Division 89 Rules Primary Issues Discussed in the Informal Phase

The primary issues discussed in the informal phase include the use of RFP scoring on IRP proxy resources, disclosure of utility employee information, provision of rate-payer-funded utility resources to third party developers, the selection and role of the IE, and selection of initial and final shortlists of projects.

6. RFP Scoring for IRP Proxy Resources

According to proposed changes, the electric utilities would be required to use a scoring methodology that can be applied to produce a price score for all proxy resources that were eligible for selection in the most-recently-filed IRP. While there was support from several stakeholders on this rule, Staff considered concerns from utilities regarding the practicability and purpose of this exercise in drafting OAR 860-089-0250(3)(g). Staff believes that compliance with this amendment is feasible. It remains important to understand how RFP price scoring works in practice to assess whether the methodology is reasonable and the draft RFP should be approved by the Commission. Demonstrating price scoring with proxy resources is the easiest and most transparent way to do so. Proxy price scores should be broadly indicative of resources that would perform well in a portfolio. Otherwise, a price score is not a useful metric for identifying resources that can result in a least-cost procurement outcome. This requirement can also generate information regarding the discrepancies between resource cost assumptions in planning and the actual costs obtained in the plan implementation phase. It therefore provides a stronger understanding of the extent to which the actual impacts of utility resource actions on customers could be different from what was estimated in the plan and provide lessons for future IRPs.

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7. Unequal Access to Information

Stakeholders have raised concerns around third party developers being at a disadvantage due to unequal access to RFP-related information from electric companies that are available to company employees engaged in development of bids. While current competitive bidding rules address this issue to some extent, Staff's proposed rule amendments require employee screening for a longer period to better ensure the competitiveness of the RFP.

8. Disclosure of employee information

The draft rules also include a filing requirement for disclosure of employee roles with respect to development or submission of a benchmark or affiliate bid. Utilities raised concerns about the privacy of such employees and the necessity of such requirements. Staff considered factors like resource constraints within the electric companies, employee privacy, and time limits for which employee data should be made available in draft OAR 860-089-0300(1)(b). Staff believes the existing procedures in OAR Chapter 860, Division 001 for the protection of information exempt from public disclosure and the use of protective orders, as appropriate, are sufficient to protect the interests of those subject to disclosure under the draft rule.

9. Utility resource availability for Third-party bidders

Staff's draft proposed rules address utility resource availability, including rate-payer funded resource elements that are available to benchmark bids and more generally utility transmission rights for third party developers. Staff considered various stakeholders' comments on the value of having specific utility-owned assets available to RFP bidders as well as utility concerns around feasibility of such resource sharing in OAR 860-089-0300(3)-(4). While a number of stakeholders support a requirement that certain utility resources be made available to bidders, the utilities raised a number of concerns. Staff's proposed changes require evaluation of this issue at several stages of the RFP, rather than simply in the IE's closing report under the current rule, and add transmission rights to the resources that must be evaluated by the electric utility.

10. Selection and Role of the IE

The RFP process uses an IE for independent review and monitoring of the RFP design and selection of bids and contracts. The IE is hired by the utility following a stakeholder-informed IE selection process. The IE typically works closely with Staff during the RFP evaluation process, and Staff believes the draft rules will clarify the IE's role and enhance the value of the services provided by the IE. Staff's draft proposed changes to the current CBRs aim for RFP process streamlining for the engagement of an IE previously authorized by the Commission and a somewhat expanded role for the IE. The draft rules propose four additional reports by the IE, three of which are summary reports, which may be quite short. Staff considered concerns around cost increases and

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feasibility around the increased role of the IE as well as the need for greater IE oversight and reporting expressed by various parties in recommending amendments to the rules in OAR 860-089-0200 and OAR 860-089-0450. Staff's recommended changes are also informed by Staff's experience in a number of recent RFPs. With respect to contract monitoring, in particular, Staff notes that the current rule allows the Commission to direct the IE to monitor contract negotiations in a particular RFP, while the proposed changes require monitoring, but allow the Commission to direct otherwise.

11. Initial and Final Shortlist Selection and Utility Reporting

Staff's draft in Attachment 1 proposes a new rule, OAR 860-089-0475, addressing the minimum process for identification of an initial shortlist and selection of a final shortlist, and allowing for comments as well as testing of additional or different portfolios requested by Staff or the IE. Staff's draft proposed rules aim to strike a balance between concerns around the need for greater transparency and the pace of the RFP process. Some utilities have expressed concern that this rule imposes additional time constraints and process for conducting their RFP. Staff believes the provisions of the rule concerning the initial shortlist should capture what is already occurring, without significant additional process. And the timeframe in the draft rule is likely to align with the time it takes an electric company to identify the initial shortlist, perform the necessary analysis to select a final shortlist, and prepare a request for acknowledgment for filing with the Commission.

Proposed Division 001 Rules Primary Issues Discussed in the Informal Phase

Following Commission direction in Order No. 25-255, Staff shared draft rule changes providing for the issuance of information requests in hybrid proceedings, to be added to OAR Chapter 860, Division 001. Staff proposes a new rule for this purpose, OAR 860-001-0250, and a minor amendment to the rule for protective orders. The issues raised include use of standards for assessing information requests and disputes and setting timelines for discovery information exchange.

12. Information Requests in Hybrid Proceedings

Staff's proposed changes do not grant participants in a hybrid proceeding "party" status but allow for the application of protective orders. These changes were discussed at the August 6, 2025, workshop with stakeholders. These rules were largely supported by parties, with concerns around:

- Standard for assessing requests and for resolving disputes, and
- Time limits on discovery information exchange.

Staff has retained the standard 14-day response time, though the requestor and recipient may agree to a different timeline. With respect to the standard for making a

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request, and how disputes may be resolved, Staff notes that the draft rules borrow elements from the contested case discovery rules, but the hybrid proceedings are not contested cases and the rules are not identical. Hybrid proceedings differ in that there are no parties with substantive or procedural rights comparable to a contested case proceeding nor is there an evidentiary record. Additional proceedings will occur before any resource costs are included in customer rates. At the same time, the Commission has broad authority to obtain information from regulated entities under ORS 756.070, ORS 756.090, and ORS 756.105. Therefore, Staff does not find it helpful to compare the standard in the draft rule changes to the standard for discovery in contested cases. Staff proposes the rule changes, as set forth in Attachment 1, be included in the Notice of Proposed Rulemaking.

Conclusion

Staff is grateful for the collective work of the participants in this docket for their time and invaluable input both via written comments and conversations that helped reach consensus in drafting majority of these rules. This has been a collaborative effort with Staff, utilities, and several other stakeholder groups making compromises and adjustments along the way. Staff hopes that the rulemaking process will result in the adoption of a set of rules that achieve the modernization goals in both IRPs and RFPs, including process efficiency gains, prioritization of impactful questions, meaningful implementation of state and federal energy policies, and improved transparency and accountability of resource planning and procurement processes.

PROPOSED COMMISSION MOTION:

Issue a notice of proposed rulemaking to consider adoption of Division 90 System Planning Rules, revisions to Division 89 Competitive Bidding Rules and Division 001 Information Request for Resource Planning and Competitive Bidding Rules, and repeal of OAR 860-027-0400, as provided in Attachment 1.

The following draft administrative rules have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.



Attachment 1

Public Utility Commission

Chapter 860

860-001-0205

Information Requests in Resource Planning and Competitive Bidding

(1) This rule applies to proceedings before the Commission that concern the review of an Integrated Resource Plan (IRP), an IRP Update and a Clean Energy Plan as those terms are defined in OAR 860-090-0020, and a resource acquisition that is subject to the Commission's competitive bidding rules in OAR Chapter 860, Division 89.

(2) For purposes of this rule, "energy utility" has the same meaning as provided in OAR 860-090-0020.

(3) Any person who meets the requirements of this rule may request information that is commensurate with the need to provide relevant comment on a pending filing subject to this rule, and that is also commensurate with the resources available to the requester and the recipient and the importance of the issues to which the request relates.

(a) To request information under this section, a person, other than the energy utility that made the filing initiating a proceeding under this rule, must first intervene as a party in the proceeding for limited procedural purposes. Intervention is not necessary to otherwise participate in the proceeding, including for activities such as attending a workshop, submitting written comments or providing oral comments to the Commission at a public meeting. Commission Staff may request information without intervening.

(A) An interested person may intervene as a party for limited procedural purposes in a proceeding subject to this rule by following the procedures outlined in this Division for petitions to intervene in contested case proceedings.

(B) The assigned administrative law judge may grant a petition to intervene for limited procedural purposes only. Limited procedural intervenor (LPI) status allows that person to be placed on the service list and to request information as provided in this rule. A person with LPI status may also be eligible to sign a protective order issued by the administrative law judge and access confidential information related to the utility's filing. Limited procedural intervenor

The following draft administrative rules have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

status granted under this rule does not confer the general rights and duties of individuals who participate in contested case proceedings.

(b) Commission Staff, an energy utility that made the filing initiating a proceeding under this rule, and any person holding LPI status may submit information requests to one another in the form of either written interrogatories or requests for the production of documents. A requester must serve the request on the energy utility, Commission Staff and any person holding LPI status in the proceedings. For nonconfidential requests, service may be made by electronic mail or by electronic mail notification of upload to a designated shared workspace for information requests and responses. If the request contains confidential information, then a complete copy must be served on those eligible to receive confidential information under the terms of a protective order and a redacted copy to all others. The complete confidential copy must be served using the means identified in the protective order. Nonconfidential responses submitted to Commission Staff must be sent to PUC.Datarequests@puc.oregon.gov. If a designated shared workspace is being used for requests and responses, the notification of uploaded information requests and responses must be sent to PUC.Datarequests@puc.oregon.gov.

(c) Information requests that are unreasonably cumulative, duplicative, burdensome, or overly broad are not allowed. Instructions and definitions included in information requests must be consistent with the rules of the Commission under OAR Chapter 860 and ORS Chapters 469A, 756, 757 and 758.

(4) Commission Staff, the energy utility, and any person holding LPI status who receives an information request must answer the information request within 14 days from the date of service, except as may otherwise be agreed to by the requester. Each request must be answered fully and separately in writing or by production of documents, or objected to in writing.

(a) Privileged material is not required to be disclosed except when disclosure is consistent with the Oregon Evidence Code, ORS 40.225 to 40.295.

(b) Commission Staff, the energy utility, and any person holding LPI status will not be required to develop information or prepare a study in response to an information request, unless the capability to prepare the study is possessed uniquely by the entity receiving the request, the request is not unduly burdensome, and the information sought has a high degree of relevance to the issues in the proceeding.

The following draft administrative rules have been prepared as a working draft for purposes of discussion. These rules have not been approved for publication or for any other use by Staff or the Public Utility Commission of Oregon. A notice of proposed rulemaking has not been issued on this subject.

(c) Commission Staff, the energy utility, and any person holding LPI status answering an information request must provide a response or an electronic mail notification of upload to a designated shared workspace to the requester and to Commission Staff, the energy utility and all persons with LPI status that filed a written request for a copy of the response. A person holding LPI status must agree to be bound by the applicable protective order to be eligible to receive a response containing confidential information.

(5) Information requesters and the recipients of information requests must make every effort to engage in the cooperative exchange of information and to resolve disputes themselves. If an energy utility receives an information request that is likely to lead to a dispute, then the energy utility must inform the requester of the dispute as soon as practicable and attempt to resolve it informally.

(6) If the information requester and the recipient of the request are unable to resolve a dispute informally, then either may request that the ALJ assigned to the docket conduct a conference to facilitate the resolution of the dispute. A requester must identify for the ALJ the specific information sought and describe the efforts of those involved to resolve the dispute informally.

(7) A requester may file a motion with the Commission to compel a response to its request, seeking an order directing the receiving entity to respond to an information request. The motion must contain a certification that the requester has conferred with the recipient but has been unable to resolve the dispute. Motions under this rule are subject to the same requirements for motions in a contested case under OAR 860-001-0420.

(8) An assertion that information responsive to an information request is confidential may not be used to delay the request process. However, a request recipient will not be required to provide responsive information that it claims is inadequately protected until such time as its claim for the need for a general protective order or a modified protective order is resolved. If the recipient believes that a response to a request involves confidential information that is inadequately protected by the safeguards existing in the docket, the recipient must notify the requester of this belief as soon as practicable and, if appropriate, promptly move for an appropriate protective order under OAR 860-001-0080.

(9) Except when requested by the Commission or ALJ, or when seeking resolution of a dispute under these rules, information requests are not filed with the Filing Center or provided to the ALJ.

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(10) A person holding LPI status may submit information requests and the answers to those requests when commenting on a filing. Any objection to substance or form of a request or answer must be attached with specific reference and grounds.

(11) Upon a motion by a requester or the recipient, or their own motion, the assigned ALJ may impose sanctions for the failure or refusal to comply with an oral or written ruling resolving a dispute under this rule. The ALJ may impose sanctions including withdraw of approval of a petition to intervene or striking of a filing in the docket.

860-001-0080

Protective Orders

(1) Protective Orders. The Commission's protective orders govern the access and use of protected information in Commission proceedings. The purpose of a protective order is to allow parties, **including any party that is a limited procedural intervenor and any utility making the filing initiating a proceeding under OAR 860-001-0205**, the ability to review protected information while ensuring that it is not disclosed publicly. A general protective order sets forth the processes for a person to become qualified to access protected information, to designate and handle protected information, and to challenge the designation of protected information. For good cause shown, a modified protective order may include specialized restrictions on access to certain highly protected information.

(2) General Protective Order. A party may file a motion for a general protective order when it expects a filing or discovery will involve information that falls within the scope of ORCP 36(C)(1). The general protective order, as adopted by the Commission, is available on the Commission's website and by request from the Administrative Hearings Division.

(a) The motion for a general protective order must be made in writing unless otherwise allowed by the Commission or ALJ consistent with OAR 860-001-0420(1).

(b) An ALJ may issue a general protective order immediately upon receipt of the motion to facilitate filing of protected information and discovery. Pending the ALJ's issuance of a general protective order, the information at issue need not be released.

(c) The general protective order sets forth the processes for parties to dispute a proposed signatory to a protective order or to challenge the designation of specific information as protected.

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(3) Modified Protective Order. A party may file a motion under OAR 860-001-0420 for a modified protective order that provides additional protection beyond that provided by the general protective order. A modified protective order may also combine the terms of the general protective order with special provisions for highly protected information, if a party seeks to have one consolidated protective order. A modified protective order provides that certain information is designated as highly protected information. A modified protective order may limit the persons that may access the highly protected information, or designate the time or place or special handling for highly protected information. A modified protective order may also require signatories to make a more specific certification that they have a legitimate and non-competitive need for the designated information and not simply a general interest in the proceeding, and that they intend to be actively involved in the docket by filing written materials and participating in proceedings.

(a) The motion for a modified protective order must be made in writing unless otherwise allowed by the Commission or ALJ consistent with OAR 860-001-0420(1). The motion must include:

(A) The parties and the exact nature of the information involved;

(B) The legal basis for the claim that the information is protected under ORCP 36(C)(1) or the Public Records Law;

(C) The exact nature of the relief requested;

(D) The specific reasons the requested relief is necessary;

(E) A detailed description of the intermediate measures, including selected redaction, explored by the parties and why these measures are insufficient;

(F) A certification that the requesting party conferred with the other parties regarding the request for a modified protective order indicating whether the parties support the motion; and

(G) A draft of the requested modified protective order.

(b) If the motion is being filed prior to parties being identified, the Filing Center will serve the motion to the generic industry list.

(c) The ALJ will provide expedited review of any motion for modified protective order and may issue a modified protective order within 3 business days to facilitate filing of protected

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information and discovery. Pending the ALJ's issuance of a modified protective order, the information at issue need not be released.

(d) As a substantive motion, any response to a motion for a modified protective order regarding the terms of the modified protective order must be filed within 15 days of filing of the motion, and the moving party may file a reply within 7 days, consistent with OAR 860-001-0420(4) and (5). A modified protective order will set forth separate processes for parties to dispute a proposed signatory to the protective order, or to challenge the designation of information as protected or highly protected.

(e) When a response is filed to the motion for modified protective order, the ALJ will conduct a *de novo* review of the terms of the modified protective order. The ALJ will issue a ruling explaining the ALJ's determination. If the ALJ's determination requires changes to the terms of the modified protective order previously issued, the ALJ will issue an amended modified protective order, explaining if signatory pages need to be refiled.

(f) Under OAR 860-001-0110, a party may request that the ALJ certify to the Commission the determination resulting from the *de novo* review. A party must make this certification request within 15 days of the date of service of the applicable ALJ's decision.

(g) If a modified protective order requires signatories to certify active participation in the proceeding,

(A) A certifying party may decertify itself as eligible to receive information under the modified protective order; or

(B) A certifying party may be decertified as eligible to receive information under the modified protective order after a motion by another party or the ALJ's own motion for failing to fully participate in the proceeding. A certifying party who is the subject of a motion to decertify may file a response within 15 days of the motion to decertify. .

(4) A party alleging that the terms of a protective order have been violated may file a complaint under ORS 756.500, or the Commission may, on the Commission's own initiative, file such complaint. Any person that fails to comply with the terms of a protective order may be subject to sanctions. Depending upon the severity of the violation, the Commission may impose any sanction it deems appropriate, up to and including:

(a) Issuing a public reprimand;

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- (b) Expelling the person or associated party from the proceeding in which the protective order was violated;
- (c) Prohibiting the person or associated party from appearing in future proceedings;
- (d) Imposing penalties under ORS 756.990(2)(c); or
- (e) Reporting any attorney that violated the protective order to the bar association in all states where the attorney is admitted to practice law.

[Public Utility Commission](#)

[Chapter 860](#)

Division 89

RESOURCE PROCUREMENT FOR ELECTRIC COMPANIES

Draft Proposed Amendments

860-089-0020

Definitions

For purposes of this Division, unless the context requires otherwise:

- (1) "Benchmark resource" is a resource identified in an electric company's response to its own request for proposals.
- (2) "Commission-acknowledged IRP" means an IRP for which the Commission has acknowledged the electric company's action item to procure the resource subject to the rules in this division.
- (3) "Electric company" has the meaning given that term in ORS 757.600.
- (4) "Independent evaluator" or "IE" refers to a person engaged by an electric company to oversee an RFP process under the rules in this division, and who also reports directly to the Commission during that process. ~~The IE must be independent of the utility and bidders, and also be experienced and competent to perform all IE functions identified in these Division 089 rules.~~
- (5) "Integrated resource plan" or "IRP" has the meaning given that term in OAR 860-027-0400 ~~090-0020~~. **090-0020.**
- (6) "IRP Update" means an update to an ~~acknowledged~~ IRP that is filed in accordance with OAR 860-027-0400 ~~(9) 090-0110~~. **090-0110.**

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(7) “Qualifying facility” refers to qualifying facilities under 16 USC § 796(17) and (18) (2012) and ORS 758.505(8).

(8) “Request for proposals” or “RFP” means all documents, whether attached or incorporated by reference, used for soliciting proposals from prospective bidders.

(9) “Resource acquisition” refers to a process for the purpose of acquiring energy, capacity, or storage resources that starts with an electric company’s:

(a) Circulation of a final or draft RFP to third parties; or

(b) Communication of a final offer or receipt of a final offer in a two-party negotiation.

860-089-0200

Engaging an Independent Evaluator

(1) Prior to issuing an RFP, an electric company must engage the services of an IE to oversee the competitive bidding process. **The IE must be independent of the utility and bidders, and also be experienced and competent to perform all IE functions identified in these Division 089 rules.**

(2) When an electric company’s engagement of a specific IE has not been previously authorized under section (5) below, the electric company must notify all parties to the electric company’s most recent general rate case, RFP, and IRP dockets of its need for an IE, and solicit input from these parties and interested persons regarding potential IE candidates.

~~(2)~~ The electric company must **then** file a request for Commission approval to engage an IE, **along with a proposed scope of work.** The Commission Staff will review the request and recommend an IE to the Commission based in part on the consideration of:

(a) Input received from the electric company and **from** interested, ~~non-bidding~~ parties **that are not potential bidders;**

(b) Review of the degree to which the IE is independent of the electric company and potential bidders;

(c) The degree to which the cost of the services to be provided is reasonable;

(d) The experience and competence of the IE; and

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(e) The public interest.

(3) The electric company is responsible for engaging the services of the IE and is responsible for all fees and expenses associated with engaging the IE's services. The electric company may request recovery of fees and expenses associated with engaging an IE in customer rates.

(4) **Commission Staff may recommend changes to the proposed scope of work submitted under section (2) of this rule.** The electric company's contract with the IE must require that the IE fulfills its duties under these rules, **include any changes to the scope of work as directed by the Commission,** and **require** that the IE **report directly to the Commission as well as to the electric company during the RFP process and** confers as necessary with the Commission and Commission Staff on the IE's duties.

(5) **When the IE has completed its services regarding the RFP, the Commission may request feedback from interested parties regarding the IE's performance. The Commission may authorize an electric company to engage the same IE for the electric company's next resource acquisition that is subject to the rules in this Division, and identify the minimum scope of work for which the electric company must engage the same IE.**

860-089-0250

Design of Requests for Proposals

(1) For each resource acquisition, the electric company must prepare a draft request for proposals for review and approval ~~with~~ **by** the Commission, and provide copies of the draft to all parties to the IE selection docket. Prior to filing the draft RFP with the Commission, the electric company must consult with the IE in preparing the RFP and must conduct bidder and stakeholder workshops.

(2) The draft RFP must reflect any RFP elements, scoring methodology, and associated modeling described in the **most recently filed Commission-acknowledged IRP or IRP Update when applicable.** ~~The electric company's draft RFP must reference and adhere to the specific section of the IRP in which RFP design and scoring is described. (a) Unless the electric company intends to use an RFP whose design, scoring methodology, and associated modeling process were included as part of the Commission-acknowledged IRP, the electric company must, prior to preparing a draft RFP, develop and file for approval in the electric company's IE selection docket, a proposal for scoring and any associated modeling. (a) In preparing its proposal, the electric~~

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company must consider resource diversity (*e.g.* with respect to technology, fuel type, resource size, and resource duration).

(3) At a minimum, the draft RFP must include:

(a) Any minimum bidder requirements for credit and capability;

(b) Standard form contracts to be used in acquisition of resources;

(c) Bid evaluation and scoring criteria that are consistent with section (2) of this rule and with OAR 860-089-0400;

(d) Language to allow bidders to negotiate mutually agreeable final contract terms that are different from the standard form contracts;

(e) Description of how the electric company will share information about bid scores, including what information about the bid scores and bid ranking may be provided to bidders and when and how it will be provided;

(f) Bid evaluation and scoring criteria for selection of the initial shortlist of bidders and for selection of the final shortlist of bidders consistent with the requirements of OAR 860-089-0400;

(g) Use a scoring methodology that can be applied to produce a price score for all proxy resources that were eligible for selection in the most recently-filed IRP;

(gh) The alignment of the electric company's resource need addressed by the RFP with an identified need in the most recently filed IRP, IRP Update or, based on a showing of good cause, a subsequently identified need based on a change in circumstances~~in an acknowledged IRP or subsequently identified need or change in circumstances with good cause shown; and~~

(i) Identification of and an explanation for any changes in the draft RFP as compared to any prior RFP issued by the electric company for similar types of resources within the past three years; and

(hj) The impact of any applicable multi-state regulation on RFP development, including the requirements imposed by other states for the RFP process; and.

(4) An electric company may set a minimum resource size in the draft RFP, but it must allow qualifying facilities that exceed the eligibility cap for standard avoided cost pricing to participate as bidders.

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(5) The Commission may approve the RFP with any conditions it deems necessary, upon a finding that the electric company has complied with the provisions of these rules and that the draft RFP will result in a fair and competitive bidding process.

(6) The Commission will generally issue a decision approving or disapproving the draft RFP within 80 days after the draft RFP is filed. An electric company may request an alternative review period when it files the draft RFP for approval including a request for expedited review upon a showing of good cause. Any person may request an extension of the review period of up to 30 days upon a showing of good cause.

860-089-0300

Resource Ownership

(1) An electric company may submit or allow its affiliates to submit bids in response to the electric company's request for proposals.

(a) Electric company and affiliate bids must be treated in the same manner as other bids.

(b) Any individual who participates **or has participated** in the development of ~~the~~**a** RFP or the evaluation or scoring of bids on behalf of the electric company **within the past three years** may not participate in the preparation of an electric company or affiliate bid and must be screened from that process.

(A) With the filing of a draft RFP for approval under OAR 860-089-0250, the electric company must disclose the current and past roles within the past five years of all company employees engaged with development or submission of a benchmark or affiliate bid and whether or not each employee had or has access to information that was not available to interested persons either generally or under the terms of a protective order in any prior RFP or IRP filed in Oregon by the electric company within the past five years.

(B) If the Commission approves the draft RFP, the electric company shall file an update of the disclosure required under paragraph (A) within seven calendar days and file an additional update every three months thereafter until the completion of the RFP. "Completion of the RFP" for purposes of this requirement means either the RFP has been withdrawn or negotiations are complete.

(2) An electric company may propose a benchmark bid in response to its RFP to provide a potential cost-based alternative for customers.

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(3) The electric company may make one or more elements of the benchmark resource owned or secured by the electric company (e.g., site, transmission rights, or fuel arrangements) available for use in third-party bids and, if it does, it shall include details relevant to the RFP about such elements in the Draft RFP and any RFP it issues following approval by the Commission. Details about benchmark resource elements secured by the electric company that become available to third-party bidders after issuance of the RFP must be provided to potential bidders reasonably in advance of the due date to submit third-party bids. (3) If benchmark resource elements secured by the electric company are not made available to all bidders, it must provide analysis demonstrating how that decision is in the best interest of customers when seeking approval of a draft RFP under OAR 860-089-0250. The electric company must include that same analysis when requesting acknowledgement of a final shortlist and when seeking recovery of the costs of the resource in rates, along with any relevant updates.

~~(a) If electric company resources are offered and made available for use in third-party bids, then the RFP may provide for appropriate compensation of electric company resources by third-party bidders.~~

~~(b) Separate electric company affiliate bids are not subject to this section of this rule, and no information on any decision to offer the use of separate electric company affiliate-owned elements to third parties is required to be supplied to the Commission.~~

(4) The electric company must evaluate whether it is in the best interest of customers to make the use of transmission rights held by the electric company available to third-party bidders in an RFP. If it does make such rights available, it shall include details relevant to the RFP in the Draft RFP and any RFP it issues following approval by the Commission. Details about resource elements secured by the electric company that become available to third-party bidders after issuance of the RFP must be provided to potential bidders reasonably in advance of the due date to submit third-party bids. If the electric company does not make transmission rights available to third-party bidders, it must provide analysis demonstrating how that decision is in the best interest of customers when seeking approval of a draft RFP under OAR 860-089-0250. The electric company must include that same analysis when requesting acknowledgement of a final shortlist and when seeking recovery of the costs of the resource in rates, along with any relevant updates.

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(5) If electric company benchmark resources elements or transmission rights are offered and made available for use in third-party bids, then the RFP may provide for appropriate compensation of electric company resources by third-party bidders.

(64) An electric company may consider ownership transfers within a RFP solicitation.

(75) The electric company issuing the RFP must allow independent power producers to submit bids with and without an option to renew, and may not require that bids include an option for transferring ownership of the resource.

860-089-0350

Benchmark Resource Score

(1) Prior to ~~viewing third-party bids~~~~the opening of bidding~~ on an approved RFP, the electric company must file with the Commission and submit to the IE, for review and comment, a detailed score for any benchmark resource with supporting cost information, any transmission arrangements, and all other information necessary to score the benchmark resource. The electric company must apply the same assumptions and bid scoring and evaluation criteria to the benchmark bid that are used to score other bids.

(2) If, during the course of the RFP process, the Commission or the IE determines that it is appropriate to update any bids, the electric company must also make the equivalent update to the score of the benchmark resource.

(3) Before the IE provides the electric company an opportunity to score other bids, the electric company must file with the Commission and submit via a method that protects confidentiality of the following information:

(a) The final benchmark resource score developed in consultation with the IE, and

(b) Cost information and other related information shared under this rule.

860-089-0400

Bid Scoring and Evaluation by Electric Company

(1) To help ensure that the electric company engages in a transparent bid-scoring process using objective scoring criteria and metrics, the electric company must provide all proposed and final scoring criteria and metrics in the draft and final RFPs filed with the Commission.

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(2) The electric company must base the scoring of bids and selection of an initial shortlist on price and, as appropriate, non-price factors. Non-price factors must be converted to price factors where practicable. Unless otherwise directed by the Commission, the electric company must use the following approach to develop price and non-price scores:

(a) Price scores must be based on the prices submitted by bidders and calculated using units that are appropriate for the product sought and technologies anticipated to be employed in responsive bids using real-levelized or annuity methods. The IE may authorize adjustments to price scores on review of information submitted by bidders.

(b) Non-price scores must, when practicable, primarily relate to resource characteristics identified in the electric company's most recent ~~acknowledged~~ IRP Action Plan or IRP Update and may be based on conformance to standard form contracts. Non-price scoring criteria must be objective and reasonably subject to self-scoring analysis by bidders.

(c) Non-price score criteria that seek to identify minimum thresholds for a successful bid and that may readily be converted into minimum bidder requirements must be converted into minimum bidder requirements.

(d) Scoring criteria may not be based on renewal or ownership options, except insofar as these options affect costs, revenues, benefits or prices. Any criteria based on renewal or ownership options must be explained in sufficient detail in the draft RFP to allow for public comment and Commission review of the justification for the proposed criteria.

(4) The electric company may select an initial shortlist of bids after it has scored the bids and identified the bids with top scores. Following selection of an initial shortlist of bids, the electric company may select a final shortlist of bids.

(5) Unless an alternative method is approved by the Commission under OAR 860-089-0250(2)(a), selection of the final shortlist of bids must be based on bid scores and the results of modeling the effect of candidate resources on overall system costs and risks using modeling methods that are consistent with those used in the Commission-acknowledged IRP.

(a) The electric company must use a qualified and independent third-party expert to review site-specific critical performance factors for wind and solar resources on the initial shortlist before modeling the effects of such resources.

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(b) In addition, the electric company must conduct, and consider the results in selecting a final short list, a sensitivity analysis of its bid rankings that demonstrates the degree to which the rankings are sensitive to:

(A) Changes in non-price scores; and

(B) Changes in assumptions used to compare bids or portfolios of bids, such as assumptions used to extend shorter bids for comparison with longer bids, or assumptions used to compare smaller bids or portfolios with larger ones.

(6) The electric company must provide the IE and Commission with full access to its production cost and risk models and sensitivity analyses. When the IE and Commission concur that appropriate protections for protected information are in place, the electric company must provide access to such information to non-bidding interested parties that request the information in the final short list acknowledgment proceeding.

860-089-0450

Independent Evaluator Duties

(1) The IE will oversee the competitive bidding process to ensure that it is conducted fairly, transparently, and properly.

(2) The IE must be available and responsive to the Commission throughout the process, and must provide the Commission with the IE's notes of all conversations and the full text of written communications between the IE and the electric company and any third-party that are related to the IE's execution of its duties.

(3) The IE must consult with the electric company on preparation of the draft RFP and submit its assessment of the final draft RFP to the Commission when the company files the final draft for approval.

(4) The IE must check whether the electric company's scoring of the bids and selection of the initial and final shortlists are reasonable.

(5) To determine if the electric company's selections for the initial and final shortlists are reasonable, when the RFP allows bidding by the issuing electric company or an affiliate of the company, or includes resource ownership options for the electric company, the IE must independently score the affiliate bids and bids with ownership characteristics or options, if any,

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and all or a sample of the remaining bids. When the IE does not score all bids, and a request for acknowledgment of a final shortlist is pending before the Commission, as provided in OAR 860-089-0500; a participant in the acknowledgment proceeding may request that the Commission direct the IE to score all remaining bids or a broader sample.

(6) The IE must also evaluate the unique risks and advantages associated with any company-owned resources (including but not limited to the electric company's benchmark), and may apply the same evaluation to third-party bids, including an evaluation of the following issues:

(a) Construction cost over-runs (considering contractual guarantees, cost and prudence of guarantees, remaining exposure to ratepayers for cost over-runs, and potential benefits of cost under-runs);

(b) Reasonableness of forced outage rates;

(c) Reasonableness of any proposal or absence of a proposal to offer electric company owned or benchmark resource elements (e.g., site, transmission rights or fuel arrangements) to third-party bidders as part of the draft and final RFP;

(d) End effect values;

(e) Environmental emissions costs;

(f) Reasonableness of operation and maintenance costs;

(g) Adequacy of capital additions costs;

(h) Reasonableness of performance assumptions for output, heat rate, and power curve; and

(i) Specificity of construction schedules or risk of construction delays.

(7) The IE must review the reasonableness of any score submitted by the electric company for a benchmark resource. Once the electric company and the IE have both scored and evaluated the competing bids and any benchmark resource, the IE and the electric company must file their scores with the Commission. The IE and electric company must compare results and attempt to reconcile and resolve any scoring differences. If the electric company and IE are unable to resolve scoring differences, the IE must explain the differences in its closing report to the Commission.

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(8) The IE must review the electric company's sensitivity analysis of the bid rankings required under OAR 860-089-0400 and file a written assessment with the Commission prior to the electric company requesting acknowledgment of the final short list.

(9) The IE must provide analysis and reports as requested by the Commission or its Staff. Except as otherwise directed by the Commission, the IE shall:

(a) File, or provide to the electric company for filing, a summary report or memorandum shortly after:

(A) The IE's review of the draft RFP and its associated scoring and modeling methodology;

(B) the IE's review of the electric company's issuance of the RFP; and

(C) The IE's benchmark bid scoring.

(b) File, or provide to the electric company for filing, a closing report with the Commission after the electric company has selected its final shortlist. The IE's closing report must include an evaluation of the applicable competitive bidding processes in selecting the least-cost, least-risk acquisition of resources. The report must also include the IE's evaluation of the electric company's responsiveness to portfolio requests it receives under the process set forth in OAR 860-089-0475. The Commission may request that the IE include additional analysis in its closing report.

(c) At the conclusion of the RFP process, file, or provide to the electric company for filing, a summary report or memorandum with the IE's assessment of the process and outcome of contract negotiations, along with any recommendations for future RFP design by the electric company.

(10) Unless the Commission directs otherwise, the IE must participate in the final short list acknowledgment proceeding initiated by the electric company, and must continue to participate ~~if, at the time of acknowledgment of the electric company's final shortlist, the Commission chooses to require IE involvement~~ through final resource selection **and monitor contract negotiations through to the completion of any contract between the electric company and a bidder as the IE finds necessary to understand whether the final contract or the failure to acquire a resource is reasonable.** In addition to making a decision on acknowledgment, the Commission, on its own motion or at the request of other parties, including bidders, may require expanded IE involvement. ~~Upon such a request or its own motion, the Commission may require an IE to be involved in the competitive bidding process through final resource selection.~~

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860-089-0475**Selection of the Initial Shortlist and Final Shortlist**

- (1) Before an electric company may file a request for acknowledgment of a final shortlist of bids, the electric company must select an initial shortlist of bids and comply with the requirements of this rule. For purposes of this rule, “initial shortlist of bids” means the bids that the utility and the IE identify as meeting the minimum qualifications and are not disqualified or otherwise removed from consideration.**
- (2) At least 60 days before filing a request for acknowledgment under OAR 860-089-0500, the electric company must file a report in the docket that includes the electric company’s initial shortlist of bids, a list of bids received that are not included on the initial shortlist, an explanation as to why each bid not included on the initial shortlist was excluded, and a description of the set of scenarios and sensitivities the electric company proposes to use to select and evaluate the performance of a final shortlist.**
- (3) If the electric company makes any subsequent changes to the initial shortlist, the electric company is not required to file any additional reports under this section. However, the electric company shall confer with the IE before a bid is removed or withdrawn from the initial shortlist, and the IE shall address the reasonableness of the electric company’s action in its closing report.**
- (3) Interested persons may file comments on the initial shortlist report within 15 days after the electric company’s filing. Commenters may request the use of different or additional portfolios and sensitivities.**
- (4) An electric company must consider any filed comments and be responsive to requests for additional or different portfolios of bids by either performing the additional testing or providing a reasonable explanation why it did not do so in any related request for acknowledgment of a final shortlist. The electric company must test additional or different portfolios of bids requested by Staff or the IE and provide the results of testing performed under this section to Staff and the IE within a reasonable amount of time before the IE’s closing report is due.**
- (5) In selecting a final shortlist of bids, the electric company must base its selection on bid scores and a portfolio analysis that considers multiple combinations of all bids on the initial**

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shortlist. The utility may select a final shortlist that represents a preferred portfolio of bids, and may identify alternate bids that the utility may seek to acquire based on the circumstances related to the preferred portfolio. The electric utility, unless otherwise directed by the Commission, must include in the portfolio analysis used to assess any initial shortlist a portfolio assessment using scoring metrics from the most recent IRP that, at minimum, includes analysis of impacts upon near-term costs and community impacts, as described in OAR 860-090-0060. However, an electric company that is described in ORS 469A.480, unless otherwise directed by the Commission, must include in the portfolio analysis used to assess any initial shortlist a portfolio assessment using scoring metrics from the most recent IRP that, at minimum, includes analysis of impacts upon near-term costs, as described in OAR 860-090-0060.

(6) The electric company must notify the IE and Commission Staff of its final shortlist selection in advance of filing a request for acknowledgment under OAR 869-089-0500 and provide supporting analysis, allowing sufficient time for the IE to complete the IE's closing report. The electric company shall, upon request, promptly provide the IE with any additional information the IE finds necessary for the preparation of the IE's closing report.

860-089-0500

Final Short List Acknowledgement and Result Publication

(1) For the purposes of this section, "acknowledgment" is a finding by the Commission that an electric company's final shortlist of bid responses appears reasonable at the time of acknowledgment and was determined in a manner consistent with the rules in this division.

(2) An electric company must request that the Commission acknowledge the electric company's final shortlist of bids before it may begin negotiations. Acknowledgment of a shortlist has the same legal force and effect as a Commission-acknowledged IRP in any future cost recovery proceeding.

(3) A request for acknowledgement must include, at a minimum, the IE's closing report, the electric company's final shortlist of responsive bids, all sensitivity analyses performed, and a **detailed evaluation of the performance of bids on the final shortlist under the portfolio analysis required under OAR 860-089-0475(5)**~~-discussion of the consistency between the final shortlist and the electric company's last acknowledged IRP Action Plan or acknowledged IRP Update.~~

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(4) The Commission will generally issue a decision on the request for acknowledgment within 60 days of receipt of the electric company's filing.

(5) The electric company must make a publicly available filing in the RFP docket providing the average bid score and the average price of a resource on its final shortlist.

(6) Following execution of all contracts resulting from an RFP or cancellation of the RFP, the electric company must provide information, on request, to a bidder about the bidder's bid score.

[Public Utility Commission](#)

[Chapter 860](#)

SYSTEM PLANNING

Draft Proposed Amendments

Repeal OAR 860-027-0400:

~~860-027-0400~~

~~Integrated Resource Plan and Clean Energy Plan Filing, Review, and Update~~

~~(1) Scope and Applicability: This rule applies to investor-owned energy utilities. Upon application by an entity subject to this rule and for good cause shown, the Commission may relieve it of any obligation under this rule.~~

~~(2)(a) As used in this rule, "Integrated Resource Plan" or "IRP" means the energy utility's written plan satisfying the requirements of Commission Order Nos. 07-002, 07-047 and 08-339, detailing its determination of future long-term resource needs, its analysis of the expected costs and associated risks of the alternatives to meet those needs, and its action plan to select the best portfolio of resources to meet those needs.~~

~~(b) As used in this rule, "Clean Energy Plan" or "CEP" means the plan that an electric company subject to ORS 469A.415 is required to develop concurrently with the development of the IRP.~~

~~(3) An energy utility must file an IRP within two years of its previous IRP acknowledgment order or as otherwise directed by the Commission. If the energy utility does not intend to take any significant resource action for at least two years after its next IRP is due, the energy utility may request an extension of its filing date from the Commission. An electric company subject to ORS 469A.415 must explain how it will make continual progress toward towards meeting~~

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~~the clean energy targets in ORS 469A.410 during the period of extension when making a request.~~

~~(4) An electric company that is subject to ORS 469A.415 must file a CEP with the Commission concurrently with an IRP filing required under Section (3) of this rule and in the same docket. If filing the CEP concurrently with the IRP would create an undue burden or a significant issue impacting IRP or CEP review exists, the electric company may file a written request to the Commission to extend the filing date for the CEP up to 180 days after the IRP filing date. If the Commission grants an extension for filing the CEP, it may establish an alternate schedule for a utility presentation and comments under Sections (6) and (7) below.~~

~~(5) The CEP must be written in language that is as clear and simple as possible, with the goal that it may be understood by non-expert members of the public. The CEP must contain the information required by ORS 469A.415 and present annual goals for actions that balance expected costs and associated risks and uncertainties for the utility and its customers, including a demonstration of making continual progress toward meeting the clean energy targets, the pace of greenhouse gas emissions reductions, and community impacts and benefits.~~

~~(6) The energy utility must present the results of its filed IRP, and, when applicable, its CEP, to the Commission at a public meeting prior to the deadline for written public comment.~~

~~(7) Commission staff and parties must file their comments and recommendations, and, when applicable, their CEP comments and recommendations, generally within six months of IRP filing. If the CEP is not filed with the IRP, Commission staff and parties must file their comments and recommendations generally within six months of CEP filing.~~

~~(8) The Commission must consider comments and recommendations on an energy utility's IRP, and, when applicable, CEP, at a public meeting before issuing an order on acknowledgment. Except as provided in section (9), the Commission may provide the energy utility an opportunity to revise the IRP before issuing an acknowledgment order.~~

~~(9) For an electric company that is subject to ORS 469A.415, the Commission will issue an order memorializing its decision on acknowledgment for the CEP, which may be combined with the IRP acknowledgment order. The Commission may provide the electric company an opportunity to revise the IRP or CEP or both before issuing an acknowledgment order. The Commission may, at its discretion, take one of the following actions for the CEP portion of the acknowledgement order:~~

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~~(a) Acknowledge a CEP as filed;~~

~~(b) Acknowledge a CEP with conditions; or~~

~~(c) Not acknowledge the CEP and require that the utility revise and resubmit all or certain elements of the CEP within the procedural timeline directed in the order.~~

~~(10) The Commission may provide direction to an energy utility regarding any additional analyses or actions that the energy utility should undertake in its next IRP, and, when applicable, its CEP.~~

~~(11) Each energy utility must submit an annual update on its most recently acknowledged IRP. The update is due on or before the acknowledgment order anniversary date. The energy utility must summarize the annual update at a Commission public meeting. The energy utility may request acknowledgment of changes, identified in its update, to the IRP action plan. The annual update is an informational filing that:~~

~~(a) Describes what actions the energy utility has taken to implement the action plan to select best portfolio of resources contained in its acknowledged IRP;~~

~~(b) Provides an assessment of what has changed since the acknowledgment order that affects the action plan to select best portfolio of resources, including changes in such factors as load, expiration of resource contracts, supply-side and demand-side resource acquisitions, resource costs, and transmission availability; and~~

~~(c) Justifies any deviations from the action plan contained in its acknowledged IRP, or, where applicable, CEP.~~

~~(d) Includes an update that summarizes the utility's actions implementing the annual goals in the CEP filed with the most recently acknowledged IRP. The update will include, on an informational basis, an assessment of what has changed since the acknowledgment order that affects the utility's progress toward the clean energy targets in ORS 469A.410, reporting of measured impacts across the metrics that were presented in the most recently acknowledged CEP, and the electric company's two most recent annual emissions reports filed with the Oregon Department of Environmental Quality under ORS 469A.420(4)(a).~~

~~(12) As soon as an energy utility anticipates a significant deviation from its acknowledged IRP, or, where applicable, its CEP, it must file an update with the Commission, unless the energy utility is within six months of filing its next IRP. This update must meet the requirements set forth in section (11) of this rule.~~

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~~(13) If the energy utility requests Commission acknowledgement of its proposed changes to the action plan contained in its acknowledged IRP, or, where applicable, its CEP:~~

~~(a) The energy utility must file its proposed changes with the Commission and present the results of its proposed changes to the Commission at a public meeting prior to the deadline for written public comment;~~

~~(b) Commission staff and parties must file any comments and recommendations with the Commission and present such comments and recommendations to the Commission at a public meeting within six months of the energy utility's filing of its request for acknowledgement of proposed changes;~~

~~(c) The Commission may provide direction to an energy utility regarding any additional analyses or actions that the utility should undertake in its next IRP, or where applicable, its CEP.~~

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Adopt:

Division 90

SYSTEM PLANNING

860-090-0010

Applicability and Purpose

- (1) The rules contained in this Division apply to energy utilities.
- (2) Upon request or its own motion, the Commission may waive any of the rules in this Division for good cause shown. A request for waiver must be made in writing to the Commission. In addition to the filing requirements in OAR Chapter 860, Division 001, an energy utility filing a request for waiver under this section must serve the request on all parties to the energy utility's most recent general rate case, IRP docket, and, if applicable, RFP filing.
- (3) The primary goal of integrated resource planning is to develop a long-term resource strategy and near-term action plan that allow the utility to meet customer needs while best balancing expected costs and associated risks for the utility and its customers.

860-090-0020

Definitions

As used in this Chapter, except when the context requires otherwise:

- (1) "Clean Energy Plan" or "CEP" means the plan that an electric company subject to the emissions reduction targets under ORS 469A.410 is required to develop under ORS 469A.415.
- (2) "Electric company" has the meaning given that term in ORS 757.600.
- (3) "End effects" means costs associated with a portfolio that would be incurred after the end of the planning horizon.
- (4) "Energy utility" or "utility" means a public utility as defined in ORS 757.005, except water and wastewater utilities. An energy utility can be an "electric company" as defined in ORS 757.600 or a "gas utility" as defined in ORS 757.359.
- (5) "Integrated Resource Plan" or "IRP" means the energy utility's written plan detailing its determination of future long-term resource needs, its analysis of the expected costs and associated risks of the alternatives to meet those needs, and its action plan to select the best portfolio of resources to meet those

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needs.

- (6) “Key planning uncertainties” means uncertain factors that could materially influence future utility plans or the performance of the utility’s portfolio, including factors that the Commission has directed the utility to address in the IRP.
- (7) “Key planning years” means future years in which the utility anticipates significant changes relevant to its planning and procurement, including years for which the Commission has directed the utility to conduct specific planning analyses.
- (8) “Portfolio” means a set of existing and new resources, including supply side resources, distributed resources, customer-sited resources, and supporting transmission and distribution infrastructure that the utility evaluates for meeting future loads and policy requirements over the planning horizon.
- (9) “Planning scenario” means a set of possible future conditions developed for the purpose of evaluating the performance of IRP portfolios and examining the risks associated with the near-term action plan and long-term resource strategy.
- (10) “Reference case” means the collection of assumptions for future conditions that the utility considers to be most likely or expected for the purposes of planning.

860-090-0030

Integrated Resource Plan procedural requirements

- (1) Each energy utility must file an IRP with the Commission no later than three years after the filing date of its prior IRP.
- (2) In preparing the IRP, the utility must allow a meaningful number of opportunities for engagement that are open to all members of the public. Such opportunities shall include opportunities to contribute information and ideas, receive information, and pose questions to the utility including but not limited to requests to run portfolios, futures, scenarios, etc. These opportunities for engagement must include opportunities that are accessible to members of the public with limited resources.
- (3) The utility must include in its IRP filing a certification that it has concurrently submitted its responses to the most recent version of the Standard Information Requests for Integrated Resource Plans and Updates, available on the Commission’s website.

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- (4) Except as otherwise directed by the Commission, the utility must publish information submitted pursuant to section (2) of this rule as indicated in the most recent version of the Standard Information Requests. Information exempt from disclosure pursuant to a protective order issued by the Commission may be provided in redacted form. The utility must keep the published information available to the public until the utility has filed two subsequent IRPs.
- (5) If the Commission determines while the utility's IRP is pending before the Commission that the utility has undertaken or committed to actions that directly conflict with the utility's action plan, the Commission may direct the utility to take additional actions including:
 - (a) Revision of the utility's action plan; or
 - (b) Submission of a new IRP that is responsive to Commission direction.

860-090-0040**Procedures for Public Participation**

- (1) Following the filing of an IRP, CEP, or IRP Update, a procedural schedule and any necessary revisions thereto will be submitted by Commission Staff, and approved as necessary by the assigned administrative law judge.
 - (a) For each type of utility filing, the procedural schedule shall allow, at minimum, for:
 - (A) The filing of written public comments on the utility's filing and priorities for subsequent filings by the same utility under this Division; and
 - (B) The filing of a response by the utility to those public comments.
 - (b) In the case of an IRP or CEP, the procedural schedule shall include a time generally no less than 14 days and no more than 30 days following the filing of the IRP or CEP for the utility's presentation of the IRP or CEP to the Commission, at which the utility will be required to appear and present.
 - (c) In the case of an IRP or CEP, comments should generally be submitted within six months of the filing date of the IRP or CEP.
- (2) The Commission may suspend or modify the procedural schedule as necessary.

860-090-0050

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Integrated Resource Plan Acknowledgment.

- (1) The Commission may provide the utility an opportunity to revise the IRP before making an acknowledgment decision.
- (2) The Commission may acknowledge the long-term resource strategy or individual action plan items in part or in full or may condition acknowledgment on the utility's compliance with conditions imposed by the Commission.
- (3) Acknowledgment of a specific action plan item generally means that the action appears to align with customers' interests, if implemented prudently, given what is known at the time of acknowledgment. The Commission's acknowledgment decision may be considered in future rate making decisions.
- (4) Acknowledgment of the long-term resource strategy generally means that the strategy represents a reasonable approach to meeting future customer needs and complying with Oregon and federal energy policies in a manner that best balances cost and risk, accounting for policy, technological, economic, and other uncertainties related to Oregon's energy future, given what is known at the time of acknowledgment. Acknowledgment of the long-term resource strategy is not necessary for acknowledgment of individual action plan items. However, a non-acknowledged long-term resource strategy may indicate that the utility is not adequately planning for future risks to customers or that the utility's plan is otherwise deficient. In this circumstance, the Commission may take actions including for example:
 - (a) directing the utility to take additional action to mitigate future risks; or
 - (b) considering the utility's failure to act to mitigate risks in future rate making decisions.
- (5) Acknowledgment of an IRP does not indicate that the Commission approves all supporting analysis or findings in an IRP for use in future determinations. The Commission may identify potential changes or additions to elements of the utility's IRP analysis that may meaningfully inform future Commission determinations if performed by the utility.
- (6) The Commission may provide direction in the acknowledgment decision to the utility regarding information, analyses or actions to be addressed in the utility's next IRP.

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Components of the Integrated Resource Plan

- (1) Each energy utility must prepare an integrated resource plan that contains the information described in this rule.
- (2) Executive summary. The utility must include in the IRP a brief executive summary, written for a general audience, that describes the utility's long-term resource strategy and near-term action plan and explains any significant changes in the utility's strategy since the last IRP.
- (3) Updates since last IRP. The utility must describe in the IRP the resource actions and actions toward enabling strategies the utility has taken since the last IRP.
- (4) Documentation of public input. The utility must include in the IRP an appendix that:
 - (a) Describes the opportunities the utility created for public input, which must include meetings that are open to all process participants, including the timeframes over which the utility accepted input from the public on each draft element of the IRP enumerated in OAR 860-090-0070;
 - (b) Summarizes at a high level major themes of public input the utility received during the development of the plan using the mechanisms created by the utility and attaches all written public comments received in response to comment opportunities specified by the utility on each draft element of the IRP enumerated in OAR 860-090-0070;
 - (c) Documents whether and how the utility incorporated public input into the finalization of portfolios, planning scenarios, community impacts metrics, the action plan, the utility's response to any specific direction from the Commission, and other analysis or components of the IRP; and
 - (d) Documents how and when the utility explained any decisions not to incorporate public input into the IRP that is filed with the Commission.
- (5) Commission direction. The utility must include in the IRP a narrative explanation and reference to the appropriate IRP section and, if applicable, subsection for the utility's response to any specific direction from the Commission to undertake or provide additional information, analyses or actions in the IRP since the filing of its prior IRP.
- (6) Needs assessment. The utility must include in the IRP an evaluation of the resource needs to achieve an acceptable level of reliability, including meeting any reliability requirements to which the utility is subject, while complying with all state and federal energy policies, over the next five years and in key planning

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years. The utility must describe in the IRP how the reliability analysis in the needs assessment accounts for opportunities presented by interactions with other systems and markets.

- (a) The utility must calculate resource needs based on the utility's load forecast, which must be the most recent available at the time that the needs assessment calculation is performed, and no incremental actions beyond the commitments that the utility has entered into at the time of conducting the analysis.
- (b) The utility must include in the assessment reasonable upper and lower bounds on resource needs based on key planning uncertainties.
- (c) The utility must clearly define the metrics and units used to summarize identified resource needs and report the date on which assumptions were last updated to inform the needs assessment.

(7) Portfolio analysis

- (a) In developing the IRP, the utility must analyze a set of meaningfully different portfolios of resource options. The utility must provide in the IRP a detailed description of the analysis performed and the results of its analysis.
 - (A) The utility must evaluate portfolios that test different levels of demand side resources and distributed resources in Oregon.
 - (B) The utility must consider both commercially available and emerging technologies as resource options. For resources reliant on emerging fuels, the cost and availability of fuel supply, transport, and storage, as appropriate, must be considered.
 - (C) If the utility's action plan includes any of the following actions, the utility must evaluate portfolios that test the impacts of these actions and that consider alternatives to these actions:
 - (i) A specific resource action that the utility intends to take outside of a competitive acquisition process, such as acquisition of a particular generating facility that does not fall under the competitive bidding rules in OAR Chapter 860, Division 89;
 - (ii) Modification or retirement of a specific resource; or
 - (iii) Expansion, retirement, or substantial modification of transmission, gas transportation, or distribution facilities.

- (b) In developing portfolios under this section, the utility must consider the

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- contributions of all resource options toward reliability, policy compliance, and lowering the costs associated with the generation, production, purchase, or delivery of energy to customers.
- (c) The utility must evaluate portfolios under this section across a range of future planning scenarios that reflect plausible and material differences across key planning uncertainties.
 - (d) The utility must identify a reference case that represents current expectations for future conditions.
 - (e) The utility must demonstrate that all portfolios developed under this section provide for an acceptable level of reliability and are expected to meet any reliability requirements to which the utility is subject, while complying with all state and federal energy policies, over the next five years and in key planning years. The utility must describe how the reliability analysis accounts for opportunities presented by interactions with other systems and markets. Utilities subject to ORS 469A.415 must describe how compliance with the emission reduction targets under ORS 469A.410 was incorporated into IRP modeling.
 - (f) In evaluating portfolios under this section, the utility must reasonably estimate future operations of the utility's system, including interactions between resources and interactions with energy markets.
 - (g) For each portfolio, the utility must identify metrics in the IRP that describe the portfolio's performance with respect to:
 - (A) Long-term costs, calculated as the present value of the revenue requirement over the planning horizon, including end effects.
 - (B) Near-term costs, estimated as a plausible range for the total annual costs to Oregon customers over the next five years (comprehensive cost estimate), considering near-term uncertainties such as resource ownership and cost allocation to Oregon customers. A comprehensive cost estimate provided under this rule may be used solely for the purposes of evaluating the utility's IRP and, if applicable, CEP.
 - (C) Economic risk, representing the risk associated with near-term plans if future conditions were to materially deviate from expectations.

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- (D) Reliability risk, presented in a manner that reflects relevant information about the potential frequency and severity of supply shortages, such as total unserved energy, maximum hourly unserved energy, duration, and timing, while considering risks associated with weather, hydrologic conditions, outages, fuel availability, and regional constraints.
- (E) Community impacts, presented as plausible ranges for the future impacts of the portfolio on communities within or partly within the utility's Oregon service territory. The utility must demonstrate that community impact metrics are:
 - (i) Developed with input from the public, including input from environmental justice communities;
 - (ii) Quantitative and measurable as the utility implements its plan;
 - (iii) Practically informative to utility implementation decisions, including investments, contracts, and program designs; and
 - (iv) Distinct from other scoring metrics.
- (F) Emissions, calculated in a manner consistent with any emissions reporting requirements to which the utility is subject.
- (h) A multi-jurisdictional utility must develop at least one portfolio that optimizes resources across its entire system, taking into account the varied energy and policy requirements of the jurisdictions in which it operates.
- (i) Preferred Portfolio. The utility must select a Preferred Portfolio in the IRP and explain why it represents the best balance of cost and risk to customers and the utility. The utility must include a visual representation such as a matrix that describes how each portfolio performed against the portfolio scoring metrics and that clearly demonstrates the relationship of the preferred portfolio to all portfolios eligible for preferred portfolio selection. In the event that the most competitive portfolio is not selected as the preferred portfolio, the utility must provide additional justification for the selection.
- (8) Other planning processes. The utility must clearly refer in the IRP to any additional planning required by law that affects the utility's long-term resource strategy or near-term action plan.

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- (9) Long-term resource strategy. The utility must describe in the IRP the long-term resource strategy to meet customer needs and comply with all federal and state energy policies over the next 20 years. The utility's development of the long-term resource strategy must be informed by a needs assessment and portfolio analysis that considers all reasonably plausible resource options. In addition, the utility must include in the resource strategy:
- (a) An explanation of its consideration of the potential impacts of future technological development and changes to consumer behavior, state and federal energy policies, and regional developments;
 - (b) A description of the utility's strategy for addressing major risks, key dependencies, barriers to implementation, and critical junctures for the plan; and
 - (c) A description of any enabling strategies that the utility is evaluating to support the long-term resource strategy, including changes to system operational practices.
- (10) Near-term action plan. The utility must include in the IRP a near-term action plan that describes the steps the utility intends to take over the next five years to provide customers with safe and reliable service, meet other customer needs and comply with all federal and state energy policies in a manner that is informed by the utility's portfolio analysis and consistent with the utility's long term resource strategy. The utility must include in the action plan the utility's plans for:
- (a) Resource acquisitions, including conducting competitive acquisitions, with information on the utility's intended schedules, estimated range of procurement scope or size, and any constraints or parameters that the utility intends to apply to align resource selections with the utility's near-term needs and long-term resource strategy.
 - (b) Pursuing energy efficiency, demand response, community-based resources, and other customer-sited and distributed resources. The action plan must explain how the utility intends to pursue all cost-effective energy efficiency and demand response and must reference analysis in the IRP that supports targets for using these resources to meet system needs.
 - (c) Any other resource actions the utility intends to take that may materially affect the utility's resource portfolio or the performance of the portfolio in

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- terms of cost, risk, reliability, or compliance with state or federal policies.
- (d) Any enabling strategies the utility plans to pursue to support the utility's near-term action plan.
 - (e) Preparing and filing the next IRP and IRP Updates, including the intended filing dates and any areas that the utility plans to prioritize for new or updated analysis.
 - (f) Managing near term uncertainties and process dependencies, including any contingency plans the utility has developed to implement the action plan as conditions change.
- (11) Cost-effective grid enhancing technologies strategic plan. An electric company subject to Oregon Laws 2025 Chapter 391 must include a section that provides its strategic plan setting forth the information required by that law, using the definition of cost-effectiveness and criteria established by the Commission.
- (12) Counterfactual portfolio. Notwithstanding the requirements of subsection (7)(d) above, an electric company that is subject to ORS 469A.445 must develop and evaluate in the IRP one portfolio developed as though the requirements of ORS 469A.400 to ORS 469A.475 did not apply, holding equal all other constraints and assumptions used to develop the Preferred Portfolio.

860-090-0070**Draft Elements of the Integrated Resource Plan**

- (1) As it is developing the IRP and in advance of filing the IRP, the energy utility must prepare drafts of the following information:
 - (a) Portfolios that the utility intends to test in its development of the IRP;
 - (b) Future planning scenarios;
 - (c) Community impacts metrics;
 - (d) Near-term action plan; and
 - (e) Narrative explanation of the utility's response to any specific direction from the Commission since the filing of the prior IRP to undertake or provide additional information, analyses or actions in the IRP.
- (2) The utility must solicit public input on each draft element of the IRP sufficiently in advance of making final determinations with respect to that element to fully

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evaluate the public input it receives for incorporation into the IRP it later files with the Commission.

860-090-0080

Clean Energy Plan Procedural Requirements.

- (1) An electric company that is subject to ORS 469A.415 must file a CEP with the Commission concurrently with the utility's IRP and in the same docket.
- (2) If filing the CEP concurrently with the IRP would create an undue burden or a significant issue exists that impacts IRP or CEP review, the electric company may file a written request with the Commission to extend the filing date for the CEP up to 180 days after the IRP filing date.
- (3) If the Commission authorizes a utility to file the CEP separately from its IRP filing, Commission Staff, or if necessary, the administrative law judge, may establish a schedule for review of the CEP separate from the IRP schedule, including at minimum, a utility presentation to the Commission of the CEP, opportunity for public comment and a utility response to public comment.

860-090-0090

Clean Energy Plan Acknowledgment.

- (1) The Commission will consider acknowledgment of a CEP filed by the electric company subject to ORS 469A.415. The Commission will issue an order memorializing its decision on acknowledgment for the CEP, which may be combined with the IRP acknowledgment order. The Commission may provide the electric company an opportunity to revise the CEP before making an acknowledgment decision. The Commission may, at its discretion, take one of the following actions regarding the CEP portion of the acknowledgment decision:
 - (a) Acknowledge a CEP as filed;
 - (b) Acknowledge a CEP with conditions; or
 - (c) Not acknowledge the CEP and require that the utility revise and resubmit all or certain elements of the CEP within the procedural timeline set by the Commission.
- (2) Acknowledgment of a CEP does not indicate that the Commission approves all

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supporting analysis or findings in a CEP for use in future determinations. The Commission may identify potential changes or additions to elements of the utility's CEP analysis that may meaningfully inform future Commission determinations.

- (3) Along with making a decision on acknowledgment, the Commission may provide direction to the utility regarding the development or content of its next CEP.

860-090-0100

Clean Energy Plan Components

Each electric company subject to ORS 469A.415 must:

- (1) In preparing the CEP, the utility must allow a meaningful number of opportunities for engagement that are open to all members of the public. Such opportunities shall include opportunities to contribute information and ideas, receive information, and pose questions to the utility including but not limited to requests to run portfolios, futures, scenarios, etc. These opportunities for engagement must include opportunities that are accessible to members of the public with limited resources.
- (2) Draft its CEP in language that is as clear and simple as possible, with the goal that it may be understood by non-expert members of the public.
- (3) Include in its CEP the information required by ORS 469A.415 and annual goals for actions that are consistent with the electric company's long-term resource strategy and action plan.
- (4) Define and describe in its CEP the community benefits indicators that the electric company plans to track as the company implements its Clean Energy Plan, including the metrics adopted in IRP portfolio scoring.
 - (a) The electric company must develop community benefits indicators upon consideration of public input, including input from environmental justice communities in Oregon.
 - (b) The electric company must include at least one community benefit indicator that addresses community resiliency.
 - (c) The electric company must describe how the community benefits indicators

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will inform utility implementation decisions through mechanisms such as RFP requirements, RFP non-price scores, and program design criteria and metrics.

- (5) Report measured values for all community benefits indicators defined in the CEP for the previous three years, to the extent available. If measured values for a community benefits indicator are not available for the previous three years, the electric company must explain how it plans to measure that community benefits indicator in future years.
- (6) Demonstrate in its CEP that the electric company's IRP portfolio analysis accounts for:
 - (a) Community impacts associated with all resource options, including contributions to resiliency; and
 - (b) The costs and benefits of offsetting generation from fossil fuel resources with community-based renewable energy resource options.
- (7) Include in its CEP targets for community-based renewable energy that facilitate greenhouse gas emissions reductions, promote community resiliency, and are reflected in the utility's near-term action plan and long-term resource strategy.
- (8) Demonstrate in its CEP how the IRP Preferred Portfolio achieves the emissions reductions targets set forth in ORS 469A.410, and include the verification of projected emissions reductions available from the Oregon Department of Environmental Quality pursuant to ORS 469A.420.
- (9) Demonstrate in its CEP how the electric company's long-term resource strategy and near-term action plan provide for the best balance of expected costs and associated risks and uncertainties for the electric company and its customers, while considering impacts to communities and the pace of greenhouse gas emissions reductions.
- (10) Demonstrate in its CEP that the electric company's action plan represents continual progress towards meeting the clean energy targets set forth in ORS 469A.410, including demonstrating a projected reduction of annual greenhouse gas emissions, and that the electric company is taking actions as soon as practicable to facilitate rapid reduction of greenhouse gas emissions at reasonable costs to retail electric consumers.

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- (11) Include in its CEP the electric company's two most recent annual emissions data reports filed with the Oregon Department of Environmental Quality.
- (12) Include a narrative explanation and page reference for the electric company's response to any specific direction from the Commission to undertake or provide additional information or analysis in the CEP since the filing of its last CEP.
- (13) (11) Cost-effective grid enhancing technologies strategic plan. An electric company subject to Oregon Laws 2025 Chapter 391 must include a section that provides its strategic plan setting forth the information required by that law, using the definition of cost-effectiveness and criteria established by the Commission.

860-090-0110**Integrated Resource Plan Updates**

- (1) Purpose. The IRP Update primarily serves to:
 - (a) Provide visibility into the utility's implementation of the near-term action plan;
 - (b) Facilitate efficient scrutiny of any changes to the near-term action plan; and
 - (c) Identify whether the utility's long-term resource strategy remains relevant.
- (2) Timing. In any calendar year that the utility does not file an IRP, the utility must file an IRP Update no later than the anniversary date of filing the prior IRP or IRP Update.
- (3) Filing requirements. The energy utility must complete and submit its IRP Update filing using the IRP Update template approved by the Commission and available on the Commission's website. The utility must submit with the filing all information and data required by this rule and under the template in machine-readable format. In addition, the energy utility must include in the IRP Update:
 - (a) A description of the resource actions and actions toward enabling strategies the utility has taken since the most recent IRP or IRP Update;
 - (b) Updates to the most recent IRP reference case to reflect any key planning information that has been obtained or developed by the utility, such as updated load forecasts, fuel prices, wholesale market prices, and resource costs;

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- (c) Quantitative comparison of updated reference case forecasts with the range of planning scenarios considered in the Company's most recent IRP;
 - (d) An updated needs assessment based on changes to conditions, future expectations, and utility actions since the most recent IRP or IRP Update;
 - (e) The date on which assumptions were last updated to inform the needs assessment;
 - (f) A description of any changes to the near-term action plan, including changes to acquisition targets, that the utility has made in response to changes in conditions, future expectations, and utility actions since the most recent IRP or IRP Update; and
- (4) Availability of information. The utility must publish all information submitted with the IRP Update filing to the utility's website in a machine-readable format. Information exempt from disclosure pursuant to a protective order issued by the Commission may be provided in redacted form. The utility must keep the published information available to the public until the utility has filed two subsequent IRPs.
- (5) Additional requirements for an electric company subject to ORS 469A.415. An electric company that is subject to ORS 469A.415 must also include in the IRP Update:
- (a) An assessment of what has changed since the CEP acknowledgment decision that affects the electric company's progress toward the clean energy targets in ORS 469A.410;
 - (b) Measured values for all community benefits indicators adopted in the most recent CEP for the previous three years, to the extent available, and, if measured values for a community benefits indicator are not available for the previous three years, an explanation of how the electric company plans to measure that community benefits indicator in future years;
 - (c) A summary, with quantitative information, of how the community benefits indicators reported in the most recent CEP have informed the electric company's implementation of its action plan; and
 - (d) The electric company's two most recent annual emissions data reports filed with the Oregon Department of Environmental Quality.
- (6) Commission action. The Commission may decide to accept an IRP Update and

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may further specify the extent to which it is accepted. In making a decision whether to accept the IRP Update, the Commission may also provide direction to the utility regarding the substance or filing date of the next IRP. Acceptance of the IRP Update may indicate that updates to the utility's action plan presented in the IRP Update are consistent with the scope of a prior IRP acknowledgment order. In making a decision on acceptance and providing direction to the utility regarding the substance or filing date of the next IRP, the factors the Commission may consider include:

- (a) Whether the utility's strategy materially deviates from the most recent IRP;
- (b) Whether external conditions or the utility's circumstances or planning expectations have significantly deviated from the planning scenarios considered in the most recent IRP; and
- (c) Public input regarding the utility's IRP Update and its preparations for the next IRP.

Issue	Rule(s) affected	Party(ies)	Comment date	Proposed language	Response
The Commission recently adopted a finding that the current rules on discovery do not apply to other than contested cases, but directed Staff to address discovery in this docket. While the Commission did not pre-determine the outcome of this rulemaking, it provided a strong indication of the likely outcome when it stated that it expected the utilities to provide requested information in the even without formal discovery rights “until discovery rules are put in place in docket AR 669.” NIPPC hopes that the discussion and comments can be focused on implementation of this direction rather than litigating over whether the discovery rules should apply to RFPs, IRPs, and CEPs. NIPPC recommends this issue be added to the Proposed Rules to ensure that going forward parties will have discovery rights in RFPs, IRPs, and CEPs without needing to litigate this issue in individual cases. A simple rule could be added in OAR 860-089 and OAR 860-090 that explains OAR 860-001-0500 to -0540 applies to those proceedings.	OAR 860-001	NIPPC	7/16/2025		Staff has included proposed changes to OAR Chapter 860, Division 001 to authorize the use of information requests in hybrid proceedings, consistent with the Commission's direction in Docket UM 2371, Order No. 25-255
Consistent with longstanding Commission practice and the Commission's own position that discovery in hybrid and non-contested proceedings is necessary to “effectively participate” in these dockets, RNW encourages Staff to add language in the draft rules indicating that information requests should be allowed in IRPs and RFPs. The language could mirror the language in OAR 860-001-0540.	OAR 860-001	RNW	7/16/2025		Staff has included proposed changes to OAR Chapter 860, Division 001 to authorize the use of information requests in hybrid proceedings, consistent with the Commission's direction in Docket UM 2371, Order No. 25-255. The draft rules borrow elements from the contested case discovery rules though the hybrid proceedings are not contested cases.
Avista has no issues with these proposed changes.	OAR 860-001	Avista	8/20/2025		
NW Natural is concerned that the timing provides no opportunity to review and understand Staff's response to all of the detailed July 16, 2025 second round comments to the IRP/CBR Proposed Rules. During Staff's August 6, 2025 workshop, Staff presented its response or sought additional comment on 12 provisions in the draft IRP/CBR Proposed Rules. Parties raised a much larger number of concerns in comments that Staff did not address in that workshop. Similar to the proposed requirement in OAR 860-090-0060(4)(d), Staff should take the time to explain its decisions to incorporate or reject public input.	OAR 860-001, 860-089, and 860-090	NWN	8/20/2025		Though not required to be provided, Staff's responses to many of the July 16 and August 20 comments are included in this table and will be noted in Staff's report on the informal phase. Staff appreciates the robust participation in the informal phase. Public comment will also be solicited in the rulemaking once a notice of proposed rulemaking is issued.
RNW supports the edits Staff has made to OAR 860-001-0080 Protective Orders that make clear the existing rules regarding protective orders apply to parties with limited procedural intervenor status.	OAR 860-001-0080	RNW	8/20/2025		Staff's proposed changes do not grant participants in a hybrid proceeding “party” status but allow for the application of protective orders.

The Joint Utilities recommend one change to the proposed rules that would govern discovery in hybrid proceedings like utility IRPs and RFPs. As written, the rules would allow persons meeting the requirements in the rule to request information from the utility but does not provide the same opportunity for the utility to request information from the person or for stakeholders to request information from one another. In Idaho Power's experience, stakeholders in IRP or RFP dockets will sometimes submit comments that include detailed analyses that cannot be easily understood or responded to without the ability to request additional information or supporting documentation. The Joint Utilities are mindful that the ability to issue information requests to persons participating in a hybrid proceeding may cause concern; however, the ability to do so may be critical to ensuring that the utility is able to fully and completely respond to comments and concerns and ensure the Commission has a comprehensive record on which to review the IRP or RFP.	OAR 860-001-0205	Joint Utilities	8/20/2025		Staff has revised the draft proposed rules to allow a broader set of entities to issue information requests.
The Commission should adopt Staff's proposed information request rules, but for the sake of efficiency and simplicity, the legal standard that applies to these information requests should be clarified. NIPPC recommends that the current legal standards that apply to OAR 860-001-0500 and -0540 should also apply to these new proposed information request rules. With respect to needs of the case and parties, the main difference between the contested case rules and the proposed standard is that the request must be commensurate with the "need to provide relevant comment on a pending filing" versus "needs of the case". NIPPC recommends that the Commission conclude that these legal standards are functionally equivalent. However, if there is intended to be a material difference, then clarification from the Commission on what the difference between these standards means would be helpful. With respect to burdens to produce information, the two standards are almost identical. Clarification from the Commission that any case law or precedent describing this legal standard for contested case proceedings and discovery (unreasonably cumulative, duplicative, burdensome, or overly broad) would also apply to the proposed rules for information requests would be beneficial. With respect to privilege, the two standards are almost identical except for the exception in the contested case proceeding rules related to information under the Oregon Rules of Evidence. Under the Oregon Rules of Evidence privilege does not apply in various circumstances including where a client obtains legal services to commit a crime or fraud or there is a waiver of the privilege. NIPPC recommends that this standard be formally incorporated. It would be beneficial to hear from Staff if they imagined any instance where privileged information would be required to be disclosed in IRPs or RFPs, and why discoverable, privileged information should not be made available in IRPs or RFPs.	OAR 860-001-0205	NIPPC	8/20/2025		Staff recommends the use of a standard for information requests in hybrid proceedings that is different from the standard in contested case proceedings. Hybrid proceedings differ in that there are no parties with substantive or procedural rights comparable to a contested case proceeding nor is there an evidentiary record. Additional proceedings will occur before any resource costs are included in customer rates. At the same time, the Commission has broad authority to obtain information from regulated entities under ORS 756.070, 756.090, 756.105. Therefore, Staff does not find it helpful to compare this standard to the standard for discovery in contested cases. Staff has added reference to the provisions governing privilege in the OEC.

To date, the discussions have focused on Staff's development of standard data requests ("SDR") and the energy utilities' early engagement with stakeholders. Staff's basis for establishing SDRs for IRPs was to limit the burden of discovery by clarifying key information required to evaluate IRPs and providing more time to gather that information before filing. The draft Information Request Proposed Rules appear to reverse that stated intent, and instead would create a one-sided right to discovery at the latest stage of the IRP process, which will, quite likely, ensure the continued contentious litigation in IRP and request for proposals ("RFP") dockets that has become the norm.	OAR 860-001-0205	NWN	8/20/2025		Staff finds that both the use of standard data requests and the authority to issue information requests during the course of a docket will better inform comments on a utility filing and ultimately, may better inform the Commission's decisions. As standard data requests improve the efficiency of stakeholder review, commonly exchanged information requests may be incorporated into standard data requests over time.
The draft Information Request Proposed Rules create an inequitable discovery process that will lead to an insufficient record for the Commission to make its decision. As currently drafted, the Information Request Proposed Rules only allow for one-sided discovery. ² As parties continue to produce information or studies to support positions different than the filed IRP, it becomes increasingly imperative that energy utilities have the ability to conduct their own discovery to test the validity of any factual or policy assertions.	OAR 860-001-0205	NWN	8/20/2025		Staff has revised the draft proposed rules to allow a broader set of entities to issue information requests.
The proposed numbering of the new section—OAR 860-001-0205—is confusing in that it would not be numbered near the new IRP/CBR Proposed Rules, current discovery rules, or rules on intervention. Instead, the rules are proposed to be numbered within the Commission's rules related to rulemakings. This technical issue would create a barrier to stakeholder participation for those unfamiliar with Commission rules and illustrates the need for further consideration by Staff.	OAR 860-001-0205	NWN	8/20/2025		Staff proposes a rule number for the hybrid discovery rules that is within the general rule Division 001 and outside of the set of rules for contested case proceedings.

The draft proposed rules should clarify what is meant by “commensurate with the need to provide relevant comment.” IRPs cover a range of future scenario evaluations potentially resulting in an incredibly broad scope of discovery that is not bound by an initial filing and the established evidentiary standards applicable to contested cases. Similarly, proposed -0205(3)(b) provides that the energy utility will not be required to prepare a study in response to an information request unless the capability to prepare the study is possessed uniquely by the energy utility. This seems to be inherent to IRPs given the complexity of utility planning, resulting in the potential for a continued series of requests to study numerous options. Conducting additional study requests and modelling can be resource intensive and overly burdensome under the compressed timing of a procedural schedule. Finally, NW Natural requests that the timing for responses in draft proposed -0205(3) specify 14 ‘business’ days. This is important for two primary reasons. (1) as a practical matter, utilities have been encouraged to use more independent, third-party consultants as data resources. This would likely result in requests relating to information provided by parties that are not accustomed to the Commission’s requirements for discovery responses. (2) the range of issues impacting IRPs, the effort to increase stakeholder participation, and the potential for scope creep to address policy and commercial interests has meant more requests require additional explanation to provide necessary background to provide a thorough and informative response. IRPs are not like a filing leading to a contested case, where the majority of the information is based on data that can be readily provided – e.g., accounting data, calculations, projected spending, and operating requirements. IRPs are based on modeling and future assumptions – all of which are available throughout the stakeholder process. The discovery in an IRP will likely relate to interpretation and assumptions, and requested by parties with various levels of understanding of utility operations and regulatory requirements.	OAR 860-001-0205	NWN	8/20/2025		Staff proposes that information requests be authorized when “commensurate with the need to provide relevant comment on a pending filing subject to this rule, and that is also commensurate with the resources available to the requester and the energy utility recipient and the importance of the issues to which the request relates.” Staff does not find this to be an unduly broad scope. It will enable participants to obtain information as needed to provide relevant comment in a hybrid proceeding. Staff proposes a response period of 14 days, but also includes language that allows for the requester and recipient to agree to a different deadline.
Since discovery rights are typically conferred upon parties that have formally intervened in contested case proceedings—and since hybrid processes are not contested cases and have typically not required formal intervention—included in these draft rules is the establishment of a process to intervene for limited procedural purposes to receive discovery rights. RNW supports this new process, as it allows for a wide range of parties—including those not represented formally by counsel—to receive discovery rights in these proceedings.	OAR 860-001-0205	RNW	8/20/2025		Staff makes no changes based on this comment.

Hybrid proceedings such as IRPs and RFPs are not decided based upon an evidentiary record, so the same standards of admissibility that govern the submission of evidence and the disputes thereof do not apply. Therefore, Staff has created a new standard for the scope of information that can be requested in these proceedings under draft OAR 860-001-0205(2). RNW largely supports this draft language, as it appears that the information requested in hybrid proceedings may be broader in scope than the evidence sought to be added to evidentiary records in contested cases. Unlike contested case proceedings, the Commission is not strictly bound to the evidence submitted in the record when it renders decisions in hybrid cases, and it always retains the discretion to weigh certain information or arguments more heavily than others. Therefore, this draft language that, under RNW's understanding, would allow for a broader range of arguments and information to be requested through discovery is appropriate because there are no formal admissibility hurdles to overcome when submitting comments in hybrid proceedings. To confirm our understanding, RNW requests that the Commission order adopting the rules in this proceeding be clear that the requirement that information requested be "commensurate with the need to provide relevant comment" be construed broadly and liberally.	OAR 860-001-0205	RNW	8/20/2025		Staff recommends the use of a standard for information requests in hybrid proceedings that is different from the standard in contested case proceedings. Hybrid proceedings differ in that there are no parties with substantive or procedural rights comparable to a contested case proceeding nor is there an evidentiary record. At the same time, the Commission has broad authority to obtain information from regulated entities under ORS 756.070, 756.090, 756.105. Therefore, Staff does not find it helpful to compare this standard to the standard for discovery in contested cases.
the sanctions provision (OAR 860-001-0100(10)) is confusing when applied to an IRP filing. Section 10 of the draft Information Request Proposed Rules states that the assigned administrative law judge may impose sanctions for failure or refusal to comply with a ruling resolving a dispute and impose sanctions including withdrawal of approval of a petition to intervene or the striking of a filing in the docket. It is unclear, in a one-sided discovery process, how this would apply to any party other than the energy utility, and even if it did, terminating intervention does not prohibit continued participation in the proceeding under Section (2)(a). For the energy utility, it would appear that the sanction would be to strike the IRP, terminating the proceeding itself. This could open the IRP process to gaming and unnecessary motion practice.	OAR 860-001-0205(10)	NWN	8/20/2025		Staff recommends including language authorizing sanctions for violations of the "discovery" rule in hybrid proceedings to ensure compliance on the part of all participants with the discovery rule. Some examples are provided, but the appropriate action for any given set of circumstances is left to the ALJ or the Commission's discretion, as appropriate.
Modernizing Oregon's RFP and IRP processes will help ensure that utilities consider a diversity of resources, which will ultimately lead to customer benefits. Importantly, in RNW's view, modernization of these processes does not simply mean they should become more efficient or move with greater speed. Rather, while moving quickly can provide benefits at times to ensure that the pace of the regulatory process can align with the needs of the resource market, there are times when slowing things down to ensure sufficient analytical rigor will lead to better outcomes. The Commission and its regulated utilities must only allow resources into rates to the extent that they have been demonstrated to be least cost, least risk and optimized for a shifting regulatory and policy landscape. As drafted, Staff's proposed rules strike a sound balance of ensuring sufficient time and space for in-depth analysis while supporting a relatively expedient process. It's better to take the time to get things right.	OAR 860-089 and 860-090	RNW	8/20/2025		Staff makes no changes based on this comment.

OSSIA continues to believe that a more comprehensive review of the competitive bidding rules is necessary. These comments on Staff's Initial Draft are limited to some initial, incremental recommendations. OSSIA is working on a proposal of draft language for the competitive bidding rules and will submit that to the docket within the next few weeks. Nothing in these comments should be construed as a departure from OSSIA's prior, consistent position that significant improvements to the competitive bidding rules are necessary in order to restore confidence in Oregon's bidding process.	OAR 860-089-0010 & ff	OSSIA	5/30/2025		Staff has primarily focused on the topics identified in Docket UM 2348. Additional changes may be better suited to address within the context of a specific RFP.
OSSIA's proposal to strike this "good cause" waiver provision is two-fold. First, a strong rule of law ensures that legal frameworks are transparent, consistent, and impartially enforced. If waivers can be granted for any "good cause," that undermines confidence in the system that the established process will be adhered to. Second, the Commission rules also have a separate waiver standard at OAR 860-089-0100 which establishes specific criteria under which a waiver might be granted (in emergencies, if there is a time-limited opportunity, an alternative method was acknowledged in an IRP, or when seeking to acquire transmission rights or assets). Removing this generic good cause waiver rule eliminated duplication and helps instill confidence that waivers will not be granted for any reason.	OAR 860-089-0010(2)	OSSIA	8/21/2025	Strike OAR 860-089-0010(2)	The Commission generally includes a waiver rule in each division to allow for consideration of a waiver upon a showing of good cause.
RNW supports many of the proposed changes to the competitive bidding rules, including: independent evaluator ("IE") selection, the expansion of the IE's scope of work, requiring the IE to report directly to the Commission, the initial and final shortlist selection process, testing portfolios requested by staff and the IE, and the identification of alternate bids. The draft rules will strengthen the role of the independent evaluator and increase transparency in the bid selection process. In particular, RNW supports Staff's approach to future IE selection. The proposed approach provides parties with an avenue to voice their concerns or support for the IE, and it also allows the Commission to make a determination at the conclusion of the RFP, rather than waiting until the beginning of the next RFP when there is more urgency to move the process forward.	OAR 860-089-0200	RNW	5/28/2025		Staff has made no additional changes to the proposed draft rules.
Staff has not proposed changes to this rule section in the new draft. RNW continues to support the rules Staff has proposed regarding engaging an IE in the CBR process.	OAR 860-089-0200	RNW	7/16/2025		Staff has made no additional changes to the proposed draft rules.

OSSIA's revision removes the term "non-bidding" from this section to eliminate an apparent internal conflict in the rule. Because electric companies are bidding parties yet are still permitted to provide input on IE selection under this provision, the rule should treat all bidding parties consistently. This change also aligns the language of OAR 860-089-0200(2)(a) with proposed OAR 860-089-0200(5), which uses the term "interested parties" rather than "interested, non-bidding parties," ¹ with reference to the feedback the Commission will consider when determining whether to engage the same IE. Feedback from potential bidders is highly relevant to both whether the Commission should re-engage a prior IE or engage a new IE as those potential bidders may have had prior experiences with various IEs in other states or other RFPs that would be relevant and useful to consider. Separately, references to "non-bidding parties" does not make sense in this sentence because at this point in the process, parties will not know who is bidding and who is non-bidding. The rules should be scrubbed for references to "non-bidding parties" that should be changed to "potential bidders."	OAR 860-089-0200(2)(a)	OSSIA	8/21/2025	Input received from the electric company and interested, non-bidding parties.	Staff has proposed a change to allow interested parties that are not potential bidders to provide input on IE selection, rather than using the term "non-bidding parties". Staff does not see a need to limit the opportunity to provide input on IE selection at the conclusion of the RFP. Other references to non-bidding interested parties remain valid during the course of the RFP.
OSSIA's revision preserves Staff's proposed changes but removes "as well as to the electric company." OSSIA is concerned this phrasing could be confusing to the IE and their role, implying a dual obligation that may conflict with the requirement to be independent of the utility and bidders in OAR 860-089-0200(1). ² To resolve this apparent conflict or confusion, OSSIA adds the above language in bold to clarify the IE's independence from the utility, while maintaining Staff's intent to ensure necessary communication between the IE and the electric company.	OAR 860-089-0200(4)	OSSIA	8/21/2025	Commission Staff may recommend changes to the proposed scope of work submitted under section (2) of this rule. The electric company's contract with the IE must require the IE to perform its duties under these rules, include any changes to the scope of work as directed by the Commission, and require that the IE report directly to the Commission as well as to the electric company during the RFP process and confer as necessary with the Commission and Commission Staff on the IE's duties. The IE may also confer as necessary with the electric company during the RFP process, provided the IE remains impartial and independent from the utility under section (1) of this rule.	Staff does not propose changes based on this comment. The IE's contract is with the electric company. The IE's duties are specified in OAR 860-089-0450.
OSSIA supports allowing an IE to serve across multiple RFPs where appropriate, but it proposes safeguarding language to ensure the IE remains trusted and effective. These changes add a dedicated comment opportunity for stakeholders to share any feedback from past IE engagements. This approach builds in accountability without requiring a new IE for every solicitation and helps the Commission assess whether continued use of a given IE supports a fair and credible process. OSSIA acknowledges that Staff does not wish to limit the circumstances in which the Commission may authorize engagement of the same IE. ³ In response, OSSIA offers the above revised language that incorporates safeguards for stakeholder engagement, without circumstantially limiting language. One idea previously raised was to have an open and anonymous bidder "hotline" for bidders to raise concerns about the process, which could help address issues with the RFP or IE. If this line of communication is always open that could mitigate some of the concern about soliciting feedback from interested parties. In any event, if the Commission intends to re-authorize an IE for future RFPs, it should provide a dedicated comment opportunity.	OAR 860-089-0200(5)	OSSIA	8/21/2025	When the IE has completed its services regarding the RFP, the Commission shall provide an opportunity for interested parties to provide feedback on the IE's performance. The Commission should consider the IE's effectiveness, independence, and familiarity with Oregon-specific issues before approving reengagement of the same IE for the electric company's next resource acquisition that is subject to the rules in this Division, and identify the minimum scope of work for which the electric company must engage the same IE.	Staff continues to support draft language under which the Commission may request feedback on the IE's performance, and may authorize engagement of the IE for the next resource acquisition. The appropriateness and feasibility of either action will depend on the circumstances.

OSSIA suggests Staff consider adding a standardizing phrase to Proposed OAR 860-089-0200(5). OSSIA recognizes that this initial proposed language above may be too vague. In the future drafts and comment rounds, OSSIA can assist Staff with putting forward more specific language here.	OAR 860-089-0200(5)	OSSIA	5/30/2025	“(5) When the IE has completed its services regarding the RFP, the Commission may request feedback from interested parties regarding the IE’s performance. <u>If the Commission determines, based on interested parties’ feedback, that the IE’s performance was satisfactory</u> , the Commission may authorize an electric company to engage the same IE for the electric company’s next resource acquisition that is subject to the rules in this Division, and identify the minimum scope of work for which the electric company must engage the same IE.”	Staff has not revised the draft language for OAR 860-089-0200(5) to limit the circumstances in which the Commission may authorize engagement of the same IE for a subsequent RFP.
OSSIA suggests Staff consider additional language in Proposed OAR 860-089-0250 that clearly and consistently imposes fair and competitive bidding principles. OSSIA is concerned that the rule language in OAR 860-089-0250(3)(a) has historically allowed the utilities too much subjectivity to design RFPs with minimum bidding requirements that are overly restrictive, or, as in UE 4271, not consistently enforced by the utility in bid evaluation. In the same vein, OSSIA is concerned that the rule language in OAR 860-089-0250(3)(c) has also historically allowed the utilities too much subjectivity with regards to price scoring. OSSIA continues to urge Staff to consider using this rulemaking effort to make a meaningful change to Oregon’s RFP rules to ensure Oregon’s utility customers are truly receiving the least-cost, least-risk portfolios. Without changes here, utilities may continue using anticompetitive RFP design and practices, ultimately risking Oregon’s ratepayers.	OAR 860-089-0250	OSSIA	5/30/2025		No changes proposed. Staff remains open to considering language consistent with the intent of Division 89 “to provide an opportunity to minimize long-term energy costs and risks, complement the integrated resource planning (IRP) process, and establish a fair, objective, and transparent competitive bidding process, without unduly restricting electric companies from acquiring new resources and negotiating mutually beneficial terms.”
This revision aims to ensure that bidder eligibility criteria are objective and not subject to arbitrary or utility-favoring interpretations. OSSIA supports a level playing field for third-party participants and seeks transparency in how bid screening is conducted. Requiring the IE to report anonymized pass/fail data promotes confidence in the process without revealing confidential information.	OAR 860-089-0250(3)(a)	OSSIA	8/21/2025	Any minimum bidder requirements for credit and capability. Minimum bidder requirements must be objective, clearly defined, and designed to ensure the open and nondiscriminatory participation by qualified entities. The IE must report, in anonymized form, which bids did and did not meet the minimum requirements.	Staff supports retaining the existing language in OAR 860-089-0400 for price scores and non-price scores, which set specific standards. Staff has proposed a new OAR 860-089-0475 which requires the electric company to file an initial shortlist, which identifies the bids the IE and the utility identify as meeting the minimum qualifications and not otherwise disqualified or removed from consideration.
OSSIA supports and continues to request greater transparency for all bidders, regarding their scores and how they compare to other shortlisted offers. Requiring a consistent, Commission-reviewed disclosure process ensures bidders are treated fairly and understand how to improve future bids. Having the IE review the disclosure process adds a layer of oversight.	OAR 860-089-0250(3)(e)	OSSIA	8/21/2025	Description of how the electric company will share information about bid scores, including what information about the bid scores and bid ranking may be provided to bidders and when and how it will be provided. The RFP must identify a standard format and timeline for sharing bid evaluation results. At a minimum, bidders must receive their own scores, an anonymized rank among shortlisted bids, and a breakdown of how price and non-price components contributed to their score. The IE must review and approve the process used to communicate bid results.	Staff supports retaining the existing requirements in OAR 860-089-0500 for the electric company to provide information about a bidder's bid score after execution of all contracts or cancellation of the RFP.

RNW seeks clarification on this provision, particularly the underlined language: <u>“provide for the application of the scoring methodology across all proxy resources that were eligible for selection in the most recently-filed IRP.”</u> We think this may require revision to clarify the intent and practical effect of the draft rule.	OAR 860-089-0250(3)(g)	RNW	5/28/2025		Staff proposed a change in the second draft for clarification that reads: "Use a scoring methodology that can be applied to produce a score for all proxy resources that were eligible for selection in the most recently-filed IRP."
It is unclear whether the intent of the requirement that utilities “[u]se a scoring methodology that can be applied to produce a score for all proxy resources that were eligible for selection in the most recently filed IRP” is to mandate that proxy resources be scored in an RFP. Such a requirement would not make sense. Proxy resources, by definition, are hypothetical and do not exist in the real world. Scoring them alongside actual bids would be completely inappropriate and misleading, as they are not subject to the same commercial, operational, or financial realities as real proposals. The Joint Utilities request removal of this language.	OAR 860-089-0250(3)(g)	Joint Utilities	7/16/2025		Proxy resources would not be scored alongside real bids. This draft rule allows the proxy resources to be used to demonstrate the scoring methodology in the Draft RFP. Assumptions from the RFP can be used to calculate a price score.
PacifiCorp would like to clarify that the IRP compares portfolios of resource technologies, sizes and locations for selection of the preferred portfolio. Whereas, an RFP evaluates and compares individual resources for possible procurement. This proposed rule is premised on an understanding that proxy resources are actual individual resources. While Proxy resources can technically be scored -- they do not represent actual individual resources. For example, evaluating 200 MW of proxy wind as a component of the least-cost least-risk portfolio lends itself to different considerations compared to scoring individual competing bids. 200 MW of proxy wind could represent 10 projects of 20 MW each or one project of 200 MW, or anything in between. It is critically important for Staff to understand that the preferred portfolio is selected on the basis of its performance in totality, and not on the basis of individual proxy resource selections. Accordingly, the proposal simply does not make sense considering how the IRP (entire portfolios) and RFP (individual bids) are actually scored.	OAR 860-089-0250(3)(g)	Joint Utilities/PacifiCorp	7/16/2025		Staff understand the difference between portfolio scoring in an IRP and price scores in an RFP. It remains important to understand how RFP price scoring works in practice to assess whether the methodology is reasonable. Demonstrating price scoring with proxy resources is the easiest and most transparent way to do so. Proxy price scores should be broadly indicative of resources that would perform well in a portfolio. Otherwise, a price score is not a useful metric for identifying resources that can result in a least-cost procurement outcome.
RNW thanks Staff for this change, and supports this new language as it enhances the clarity of this rule and will result in consistent application of scoring methodologies and alignment with the most recently-filed IRP, congruent with the previously stated intent of the Division 89 rules.	OAR 860-089-0250(3)(g)	RNW	7/16/2025		Staff makes no changes based on this comment.

The Joint Utilities acknowledge that this issue is highly technical and welcome continued dialogue. The Joint Utilities' primary concern is that the rule appears to be based on the assumption that proxy resources in an IRP are individually scored. In practice, IRPs evaluate entire portfolios rather than individual resources, whereas RFPs assess actual bids or combinations of bids specifically representing individual resources. While the scoring of IRP portfolios and individual RFP bids typically use very similar tools, the analysis that is conducted is necessarily different. This is specifically because in an RFP the bids being evaluated represent actual individual projects of known and distinct location, size, cost and performance characteristics. Proxy resources are generic representations and do not offer site-specific costs, interconnection costs, timeline, or other such constraints, or tax credit eligibility. As such, the Joint Utilities recommend removing references to the scoring of proxy resources from the rule or clarifying as suggested below. The draft rule would require utilities to use a scoring methodology that can be applied to produce a score for all proxy resources that were eligible for selection in the most recently filed IRP, which raises several challenges. (1) proxy resources in IRP modeling are generic representations, not real-world project offers with site-specific costs, interconnection costs or constraints, or tax credit eligibility. Applying a uniform scoring methodology to proxies could create the false impression that the results are more precise or comparable to actual bids than they are. (2) this introduces misalignment with the purpose of the IRP versus the purpose of the RFP. The IRP is a planning tool to identify least-cost/least-risk portfolios. It is not designed to produce definitive rankings of all resource types. Forcing a score across all proxies risks oversimplifying planning trade-offs. (3) this introduces the risk of misuse in procurement. The Joint Utilities are concerned that proxy scores could be misapplied in future RFPs or contested proceedings as if they were binding benchmarks, rather than illustrative planning inputs.	OAR 860-089-0250(3)(g)	Joint Utilities	8/20/2025	"use a scoring methodology that can be applied to proxy resources eligible for selection in the most recently filed IRP, to the extent practicable. Such scoring shall be illustrative, designed to enhance transparency in planning, and shall not substitute for or predetermine resource evaluation criteria in procurement processes"	Staff sees value in the application of a scoring methodology to all proxy resources, particularly in the evaluation of the proposed scoring methodology and consideration of the draft RFP filed by the utility. There does not appear to be a need at this time to limit the manner in which electric companies apply the knowledge they gain from consideration of how a proposed scoring methodology applies to proxy resources from a prior RFP.
This revision aims to ensure the RFP scoring framework isn't artificially constrained by outdated IRP assumptions. While IRP proxies are a useful reference, OSSIA supports flexibility to accommodate new technologies, pricing, and grid needs. The revision prevents the IRP from being misused to sideline third-party innovation.	OAR 860-089-0250(3)(g)	OSSIA	8/21/2025	Use a scoring methodology that can be applied to produce a score for all proxy resources that were eligible for selection in the most recently filed IRP. The scoring methodology should be informed by the IRP, but must allow for updated data, technologies, and system needs that have emerged since the IRP was filed. Use of the IRP proxy scoring methodology must not exclude or disadvantage new technologies or project configurations that meet current resource needs or policy objects.	The proposed rules allow for alignment with changes in circumstances from the most-recently filed RFP. Staff believes the current framework of OAR 860-089-0250 allows for consideration and comment on a draft RFP that considers relevant circumstances.

This revision clarifies and narrows the “good cause” provision to prevent utilities from unilaterally introducing procurement needs that have not been properly vetted. OSSIA is concerned that vague or subjective justifications could undermine the integrity of the RFP process and open the door to biased or unnecessary procurements. By requiring the utility to submit supporting documentation and obtain a Commission determination of sufficiency, these rules can ensure a clear and transparent process. Additionally, this language affirms that alignment with state energy policy, such as Oregon’s carbon reduction and reliability mandates, can be a legitimate basis for procurement, even if not fully reflected in the most recent IRP. This prevents artificial delays in procurement for policy-driven needs.	OAR 860-089-0250(3)(h)	OSSIA	8/21/2025	The alignment of the electric company’s resource need addressed by the RFP with an identified need in the most recently filed IRP, IRP Update, or, based on a showing of good cause, a subsequently identified need based on a change in circumstances supported by documentation submitted to the Commission demonstrating the nature of the changed circumstances and the rationale for the procurement need. The Commission must determine whether the good cause showing is sufficient prior to the electric utility issuing the RFP. Alignment with applicable state energy policy, including carbon reduction and resource adequacy goals, may constitute a sufficient showing.	Staff does not support a departure from the current standard for RFP approval: “The Commission may approve the RFP with any conditions it deems necessary, upon a finding that the electric company has complied with the provisions of these rules and that the draft RFP will result in a fair and competitive bidding process.”
IRPs and RFPs operate on an accelerated timeline with limited opportunities for discovery and building the evidentiary record, and no opportunity for an evidentiary hearing, cross-examination, oral argument, or legal briefing. It is essential that the utility’s initial and subsequent filings contain sufficient information and arguments with which to assess the validity of the utility’s proposal. Therefore, Renewable Northwest recommends an addition to OAR 860-089-0250 that would require utilities to explain and justify any changes relative to their prior RFP.	OAR 860-089-0250(3)(j)	RNW	7/16/2025	Any deviations in bidding or other requirements relative to the electric company’s previously-filed RFP, along with any supportive documentation, evidence, and justification for the deviation.	Staff has proposed a change to include a similar requirement for recently issued RFPs for similar types of resources.
OSSIA recommends allowing any qualifying facility that meets the minimum resource size to participate as bidders and that electric companies be prevented from restricting a bidders’ right to sell as QF in the future, either through participation in the RFP or execution of a contract through the RFP. Standard form contracts have included terms that would prevent the seller from selling as a QF in the future. OSSIA supports maintaining an open, nondiscriminatory RFP process and is concerned that utilities may use overly high minimum size thresholds to preclude participation. By requiring that size thresholds be justified, proportionate, and tied to the resource need, the rule would promote a broader and more competitive bidding pool.	OAR 860-089-0250(4)	OSSIA	8/21/2025	An electric company may set a minimum resource size in the draft RFP, but it must allow qualifying facilities that exceed the eligibility cap for standard avoided cost pricing minimum resource size to participate as bidders and may not limit the ability of bidders or bidder affiliates to sell to the electric company as a qualifying facility in the future. Any minimum resource size threshold must be reasonable and proportionate to the resource need identified in the RFP. The electric company must include justification for the proposed minimum resource size in its draft RFP filing.	Staff proposes no change to OAR 869-089-0250(4): “An electric company may set a minimum resource size in the draft RFP, but it must allow qualifying facilities that exceed the eligibility cap for standard avoided cost pricing to participate as bidders.”
OSSIA recommends amending this section to more closely align ownership transfers with the statutory language that directs the Commission to adopt rules that “allow for diverse ownership of renewable energy resources.”	OAR 860-089-0250(5)		8/21/2025	The Commission may approve the RFP with any conditions it deems necessary, upon a finding that the electric company has complied with the provisions of these rules and that the draft RFP will allow for diverse ownership of renewable energy resources and result in a fair and competitive bidding process.	The proposed language change differs from the requirement of ORS 469A.075(4)(c), which required the Commission to adopt rules “providing for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity.” The existing rules comply with this standard.

While the Joint Utilities are not opposed to providing information about access to highly confidential bid information, these requirements do not appear to be appropriately tailored to the identified concern. First, the Joint Utilities recommend clarifying that this provision only applies to highly confidential project-specific bid information that the utilities receive from developers in past RFP proceedings. Second, the Joint Utilities recommend including a timeframe for this reporting requirement. For instance, if an employee at a utility has been with the company for 30 years, presumably this reporting requirement would apply to all 30 years that employee has been with the company. If Staff desires to impose this requirement, a two-year reporting period, approximately equal to one RFP cycle, could be more reasonable proposal. Third, any requirement to submit additional reporting should only be triggered if there are any changes in circumstances from the original report. Lastly, the rules provide no definition on the term until "completion of the RFP." The Joint Utilities recommend that this be defined as filing the request for acknowledgment of the final shortlist. PacifiCorp also notes this requirement is also one-sided and does not require bidders to disclose if their personnel have had access to third-party bid information that they may have obtained from prior employment of prior Commission processes.	OAR 860-089-0300(1)	Joint Utilities	5/28/2025		Staff has made some changes to the draft in response to these comments: "(A) With the filing of a draft RFP for approval under OAR 860-089-0250, the electric company must disclose the current and past roles within the past five years of all company employees engaged with development or submission of a benchmark or affiliate bid and whether or not each employee had or has access to information that was not available to interested persons either generally or under the terms of a protective order in any prior RFP or IRP filed in Oregon by the electric company within the past five years. (B) If the Commission approves the draft RFP, the electric company shall file an update of the disclosure required under paragraph (A) within seven calendar days and file an additional update every three months thereafter until the completion of the RFP. "Completion of the RFP" means either the RFP has been withdrawn or negotiations are complete."
RNW supports Staff's draft rule language that requires an electric company to disclose current and past roles within the past five years for all company employees engaged in the development or submission of a benchmark or affiliate bid. Similar to above, this language is important to ensure fairness, transparency, and competition in the RFP process.	OAR 860-089-0300(1)	RNW	7/16/2025		Staff does not propose changes based on this comment.

Utilities are already working with very limited staff who are qualified to support these important efforts, and the Joint Utilities are therefore concerned that the provision limiting participation in benchmark bids if that employee had participated in the development of an RFP or evaluation and scoring within the past three years would further complicate appropriate staffing to these teams, potentially leading to increased costs through increased staffing needs associated with this rule. Additionally, the proposed language in OAR 860-089-0300(1)(b)(B) that requires updated disclosures every three months from the time the Commission approves a draft RFP to the completion of the RFP is problematic, duplicative, and unnecessary. Once the RFP has been developed and approved, and bids have been submitted, that potential for an unfair advantage is eliminated. And because the length of time to completion of the RFP could be many months or even years, the filing requirements are overly burdensome given their limited value. The desired result of these rules can be accomplished without imposing these overly burdensome and successive reporting requirements. Alternatively, should Staff seek to impose this type of reporting requirement, the Joint Utilities ask that it be limited to the beginning of the RFP and end once benchmark bids are submitted or the RFP is approved. Furthermore, the Joint Utilities are concerned to the extent this includes a requirement to publicly disclose employee names. If the disclosure requirement remains, language should be added to clarify that information concerning company employees, including names, will be treated as confidential and access limited.	OAR 860-089-0300(1)(b)	Joint Utilities	7/16/2025		Staff believes updates during the RFP are appropriate, but if the interim changes are minimal, the electric company's reporting may also be brief. Exemptions from the disclosure of public records in the Commission's custody are set forth in Oregon's Public Records Law, ORS 192.410 through ORS 192.505. If an electric company believes a particular person's name is exempt from disclosure under state law, it can apply the processes established under OAR 860-001-0070 for confidential information.
While it would be preferable for the rules to include a prohibition for any utility employee who has accessed confidential bidder information in the past from participating on the utility benchmark, RNW recognizes the staffing and resource constraints the utilities have. RNW therefore believes that Staff's new draft language strikes a reasonable balance and supports the draft rule as written.	OAR 860-089-0300(1)(b)	RNW	7/16/2025		Staff does not propose changes based on this comment.
RNW agrees with NIPPC that third-party bidder information must be protected in order to ensure a fair and competitive bidding process and restore faith in the RFP process. While it would be preferable for the rules to include a prohibition for any utility employee who has accessed confidential bidder information in the past from participating on the utility benchmark, RNW recognizes the staffing and resource constraints the utilities have. RNW therefore believes that Staff's new draft language strikes a reasonable balance and supports the draft rule as written.	OAR 860-089-0300(1)(b)	RNW	7/16/2025		Staff does not propose changes based on this comment.

OSSIA supports the intent of this section and appreciates Staff's work on this rule. OSSIA recommends adding two categories of criteria which would bar a PGE employee from preparing an electric company or affiliate bid unless an exception applies. (1) as PGE recently articulated, resource scheduling information "has both actual and potential commercial value" that "market participants could analyze...to infer operational constraints, marginal resources, and bidding strategies, allowing them to anticipate and exploit PGE's market positions." If PGE's own internal employees have access to this very information, they could use that information in the same way as any other market participant to create more competitive bids. And so there is actually no reason to keep such information confidential. Transparency into such data could equip all bidders to best meet the electric company's needs and thus achieve better results for ratepayers. (2) as the above-referenced UM 2024 motion for an MPO highlights, access to information is restricted under an MPO for commercial sensitivity in many non-RFP dockets, yet internal utility staff are permitted to view such information even before the MPO is entered, and also are permitted to sign those MPOs regardless of whether they may or may not be serving on a benchmark or affiliate team concurrently or in the future. And many of those non-RFP MPOs deal with the same competitively sensitive bid information from prior RFPs that this rule is intended to protect from misuse. E.g., UE 427 and UM 2000 both entered MPOs that cover competitively sensitive bid information. Individuals who gain access under any MPOs should not be permitted to serve on benchmark or affiliate teams unless the MPO has expired and the information provided thereunder has been released and made public under the terms of the MPO. (3) OSSIA recommends strengthening the implementation by requiring documented, enforceable internal firewalls between utility RFP design teams and bidding teams, with IE review to provide accountability. This language aims to prohibit improper crossover with the addition of a meaningful compliance mechanism.	OAR 860-089-0300(1)(b)	OSSIA	8/21/2025	Any individual who has done any of the following may not participate in the preparation of an electric company or affiliate bid and must be screened from that process: (1) participates or has participated in the development of a RFP within the past three years, or (2) participates or has participated in the evaluation or scoring of bids on behalf of the electric company within the past three years, (3) has had access to PGE's internal resource dispatch, modeling, and scheduling information unless that information has been made available in a usable format to all potential bidder, or (4) has had access to competitively sensitive bidder information subject to a modified protective order from a prior RFP or any information designated highly protected information subject to a modified protective order for so long as that modified protective order is still in effect or as long as the data provided thereunder has not been made public under the terms of the modified protective order (whichever is longer). The electric company must implement internal procedures to document and enforce such separation, including access controls and training protocols. The IE must review and report on the adequacy of these procedures as part of its oversight responsibilities.	Given the staffing constraints for electric companies conducting an RFP, Staff proposes certain limits on participation but also additional reporting to better understand the roles of various individuals involved in supporting the development of an RFP before proposing any further restrictions.
OSSIA strongly supports Staff's addition of Proposed OAR 860-089-0300(1)(b)(A). This is a disclosure OSSIA has advocated for and we are supportive of Staff's inclusion in the Initial Draft. OSSIA requests ongoing discussions and clarification on supporting this new provision with a procedural backbone, such as a standardized screening process. OSSIA would like to work with Staff and parties to add language to the draft rule that incorporates some type of procedure that attempts to remedy any conflict identified by parties upon disclosure of these employment records.	OAR 860-089-0300(1)(b)(A)	OSSIA	5/30/2025		No changes proposed in response to this comment.

To clarify, PGE is requesting that it be able to provide the requested names as confidential under the current general protective order process. The confidential designation of employee names on the RFP and Benchmark Teams was addressed by the Commission recently in a rate recovery proceeding. While the Commission stated that they may reexamine this issue in a subsequent rulemaking, they affirmed the Administrative Law Judge's determination that PGE could appropriately designate employee names as confidential under the general protective order. The basis for the Commission's finding was ORCP 36(C)(l), which allows the Commission to "make any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." The Commission further noted, "Publicly naming employees raises the possibility that their character may be publicly impugned or that they may otherwise be opened up to harassment. The end result is that we are not convinced that this information should be public at this time and ORCP 36(C)(l) gives us discretion to maintain confidentiality." PGE believes this continues to support protection of employee names as confidential under the general protective order. PGE considers the names and titles of current and former employees as sensitive information that it only shares with those who have a business need and not with the general public.	OAR 860-089-0300-(1)(b)(A)	Joint Utilities	8/20/2025		Staff notes that RFP dockets are not contested case proceedings, and the ORCP do not apply. Exemptions from the disclosure of public records in the Commission's custody are set forth in Oregon's Public Records Law, ORS 192.410 through ORS 192.505. If an electric company believes a particular person's name is exempt from disclosure under state law, it can apply the processes established under OAR 860-001-0070 for confidential information.
The Commission should take steps to ensure that no utility employee that has been, or will be, on the team developing proposed benchmark bids in an ongoing RFP has had access to current or previous highly confidential bidder information from previous RFPs that is still protected under applicable protective orders. If a utility is using third-party bidder information to help prepare its bids, then that is likely to be either an illegal theft of trade secrets and/or a tortious misappropriation of trade secrets, and the Commission should take strong action to prevent a utility from engaging in such conduct. The Commission's role is to prevent, not facilitate, a utility from engaging in illegal or tortious behavior. Finally, contrary to utility statements, properly separating utility employees will not have the practical impact of preventing a utility from submitting benchmark bids. It is unclear how the utilities lack the necessary personnel to separate roles in this manner. However, NIPPC looks forward to better understanding the utilities' perspective and the limits on their staffing capabilities.	OAR 860-089-0300(1)(b)(A)-(B)	NIPPC (supported by OSSIA)	5/28/2025		Staff has made some changes to the draft rule - 0300(1)(b) in response to these comments: "Any individual who participates or has participated in the development of a RFP or the evaluation or scoring of bids on behalf of the electric company within the past three years may not participate in the preparation of an electric company or affiliate bid and must be screened from that process." In addition, the reference to confidential information now refers to "information that was not available to interested persons either generally or under the terms of a protective order in any prior RFP or IRP filed in Oregon by the electric company within the past five years. "

Unless the Commission is going to take action to prevent anti-competitive behavior by barring utility employees with commercially sensitive knowledge from preparing the utility's benchmark bid, it is unclear what practical usefulness exists for the information regarding identity of employee roles. Currently, bidders lack confidence in the fairness of the RFPs because, inter alia, the utility benchmark team could have had access to highly confidential bidder information other bidders are not allowed to access. With a faster pace of RFPs brought about by House Bill 2021 and other factors, there is a greater likelihood that highly confidential information from any given RFP will remain highly relevant in the next RFP. This is because the next RFP will occur near in time to the now-benchmark team member's previous access to highly confidential information that they may have obtained in evaluating bids in the prior RFP. NIPPC acknowledges that the commercially sensitive bidder information in an RFP can become less commercially relevant over time and that there is a rapidly changing regulatory and legal changes in the industry. NIPPC is open to a discussion of how long any information should remain confidential. Any sharing of information should be reciprocal: PGE should share its confidential information if PGE employees who work on the benchmark team are accessing their competitors' confidential information.	OAR 860-089-0300(1)(b)(A)-(B)	NIPPC (supported by OSSIA)	5/28/2025		See response to previous comment.
NIPPC fully supports Staff's revisions to this rule. Three years should be sufficient to cover commercially sensitive bidder information from a utility's previous RFP and prevent the utility benchmark team from unfairly accessing previous confidential or highly confidential bidder information. While NIPPC recommended the prohibition cover the term of a protective order (typically five years), three years should be sufficient and strikes a good balance during rapidly changing regulatory and legal changes in the industry. Further, three years strikes a good balance with the utilities' concerns related to staffing capabilities.	OAR 860-089-0300(1)(b)(A)-(B)	NIPPC	7/16/2025		Staff does not propose changes based on this comment.
OSSIA supports these additions from Staff and finds the language has incorporated prior comments from NIPPC and OSSIA.	OAR 860-089-0300(1)(b)(A)-(B)	OSSIA	8/21/2025		Staff does not propose changes based on this comment.
OSSIA seeks to ensure the benchmark bid competes fairly and that the competitive bidding rules explicitly prohibit noncompetitive benchmark bid advantage in scoring and treatment.	OAR 860-089-0300(2)		8/21/2025	An electric company may propose a benchmark bid in response to its RFP to provide a potential cost-based alternative for customers. Benchmark bids must be evaluated on the same terms and scoring criteria as all other bids and must not receive preferential treatment in scoring or shortlist selection. Benchmark bids must include all resource cost components and risk factors required of third-party bids, and the IE must review and verify the completeness and competitiveness of the benchmark bid prior to shortlist selection.	Staff finds the existing rules appropriate, requiring benchmark bids to be treated in the same manner as other bids, including scoring and evaluation criteria, with the benchmark resource scored before third-party bids are viewed.

Proposed expansion from "elements of [a] benchmark resource" to "resource elements" is undefined and therefore one could presume this means every resource a utility owns will have to be submitted with corresponding analysis, regardless of whether it is even offering a benchmark bid or whether that benchmark bid is relying on utility assets. Staff's proposal would in essence require the Joint Utilities to provide an inventory of all utility assets, which may or may not be relevant to a competitive solicitation. The Joint Utilities are hopeful that such an expansive and unreasonable requirement is not the intent of the removal of the term "benchmark" to this rule. The Joint Utilities recommend maintaining the current version of the rule, which is reasonable in scope because it applies only to elements of a benchmark resource and requires only a single analysis.	OAR 860-089-0300(3)	Joint Utilities	5/28/2025		See response to previous comment. Staff has also modified this language in the draft: "If benchmark bid resource elements secured by the electric company are not made available to all bidders, it must provide analysis demonstrating how that decision is in the best interest of customers when seeking approval of a draft RFP under OAR 860-089-0250. The electric company must include that same analysis when requesting acknowledgement of a final shortlist and when seeking recovery of the costs of the resource in rates, along with any relevant updates.
Should the Commission ultimately consider Staff's proposal to expand from "elements of [a] benchmark proposal" to "resource elements," the Joint Utilities request that the framework be reciprocal such that third party developers are required to make available any bid elements as a means of delivering least cost, least risk resources for customers.	OAR 860-089-0300(3)	Joint Utilities	5/28/2025		No changes proposed in response to this comment. Staff remains open to considering language consistent with the intent of Division 89 "to provide an opportunity to minimize long-term energy costs and risks, complement the integrated resource planning (IRP) process, and establish a fair, objective, and transparent competitive bidding process, without unduly restricting electric companies from acquiring new resources and negotiating mutually beneficial terms."
A utility should be required to make its assets available for use by all bidders. It is better to develop standard rules that apply across all utilities instead of an ad hoc determination for each utility and RFP. This is more efficient and will provide clear guidance to both utilities and stakeholders. NIPPC is willing to discuss what type of assets should be made available to all bidders with stakeholders. Some initial suggestions include: a utility's assets at a retiring facility such as the replacement generator interconnection rights, site control, or transmission on the utilities' or third-party systems necessary to reach the utility's loads from the retiring facility; land or site control at existing resources if a developer proposes to build a complementary resource to take advantage of scarce interconnection or transmission; excess utility-owned point-to-point transmission that may enable bidders to reach the utility's system from off-system resource sites; and utility-owned assets a utility benchmark plans to use that could be used by other bidders. A utility [PGE] was given an opportunity to implement Staff's recommendation and allow third-party bidders to use its assets, but it appears this case study may not be effective. The utilities need to be unambiguously required to make their assets available for use by third-party bidders or they will not do so.	OAR 860-089-0300(3)	NIPPC (supported by OSSIA)	5/28/2025		See comments below.

RNW feels strongly that certain utility-owned assets should be made available to third-party bidders. At a minimum, transmission rights—such as those in Bonneville Power Administration’s system that Puget Sound Energy made available to bidders in Washington—should be made available to ensure a fair and competitive process. This would align with the intent of Division 89 “to provide an opportunity to minimize long-term energy costs and risks, complement the [IRP] process, and establish a fair, objective, and transparent competitive bidding process, without unduly restricting electric companies from acquiring new resources and negotiating mutually beneficial terms.” Specifically, RNW continues to believe that benchmark bid elements (which will be defined iteratively in various RFPs and would be difficult to put into rule) and transmission rights be made available to third party bidders. RNW supports the language in 0300(3) that requires the utility to provide analysis “demonstrating how that decision is in the best interest of customers” if the electric company exercises the permissive “may” language in determining whether to make resource elements available to third party bidders.	OAR 860-089-0300(3)	RNW	8/20/2025		Staff has added a requirement to evaluate whether to make transmission rights held by an electric company available to third-party bidders, and requires analysis underlying the required resource availability decisions to be included with the draft RFP.
OSSIA supports removing the provision on affiliate exemptions. Our proposed addition to add IE oversight here aims to add a layer of accountability to an electric company’s decision, to improve trust in the benchmark bid process. OSSIA supports NIPPC’s comments that utilities should be required to make at least benchmark bid elements/utility-owned assets and transmission rights available to third-party bidders and disclose those assets in the IRP or IRP update. This is a common-sense approach and fair to ratepayers and bidders as bidders need sufficient time to consider how they might utilize utility owned or secured assets or to structure a bid around those assets. Development takes years. OSSIA also proposes that in no event should this notice be provided less than 90 days prior to RFP issuance to avoid circumstances where an IRP or IRP update might be issued near in time to RFP issuance.	OAR 860-089-0300(3)	OSSIA	8/21/2025	The electric company may make elements of a benchmark resource owned or secured by the electric company (e.g., site, transmission rights, or fuel arrangements) available for use in third-party bids and, if it does, it shall include details relevant to the RFP about such elements in the IRP or IRP Update but in no event less than 90 days before issuance of an RFP, Draft RFP and any RFP it issues following approval by the Commission. Details about resource elements secured by the electric company that become available to third-party bidders after issuance of the RFP must be provided to potential bidders in advance of the due date to submit third-party bids. If resource elements secured by the electric company are not made available to all bidders, it must provide analysis demonstrating how that decision is in the best interest of customers when filing an IRP or IRP Update but in no event less than 90 days before issuance of an RFP, seeking approval of a draft RFP under OAR 860-089-0250. The IE must review and include an assessment of this justification in their report on the draft RFP. The electric company must include that same analysis when requesting acknowledgment of a final shortlist and when seeking recovery of the costs of the resource in rates, along with any relevant updates. If electric company resources are offered and made available for use in third-party bids, then the RFP may provide for appropriate compensation of electric company resources by third-party bidders.	Staff proposes that details concerning benchmark resource elements and transmission rights that will be made available be included in the Draft RFP, and as they may become available, provided it is reasonably in advance of the due date to submit third-party bids.

Subsection (3) begins by stating that a utility “may” make “benchmark resources” available to third-party bidders, which the Joint Utilities do not oppose. However, the subsection later introduces the undefined term “resource elements,” which appears to be broader than “benchmark resources.” This shift in terminology creates confusion and raises concerns. To add to the confusion in (4) the rules reference “transmission rights” and that it is up to the utility to determine if it wants to give transmission to third parties. This raises the question of whether a “transmission right” is a “benchmark resource” or a “resource element” that is subject to their respective requirements, or is it within its own category? The rules also reference to “elements” and “resource elements,” are these the same thing or do they reference something else? To avoid all this confusion, the requirements should only be applicable to benchmark resources bids into an RFP.	OAR 860-089-0300(3)-(4)	Joint Utilities	7/16/2025		Staff proposes changes that establish separate requirements to analyze whether to make 1) benchmark resource elements and 2) transmission rights held by the electric company available to third-party bidders.
The Joint Utilities recommend that this requirement be limited strictly to resource elements contained within a benchmark bid. Requiring utilities to catalog and provide a separate “analysis” for the exclusion of every asset they own is patently unreasonable and would impose a beyond excessive administrative burden without clear benefit. Additionally, Staff’s new proposed rule regarding transmission rights appears to be overly prescriptive as different utilities may be differently situated in terms of transmission systems and use of third-party transmission rights. For this reason, we believe that this requirement should not be placed into rules, and instead, this issue should be addressed in each utility’s RFP proceeding.	OAR 860-089-0300(3)-(4)	Joint Utilities	7/16/2025		Staff proposes a requirement for an electric company to evaluate whether to make transmission rights available, with that analysis to be considered with submission of a draft RFP in any particular RFP.
NIPPC also supports Staff’s revisions to the rules that clarify the utility must provide the analysis when the utility seeks approval of the draft RFP, requests acknowledgment of the final shortlist, and seeks recovery of costs in rates. These timing requirements should also apply to the analysis required in subsection (4).	OAR 860-089-0300(3)-(4)	NIPPC	7/16/2025		Staff has included timing requirements with respect to transmission rights.

Staff's proposal is inadequate to address the persistent and reoccurring problem of utilities using their, typically ratepayer-funded, assets to bias the results of RFPs in favor of more expensive and risky utility-owned assets. The Commission's decision on making utility owned-assets available to third-party bidders may be the most important action the Commission can take to ensure that PAC and, even more, PGE are able to meet their House Bill 2021 compliance requirements, without exceeding the cost cap. NIPPC still strongly urges Staff to require a utility to make these assets available to all bidders. NIPPC's revision to section 3 would make it clear that all transmission rights, not just those of the benchmark resource, should be made available, but only the site, interconnection rights, fuel arrangements, and other similar rights are made available if there is benchmark participating in the RFP.	OAR 860-089-0300(3)-(4)	NIPPC	7/16/2025	The electric company may must make elements of the benchmark resource owned or secured by the electric company (e.g., site, transmission interconnection rights, or fuel arrangements) and transmission rights held by the electric company available for use in third-party bids and, if it does, it shall include details relevant to the RFP about such elements in the Draft RFP and any RFP it issues following approval by the Commission. Details about resource elements secured by the electric company that become available to third-party bidders after issuance of the RFP must be provided to potential bidders in advance of the due date to submit third-party bids. If resource elements secured by the electric company are not made available to all bidders, it must provide analysis demonstrating how that decision is in the best interest of customers when seeking approval of a draft RFP under OAR 860-089-0250. The electric company must include that same analysis when requesting acknowledgement of a final shortlist and when seeking recovery of the costs of the resource in rates, along with any relevant updates. If electric company resources are offered and made available for use in third-party bids, then the RFP may provide for appropriate compensation of electric company resources by third-party bidders.	Staff has added a requirement to evaluate whether to make transmission rights held by an electric company available to third-party bidders, and requires analysis underlying the required resource availability decisions to be included with the draft RFP.
Utility-owned assets should be made available to third-party bidders. While RNW acknowledges that it may be difficult to define in rule exactly which assets should be available, at a minimum, transmission rights—such as those in Bonneville Power Administration's system that Puget Sound Energy made available to bidders in Washington—should be made available to ensure a fair and competitive process. RNW recommends that Staff require that benchmark bid elements and transmission rights be made available to third party bidders in the next iteration of the draft rules. In the alternative, RNW would be willing to support Staff's currently proposed draft rules as a compromise, provided that the new language in OAR 860-089-0300(4) be changed from "[t]he electric company may evaluate whether it is in the best interest of customers..." to "[t]he electric company must." With this change, the utilities would still not be required to make ratepayer-funded transmission rights available to third-party bidders, but would merely be required to provide an evaluation of whether doing so is in customers' interests in the RFP. While this would not go as far as RNW's primary recommendation in terms of ensuring competition and availing utility customers of the best available resource options, it would be an improvement over the status quo.	OAR 860-089-0300(3)-(4)	RNW	7/16/2025	(4) "The electric company may must evaluate whether it is in the best interest of customers..."	Staff has edited the draft rule in -0300(4) to state "must evaluate".

Requiring that resources be made available to third parties would undermine the utility's ability to preserve system reliability and operational control. The type of utility owned assets that seem to be contemplated, particularly transmission rights, are critical to maintaining real-time system reliability, especially during peak load and contingency conditions and for a utility's ability to respond to emergencies, optimize dispatch, and manage grid congestion across its service territory. Utility-owned assets are integrated into broader operational control systems and protection schemes. Sharing those elements introduces cybersecurity, liability, and operational risks that cannot be fully mitigated through contracts. Requiring utilities to make its assets available to third parties undermines the utility's ability to execute on a cohesive portfolio strategy and even meet capacity obligations under the WRAP.	OAR 860-089-0300(3)-(4)	Joint Utilities	8/20/2025		Staff's proposed draft does not require resources to be made available.
Requiring a utility to transfer assets to a third party without full cost recovery certainty or risk control could shift costs to customers and the utility. Assets are typically developed and obtained with ratepayer funding or recovery mechanisms approved by the Commission. The Joint Utilities are concerned that requiring assets to be made available to third parties could undermine ensuring that these assets are used to maximize long-term benefits for customers and instead would allow them to be used as earnings opportunities for developers. This is especially concerning, because the rule contemplates that developers can take certain elements a la-carte regardless of how such actions could negatively impact other elements not taken—including their value. There is a pending question in this circumstance of whether a utility would be compensated for the diminished value of resource elements not taken.	OAR 860-089-0300(3)-(4)	Joint Utilities	8/20/2025		Staff's proposed draft does not require resources to be made available.
Under the regulatory compact, PGE is required to plan, invest in, and operate assets in the public interest in exchange for a fair opportunity to earn a return on those assets. PGE is a load-serving entity accountable for meeting policy mandates, system reliability, and customer affordability. Requiring PGE to make its own strategic assets available to competitors undermines this role. This paradigm shift will likely necessitate a review of the cost-recovery mechanisms for utilities (for example, the Power Cost Adjustment Mechanism (PCAM) for PGE). If PGE is not allowed to use its own assets in competitive solicitations—or must allow third-party use—there is ambiguity in how those assets will be treated for cost recovery or return.	OAR 860-089-0300(3)-(4)	Joint Utilities	8/20/2025		Staff proposes "If electric company benchmark resources elements or transmission rights are offered and made available for use in third-party bids, then the RFP may provide for appropriate compensation of electric company resources by third-party bidders."

Requiring utilities to make its assets available to third parties could also suppress competitive innovation. Third-party developers should be working to develop their own sites and assets and incurring the associated time and burdens it requires. Developers may choose to withhold shovel-ready projects or assets with strategic interconnection positions from Oregon procurements if they risk being stripped of exclusivity, which will reduce the pool of viable projects and drive-up procurement costs. Mandating shared access to transmission/interconnection/site rights may encourage speculative bids by parties that have made no investment in project feasibility, potentially resulting in lower-quality offers, later-stage attrition, and less reliable portfolios. Utility benchmark bids that rely on joint development structures are increasingly critical to delivering competitive, creditworthy, and investment-ready projects, especially under tight interconnection and tax credit timelines. If a utility benchmark is required to share developer-funded rights with competitors, the utility cannot credibly or competitively bid, since others may free-ride on a project the utility and its partner have derisked. This proposal can also have the unintended effect and discouraging the substantial time and resource commitment towards developing benchmark bids altogether, which would likely result in less competition and higher costs.	OAR 860-089-0300(3)-(4)	Joint Utilities	8/20/2025		Staff's proposed draft does not require resources to be made available.
There are legal concerns with compelling the sharing of non-utility owned rights. Oregon's Competitive Bidding Rules focus on ensuring fair evaluation and process transparency and should not mandate the sharing of developer-owned rights or assets not under utility control. Requiring such access could trigger legal disputes over intellectual property, contract rights, and equitable treatment under Oregon utility law and broader commercial law principles. The Joint Utilities are further concerned that if these rules are modified to state that a utility must offer its owned property to bidders, this would exceed the scope of the Commission's legal authority and would constitute an unconstitutional taking of utility property. The Commission may encourage a utility to make their property available to bidders and can even ask the utility to analyze alternative uses for the property. However, the ultimate decision regarding use of the utility property is appropriately a utility management decision.	OAR 860-089-0300(3)-(4)	Joint Utilities	8/20/2025		Staff's proposed draft does not require resources to be made available.
PacifiCorp also notes that, for multi-jurisdictional utilities, many transmission rights are allocated among states to ensure both reliable and cost-effective service. However, this docket has not addressed the legal authority of the state of Oregon on the topic of requiring transmission rights be made available and/or taken by third parties. The absence of such consideration raises concerns about the applicability and enforceability of any proposed requirements related to transmission rights within a multi-state framework.	OAR 860-089-0300(3)-(4)	Joint Utilities/PacifiCorp	8/20/2025		Staff's proposed draft does not require resources to be made available.

The utilities have historically actively resisted making their assets broadly available for the benefit of ratepayers. NIPPC believes the Commission should move beyond seeking coherent and well explained objections from the utilities (which the utilities, in any event, have not provided), and instead require them to provide cooperative solutions to make Staff's proposal work. NIPPC believes that the only real way to make progress is for the Commission to require the utilities to make assets available to bidders, which would require the utilities to clearly identify any potential concerns, and explain how they would need to be solved. In the environment of limited transmission, fewer prime locations, and the retirement of utility thermal assets that will open up new interconnection capacity, RFPs as they have been run recently simply cannot and will not establish a fair, objective, and transparent competitive bidding process to obtain the least cost and least risk resources. The Commission's decision on making utility-owned assets available to third-party bidders may be the most important action the Commission can take to ensure that PAC and PGE are able to meet their House Bill 2021 compliance requirements, without exceeding the law's cost cap.	OAR 860-089-0300(3)-(4)	NIPPC	8/20/2025		See above comments.
Some utility-owned assets that could be made available to third-party bidders include: location/site and any development rights or associated nearby land at the location; easements; interconnection facilities, access to interconnection facilities, or retiring interconnection assets; transmission rights at a specific location; and more, which a utility may not "own," but it instead may hold a right to use the asset (i.e., lease to land, right to interconnect on BPA's system, site certificate, etc.), and that right to use the asset should be shared with third-party bidders. NIPPC is not recommending all utility assets be required to be made available in every single RFP, but only utility-owned assets a benchmark or utility-owned bid plans to use and excess transmission rights the utility holds. A utility can easily determine how much of its transmission capacity is reserved or not. Utility site locations will require not just the specific land, but interconnection rights, common easements, use of utility easements or nearby land, etc. Use of utility-owned assets will also require coordination from the utility for scheduling, servicing, security, or emergency response. A utility should not be required to revise a utility-owned asset to make a different resource feasible; e.g., if utility land rights are not suitable for a specific technology (e.g., the land is suitable for wind but not solar), the utility should not be required to negotiate different land rights for it. But the utility may need to be willing to agree to a negative covenant so that the utility will not announce that the transmission is no longer available or build a second wind facility near the site that it has made available. The utilities have partnered with other entities to share land or facilities in order to develop projects. If the utility has concerns about operation of a facility, the utility could allow the third-party to own and develop a project on the same site, but require the utility to operate and maintain the facility to reduce operation concerns. A willing utility can and has overcome the hurdles described by utilities. Generally, the language in the draft rules will not result in utilities actively engaging in a constructive manner to overcome these hurdles.	OAR 860-089-0300(3)-(4)	NIPPC	8/20/2025		See above comments.

NIPPC recommends the utility identify what assets it plans to use for a benchmark resource or what utility-owned assets a utility-owned bid will use and what transmission rights would be available for third-party bids when it files the IRP or IRP Update. The IRP or IRP Update is when notice is given about a utility's resource needs. This is also likely when the utility will begin planning what benchmark resources it would bid into the RFP or what utility-owned assets will be used by utility-owned bids. Bidders need enough notice of the potential benchmark/utility-owned assets or transmission rights that will be made available to all bidders in order to effectively design a bid. In a time of rising retail rates and the potential to reach the House Bill 2021 cost cap, the Commission should use every available tool to ensure that the monopoly utilities serving retail customers drive costs down. While notice when the draft RFP is filed may be sufficient for some utility-owned assets, it is likely not sufficient for most utility-owned assets, and it is better policy to require the utility to file this information with the IRP or IRP Update. This is especially true if the utility will not fully cooperate and provide a complete proposal for use of the utility-owned assets or transmission rights when it files the draft RFP. It would be better to require the notice at the IRP stage and have the Commission finalize the decision before the RFP. The Commission could also disallow a benchmark from using any utility-owned assets it did not disclose in the IRP or IRP Update.	OAR 860-089-0300(3)-(4)	NIPPC	8/20/2025		Staff proposes that details regarding assets that will be made available be provided with the Draft RFP, when bidders typically become aware of the potential opportunity to submit proposals.
OSSIA seeks to eliminate sole discretion by an electric company, adding in IE and Commission oversight. Transmission access is a key competitiveness factor that OSSIA believes should not be under unilateral control by the utilities. Our proposed language aims to balance flexibility while providing for oversight and increase transparency in the draft RFP process.	OAR 860-089-0300(4)	OSSIA	8/21/2025	The electric company must evaluate whether it is in the best interest of customers to make the use of transmission rights held by the electric company available to any bidders in an RFP. The electric company must include a description of any transmission rights it holds that could be relevant to the resource need and a proposal for whether and how those rights will be made available to third-party bidders in the draft RFP. The IE must assess whether the proposed treatment of transmission rights is reasonable and non-discriminatory. The Commission may require the electric company to modify its treatment of transmission rights.	Staff does not support the proposed changes, as OAR 860-089-0250 sets out the standard for Commission review of a Draft RFP, and that process includes IE review.
OSSIA recommends amending this section to more closely align ownership transfers with the statutory language that directs the Commission to adopt rules that "allow for diverse ownership of renewable energy resources." In light of historical electric company RFP win rates, additional scrutiny is warranted here and reasonable limits should be placed on an electric company's ownership transfers if the company does not have or is at risk of not having diverse ownership of resources.	OAR 860-089-0300(5)	OSSIA	8/21/2025	The Commission may allow an electric company may to consider ownership transfers within an RFP solicitation upon a finding that ownership transfers provide diverse ownership of renewable energy sources. In determining whether ownership transfers provide diverse ownership, the Commission shall consider ownership metrics from past solicitations, and the overall ownership mix of the electric company's current resource stack. In allowing for ownership transfers, the Commission may place limitations on such transfers to provide for diverse ownership.	The proposed language change differs from the requirement of ORS 469A.075(4)(c), which required the Commission to adopt rules "providing for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity." The existing rules comply with this standard.

OSSIA seeks greater accountability and transparency into how benchmark bids meet requirements by reinforcing the IE's oversight role. The added language clarifies that the IE is verifying parity in benchmark resource scoring, not just reviewing the electric company's score. The IE should also verify and report on the benchmark's compliance with minimum bid requirements.	OAR 860-089-0350(1)	OSSIA	8/21/2025	Prior to viewing third-party bids on an approved RFP, the electric company must file with the Commission and submit to the IE, for review and comment , a detailed score for any benchmark resource with supporting cost information, any transmission arrangements, and all other information necessary to score the benchmark resource. The IE must verify that benchmark's compliance with minimum bid requirements, scoring assumptions, data, and evaluation methods are equivalent to those used for third-party bids. The electric company must apply the same assumptions and bid scoring and evaluation criteria to the benchmark bid that are used to score other bids. Upon review of the IE's benchmark resource score verification, the Commission may approve the electric company's benchmark resource score.	Staff has not made changes to the draft rules based on this comment.
This addition seeks to require utilities to make scoring criteria more clear, by clearly describing scoring criteria in the draft and final RFP so bidders can understand which components they control and which are subjective to the utility. This clarity would increase fairness to bidders, while also increasing efficiency of bids.	OAR 860-089-0400(1)	OSSIA	8/21/2025	To help ensure that the electric company engages in a transparent bid-scoring process using objective scoring criteria and metrics, the electric company must provide all proposed and final scoring criteria and metrics in the draft and final RFPs filed with the Commission. The electric company must clearly identify which scoring criteria are minimum bid requirements, which are self-scorable, and which are subject to utility judgment or modeling.	Staff has not made changes to the draft rules based on this comment. Staff believes that concerns with the clarity of RFP requirements can be addressed in stakeholder comments on review of a draft RFP.
This addition aims to increase transparency in price scoring and allow bids to be as self-scorable as possible. The self-score should also be submitted with initial bid submissions as a reasonable data point against which the IE and the Commission can check the company-provided scores. If there is a large misalignment between how well a bidder thinks they will perform and how well they actually perform, then that could be grounds for further exploration.	OAR 860-089-0400(2)(a)	OSSIA	8/21/2025		Staff has not made changes to the draft rules based on this comment.
OSSIA proposes deleting the option for non-price scoring to be based on conformance to standard form contracts. This element of the RFP scoring has been the subject of much debate in RFP dockets as proposed standard form PPA terms are often drafted against bidder interests and may not be commercially reasonable. It is also unnecessary to base any portion of the scoring on adherence to standard form contracts because OAR 860-089-0250(3)(d) requires that RFPs allow bidders to negotiated mutually agreeable final contract terms that are different from the standard form contracts. Finally, the addition of the final sentence aims to prevent utility bias or inconsistent treatment under the guise of non-price scoring.	OAR 860-089-0400(2)(b)	OSSIA	8/21/2025	Non-price scores must, when practicable, primarily relate to resource characteristics identified in the electric company's most recent IRP Action Plan or IRP Update and may be based on conformance to standard form contracts. Non-price scoring criteria must be objective and reasonably subject to self-scoring analysis by bidders. Unless approved by the Commission, non-price scores must remain objective and must not include subjective evaluation by the electric company.	Staff has not made changes to the draft rules based on this comment.

The IE oversees the process to ensure it is “conducted fairly, transparently, and properly.”8 OSSIA believes that the IE should be empowered at the initial shortlist stage of the RFP process to serve as a check against unfair shortlist formation. Further, this change provides a procedure for the IE and Commission to follow in the event the IE uncovers inappropriate shortlist bid evaluation and scoring.	OAR 860-089-0400(4)	OSSIA	8/21/2025	The electric company may select an initial shortlist of bids after it has scored the bids and identified the bids with top scores. The electric company must consult with the IE prior to finalizing the initial shortlist. The IE must file a report describing whether bid evaluation and scoring was consistent with the approved RFP. If the IE finds that the initial shortlist of bids is a result of inconsistent bid evaluation and scoring, the Commission may order the electric company to select and alternate shortlist of bids that is consistent with the approved RFP. Following selection of an initial shortlist of bids, the electric company may select a final shortlist of bids.	Staff has not made changes to the draft rules based on this comment.
This language adds protective measures to opaque adjustments to wind and solar bids.	OAR 860-089-0400(5)(a)	OSSIA	8/21/2025	The electric company must use a qualified and independent third-party expert to review site-specific critical performance factors for wind and solar resources on the initial shortlist before modeling the effects of such resources. The electric company must disclose which bids were affected by performance factor adjustments and provide documentation of the third-party expert's findings to the Commission and IE.	Staff has not made changes to the draft rules based on this comment.
The Joint Utilities request that the rules clarify the IE's reports will be limited to summaries and will not include recommendations subject to Commission decisions on each individual report. The procurement process in Oregon is already slow and does not need further delays in adjudicating every required IE report.	OAR 860-089-0450	Joint Utilities	7/16/2025		The proposed rules do not include a separate process for review of the IE's reports. Where a summary report is sufficient, that is identified in the draft rules.
The rules offer no flexibility or consideration of costs. They impose a one-size-fits-all approach to IE responsibilities, regardless of the specific circumstances of the utility or the RFP. For example, even in cases where an RFP includes no benchmark bids, the same requirements would still apply. Independent Evaluators are costly and charge a premium for their specialized services. This proposal would significantly increase transaction costs which will ultimately be borne by customers and/or through bidders through increased bids fees. The rules should allow for flexibility in defining the IE's role, tailored to the unique circumstances of each individual RFP. There is more flexibility in the current rules, and this proposal makes the rules more rigid. The decision before Staff is one of rigid or flexible rules – the Joint Utilities believe the latter is the best approach.	OAR 860-089-0450	Joint Utilities	7/16/2025		Staff has not made changes to the draft rules based on this comment.

Staff's proposal to limit the IE's involvement in contract negotiations to only those negotiations the IE "finds necessary to understand whether the final contract or the failure to acquire a resource is reasonable" does not adequately address the utilities' concerns regarding increased costs and delays. The Joint Utilities urge Staff to retain the current rules, which allow for contract monitoring on a case-by-case basis. For instance, it may be appropriate for an IE to monitor negotiations involving a benchmark bid in one case, while in another, such oversight may be unnecessary and overly costly. Contract monitoring can also be more defined and only include being included on emails exchanged and looking at redline contract revisions. A one-size-fits-all approach is overly rigid and fails to account for the unique circumstances of each RFP and the transaction costs that will materialize as higher bidder fees and increased electric rates.	OAR 860-089-0450	Joint Utilities	7/16/2025		The proposed rule language does not impose a one-size-fits-all approach. The prior assumption was that monitoring would not be required, except as directed by the Commission. The draft amendments start with the assumption that monitoring is required, but allow for the Commission to direct otherwise.
PacifiCorp notes that Oregon's current regulatory process is the slowest among its jurisdictions. These new requirements risk exacerbating that issue. For example, no other jurisdiction requires the same level of post-issuance oversight—such as formal acknowledgment of the final shortlist or monitoring of contract negotiations. Even pre-issuance, Oregon lags behind. To illustrate this, PacifiCorp filed its current Oregon RFP on April 15 and its Washington RFP on June 10. Despite being filed nearly two months later, the Washington RFP is expected to be approved over a month sooner than Oregon's RFP, with a much more streamlined process. This delay materially impacts the utility's ability to act swiftly in the best interest of Oregon customers. The scale of these material delays do not exist in PacifiCorp's other jurisdictions. Introducing several new additional regulatory checkpoints could further hinder PacifiCorp's ability to respond efficiently and may jeopardize future opportunities for joint RFPs with other states. The Joint Utilities urge Staff to strike a reasonable balance between necessary regulatory oversight and the flexibility utilities need to prudently and promptly procure resources for their customers.	OAR 860-089-0450	Joint Utilities/ PacifiCorp	7/16/2025		Staff has not made changes to the draft rules based on this comment.
While the IE's monitoring contract negotiations may be useful in certain RFPs, it may not be a prudent use of resources in all RFPs, depending on the type of solicitation. Negotiations for individual projects require a significant number of hours that occur over the span of several months, and this requirement has the potential to exponentially increase costs associated with IE fees and materially impact the ability to successfully negotiate necessary contracts. The Joint Utilities invite further discussion on this proposed requirement and the definition of "monitor" to balance the objectives Staff wants to achieve with the associated costs and implications.	OAR 860-089-0450(10)	Joint Utilities	5/28/2025		Staff finds value in a contract monitoring requirement. Staff has added: "...monitor contract negotiations through to the completion of any contract between the electric company and a bidder as the IE finds necessary to understand whether the final contract or the failure to acquire a resource is reasonable ."
This language aims to clarify the IE's duty to actively verify the utility's bid scoring and shortlist selection with a clear standard, rather than just checking for reasonableness.	OAR 860-089-0450(4)	OSSIA	8/21/2025	The IE must independently evaluate check whether the electric company's scoring of bids and its selection of the initial and final shortlists are reasonable and consistent with the approved RFP's stated bid evaluation and scoring criteria.	Staff finds the existing standard to be sufficiently clear.

This change first serves the purpose of clarifying which types of bids require mandatory IE scoring in a clearer format and with clearer language. Additionally, the change gives the Commission the explicit option to direct the IE to score all remaining bids without a stakeholder first requesting the Commission to do so. The language also provides a standard for the IE when sampling third-party bids, as the current language has no standard for sample selection which could result in inaccurate comparative sampling. Finally, OSSIA suggests that the IE must document its sampling methodology and rationale in the docket to assure bidders the sampling is fairly representative of third-party bids.	OAR 860-089-0450(5)	OSSIA	8/21/2025	The IE must independently score bids to determine if the electric company's selections for the initial and final shortlists are reasonable. When the electric company or affiliate submits a bid, or when any bid includes utility ownership or ownership transfer options, the IE must independently score: (a) All electric company or affiliate bids; (b) All bids proposing utility ownership or ownership transfer; and (c) All or a statistically valid and representative sample of unaffiliated third-party bids, sufficient to enable meaningful comparison. If the IE does not score all third-party bids, the Commission may, upon its own motion or upon request by any participant in the acknowledgment proceeding, direct the IE to score all remaining bids. The IE must document its sampling methodology and rationale in the record. when the RFP allows bidding by the issuing electric company or an affiliate of the company, or includes resource ownership options for the electric company, the IE must independently score the affiliate bids and bids with ownership characteristics or options, if any, and all or a sample of the remaining bids. When the IE does not score all bids, and a request for acknowledgment of a final shortlist is pending before the Commission, as provided in OAR 860-089-0500; a participant in the acknowledgment proceeding may request that the Commission direct the IE to score all remaining bids or a broader sample.	Staff has not incorporated these changes that would add additional time, expense and process to the RFP docket, without a corresponding need.
OSSIA recommends amending this section to add to the IE's review of company-owned options a review of how those ownership options "allow for diverse ownership of renewable energy resources."	OAR 860-089-0450(6)	OSSIA	8/21/2025	add subsection (j): "(j) Whether any company-owned resources add to or diverge from the company having a diverse ownership of renewable energy resources and the risks or advantages of diverse or non-diverse resource ownership on energy security and resiliency, economic development and job creation, and increased innovation and technological advancement."	The proposed language change differs from the requirement of ORS 469A.075(4)(c), which required the Commission to adopt rules "providing for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity." The existing rules comply with this standard.

This language aims to address OSSIA's concerns that utility modeling assumptions often drive bid outcomes, especially when favoring company-owned or dispatchable resources. By specifying what the IE should assess (assumptions, relevance, consistency), this language would strengthen transparency and oversight. Additionally, adding standardized language helps ensure that the sensitivity analysis isn't performative, but instead, meaningfully identifies whether different scenarios could favor different resource types. This is crucial to fairness in technology neutral RFPs.	OAR 860-089-0450(8)	OSSIA	8/21/2025	The IE must review and assess the electric company's sensitivity analysis of the bid rankings required under OAR 860-089-0400 and file a written assessment with the Commission prior to the electric company requesting acknowledgment of the final shortlist. The IE's review must evaluate the transparency, consistency, and reasonableness of the sensitivity assumptions, including whether the sensitivity cases meaningfully reflect potential system needs, fuel price variations, regulatory or policy changes, or other uncertainties relevant to bid selection.	Staff does not find it necessary to specify by rule the items for the IE to evaluate in assessing a sensitivity analysis.
OSSIA recommends modifying filing requirements here to reflect that the IE reports to the Commission and its staff and should provide staff with its reports for filing rather than the electric company. This is to reduce ambiguity about who the IE reports to. In addition, since the IE has previously reported on final contract negotiations, included in rule should be mandatory report on final contract negotiations including reporting on items that changed after final shortlist acknowledgement but before contract execution, such as pricing updates, PPA terms, treatment of ownership options, etc. There should be an opportunity for stakeholder feedback and the option of discussion in front of the Commission if large discrepancies were found.	OAR 860-089-0450(9)	OSSIA	8/21/2025	in subsections (a), (b), and (c): "File, or provide to the electric company Commission Staff "	The electric company is the appropriate entity to file reports for the IE, as necessary, as it is the entity that contracts for the IE's services. The electric company is also the entity most likely to have designated information as confidential under the terms of a protective order and will be able to redact such information as appropriate to the filing.
New IE requirements include seven additional reports and/or summaries. It is unclear if these new IE reports will include recommendations that require comments, adjudication in front of the Commission, and a Commission decision. These new requirements, combined with the proposal to have the IE "monitor" contract negotiations, will likely add substantial cost and time, without regard for the nature of the particular RFP proceeding.	OAR 860-089-0450(9)-(10)	Joint Utilities	5/28/2025		Staff has not made changes in response to this comment. The draft rules propose four additional reports by the IE, three of which are summary reports, which may be quite short. The draft rules do not include requirements for additional process not contained in the text of the draft rules. These filings will inform a Commission decision.
RNW supports Staff's proposed language.	OAR 860-089-0450(9)-(10)	RNW	7/16/2025		Staff has not made changes in response to this comment.
Adding significantly more process to the initial shortlist will be largely duplicative of the final shortlist acknowledgment process. The new 75-day requirement is unnecessarily prescriptive and would significantly elongate an already lengthy regulatory process associated with RFPs. The Joint Utilities also question whether the 30-day comment period is reasonable to fit into the overall 75-day timeframe and are concerned that in practice these timeframes may not be workable. This new requirement would also be inconsistent with other jurisdictions in which the Joint Utilities operate. Recommend eliminating the proposed new ISL process and instead maintain the discretion that currently exists in the rules.	OAR 860-089-0475	Joint Utilities	5/28/2025		Staff has added clarification of the ISL filing. Timelines have been shortened between the ISL and FSL filing from 75 days to 60. Comments after the ISL filing are now due within 15 days.

Staff envisions a 30-day comment period after the utility files an initial shortlist. RNW would like to know whether this 30-day period is additive or whether it fits within the existing timeline. RNW supports the requirement to file an initial shortlist of bids, but would welcome additional stakeholder dialogue to clarify the process and timing of each phase.+(@Issue]	OAR 860-089-0475	RNW	5/28/2025		Staff has not made changes in response to this comment. The 75 day, now 60 day, timeframe is the minimum amount of time between the filing of an ISL and the FSL request for acknowledgement. Allowance for the filing of comments 15 days after the ISL filing does not alter the 60 day timeframe.
RNW continues to support the requirement to file an ISL, which will give stakeholders an opportunity to help shape the FSL before its filing to ensure the resources considered are in the best interest of utility customers. However, it would be helpful to allow for additional time to analyze the ISL, especially since many intervenors are resource constrained. Therefore, RNW would support reverting back to the 75 day timeline with a 30 day window to comment on the ISL. Having said that, RNW realizes that Staff must balance several competing priorities in this rulemaking, and the ability to comment on the ISL is more important than the overall time period.	OAR 860-089-0475	RNW	7/16/2025		Staff does not propose changes based on this comment.
The rule largely captures what is already occurring under the existing rules, but has rigid timelines and imposes more burdensome reporting requirements with no reasonable basis. An additional 60-day process for the initial shortlist is duplicative, unnecessary, compounds the delay of other regulatory bottlenecks, and ultimately delays procurement. The current optional use of an initial shortlist should be maintained to preserve flexibility and avoid a one-size-fits-all approach. In addition, none of the other states in which PAC operates require regulatory processes for the final shortlist—let alone duplicative modeling requirements and a 60-day process for an initial shortlist. These proposed requirements would significantly delay procurement in Oregon and could hinder PAC's ability to participate in multi-state resource procurements in the future.	OAR 860-089-0475(2)	Joint Utilities	7/16/2025		The filing of the initial shortlist should capture what is occurring, but does not add an additional process. A minimum of 60 days is likely to align with the time it takes an electric company to identify the initial shortlist, perform the necessary analysis to select a final shortlist, and prepare a request for acknowledgment for filing with the Commission.
OSSIA disagrees with the proposed changes to this rule in Staff's second draft. If the electric company is allowed to change the initial shortlist without any public notice or process, the rules leave the utilities with too much discretion to modify the initial shortlist in a black box with no opportunity for accountability. Further, the IE's review is delayed until the closing report, which does not allow for Staff or stakeholders to have any real-time accountability. OSSIA is concerned this proposed rule could lead to unilateral or biased exclusion of bids with inadequate post-hoc IE review that cannot ensure fairness. OSSIA proposes the alternative language above, which aims to ensure real-time transparency and accountability for initial shortlist changes, allowing Staff and stakeholders to track changes that may materially affect outcomes.	OAR 860-089-0475(3)	OSSIA	8/21/2025	If the electric company makes any subsequent changes to the initial shortlist, the electric company must is not required to file any additional reports under this section in the docket within 5 business days of the change. The report must: (a) Identify the change(s) made, including which bid(s) were added or removed and the rationale for each change; and (b) Include the IE's analysis on whether the change is reasonable. However, the electric company shall confer with the IE before a bid is removed or withdrawn from the initial shortlist, and the IE shall address the reasonableness of the electric company's action in its closing report.	Staff has not revised the proposed draft rule further, to allow revisions to the initial shortlist to be timely and included in portfolio analysis.

OSSIA suggests Staff consider alternate language in Proposed OAR 860-089-0475(4), specifically in the opening sentence with the phrase “...and be responsive to reasonable requests...” OSSIA would like clarity on “be responsive” entails, and clarity on who determines, as well as how they determine, what are “reasonable requests.” OSSIA is supportive of Staff’s addition here to allow comments and requests for additional or different portfolios of bids and we seek clarity here to ensure this new process balances flexibility with coherence.	OAR 860-089-0475(4)	OSSIA	5/30/2025		Staff has made some changes in response to this comment: Staff adds to this rule "by either performing the additional testing or providing a reasonable explanation why it did not do so."
OSSIA proposed the alternative language above to strengthen and clarify the standard of responsiveness on utility refusals to perform additional testing.	OAR 860-089-0475(4)	OSSIA	8/21/2025	An electric company must consider any filed comments and respond be responsive to requests for additional or different portfolios of bids by either performing the additional testing or providing a written explanation sufficient to justify why the electric company did not perform the additional testing. reasonable explanation- why it did not do so. The electric company must test additional or different portfolios of bids requested by Staff or the IE and provide the results of testing performed under this section to Staff and the IE within a reasonable amount of time before the IE’s closing report is due.	Staff has added a requirement that the electric company be responsive and include its explanation for not performing additional testing, when that is the case, in its request for acknowledgment.
Idaho Power recommends restricting any requirement of analysis on “Community Impacts” to utilities required to file a Clean Energy Plan (CEP).	OAR 860-089-0475(5)	Joint Utilities/ Idaho Power	5/28/2025		Staff has included language in response to this comment.
The Joint Utilities are also concerned about subsection (5), which appears to contain a drafting error. The subsection begins by referencing the “final shortlist” but then abruptly shifts to discussing an “initial shortlist.” The Joint Utilities believe this is likely a typo and that the section should refer only to the “final shortlist.” The section defines the initial shortlist as bids that meet minimum qualification criteria. However, subsection (5), as currently written, mandates that the initial shortlist include portfolio assessments using IRP scoring metrics, including near-term costs and community impacts. This language appears to expand the scope of what the initial shortlist is intended to be, contradicting its earlier definition.	OAR 860-089-0475(5)	Joint Utilities	7/16/2025		Staff does not find a drafting error, as the selection of a final shortlist begins with portfolio analysis that considers multiple combinations of all bids on the initial shortlist.

The Joint Utilities request removal of the word “only” from the language “must only include in the portfolio analysis used to assess any initial shortlist a portfolio assessment using scoring metrics from the most recent IRP...” Limiting evaluation of resources that result in the final shortlist to only those scoring metrics from the most recent IRP unreasonably limits a utility’s ability to accurately evaluate and differentiate between projects. Projects evaluated in an RFP present very different risks due to unique characteristics of a project’s development or commercial proposal. These differences do not exist for proxy resources evaluated in the IRP and would not be sensible to evaluate in the IRP. Furthermore, this proposal does not account for potentially changed circumstances between IRP and RFP processes that could impact project viability. A utility would be prohibited from acting prudently and considering the most update-to-date information within the structure of the scoring methodology. Absent a change to this proposed rule, this language would restore the sequential IRP followed by the RFP relationship, the inflexibility of which has been recognized by removing the Scoring and Methodology IRP filing requirement.	OAR 860-089-0475(5)	Joint Utilities	7/16/2025		Staff has removed the word "only" in the sentence added at Idaho Power's request for electric companies described in ORS 469A.480.
OSSIA recommends largely deleting this section and simply including a cross reference to the Commission’s applicable standards for protective orders in Division 1 as this section is duplicative and confusing.	OAR 860-089-0550		8/21/2025	The electric company may request a protective order or modified protective order be issued pursuant to OAR 860-001-0080 prior to making available protected information required to be shared under the rules in this Division. Protected information may include, but is not limited to, RFP-related and bidding information, such as a company’s modeling, cost support for any benchmark resource and detailed bid scoring and evaluation results. Protected information may then be provided to the Commission, the IE, and non-bidding parties, as appropriate under the terms of the protective order. Information shared under the terms of a protective order issued under this rule may be used in RFP review and approval, final shortlist acknowledgement, and cost-recovery proceedings.	Staff had not identified this rule for discussion or comment during the informal rulemaking phase.
Cascade agrees with other utilities’ comments that the proposed IRP rule adds unneeded burdensome requirements. Cascade recommends greater attention be provided to the underlying requirements at Workshop No. 3. Alternatively, the Commission could consider bifurcating this rulemaking, recognizing this rulemaking has three components: Integrated Resource Planning (both for the electric and natural gas industries), Requests for Proposals (electric industry), and Clean Energy Plans (electric industry). The latter two could move at the contemplated pace, while the IRP portion can continue with more discussion, with no detriment given the currently existing IRP rules in place. Another option is for the Commission to maintain the policy directive approach of the current IRP rule while providing clarification of what constitutes IRP Updates.	OAR 860-090	Cascade	7/16/2025		Given the extensive discussion of the underlying requirements in Docket UM 2348, Staff does not believe there is a need to bifurcate this proceeding.

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While NW Natural agrees with the general structure and many of the components identified in the draft proposed rules, the Company recommends that Staff hold additional discussions to clarify the intent behind some of the specific requirements and potentially identify alternative approaches that better balance the relevant interests in line with Commission policy and governing statutes.	OAR 860-090	NWN	7/16/2025		Staff's responses to NWN's specific concerns, some of which were discussed at the August 6 workshop, are set out below.
We worry that OAR 860-090 alone, even with the suggested revisions to - 0060(4)(a), is not enough as it focuses on requiring the utility to describe its process for public input versus having more robust requirements for how the utility should collect that input. In our experience, the rules need to be specific about what minimum standards the Commission has for utility engagement, and should clearly communicate the expectation that utilities must hold an open process to gather public input in preparation of the IRP. Additionally, the rules should specify the need for accessible forums that discuss IRP and CEP related topics so that stakeholders without the resources of traditional IRP participants can offer input. The rules should specify these minimum standards for public participation as procedural requirements; without that specificity the forums for public input in utility planning could be at the mercy of arbitrary decisions.	OAR 860-090	GEI, MCAT, Sierra Club, CUB, and 350PDX	8/20/2025	For inclusion in draft OAR 860-090-0030, 0040, or on its own, a "Pre-filing Procedural Requirements for IRPs" section: "In preparing the IRP, the utility must allow significant and open involvement by the public, including opportunities to contribute information and ideas, receive information, and ask reasonable requests from the utility (e.g. portfolios, futures, scenarios, etc.). The utility must also seek input and engagement in forums more accessible to stakeholders without the resources to attend traditional IRP forums." For inclusion in draft OAR 860-090-0080, or on its own, a "Pre-filing Procedural Requirements for CEPs" section: "In preparing the CEP, the utility must allow significant and open involvement by the public, including opportunities to contribute information and ideas, receive information, and ask reasonable requests from the utility (e.g. portfolios, futures, scenarios, etc.). The utility must also seek input and engagement in forums more accessible to stakeholders without the resources to attend traditional IRP forums. "	A variation of the proposed language has been added to draft OAR 860-090-0030 and -0080.
OSSIA suggests Staff consider adding the following language to Proposed OAR 860-090-0010(3) for consistency throughout the rules	OAR 860-090-0010	OSSIA	5/30/2025	"The primary goal of integrated resource planning is to develop a long-term resource strategy and near-term action plan that allows the utility to meet customer needs while best balancing and comply with Oregon and federal energy policies in a manner that best balances expected costs and associated risks for the utility and its customers."	Staff has not made the suggested change; the purpose statement should not contain requirements.
Avista has no issues with the proposed language.	OAR 860-090-0020(10)	Avista	8/20/2025		Staff has not made further changes to the draft language.
In other jurisdictions where PacifiCorp operates, the term "reference case" has historically had a different meaning. For instance, Wyoming has recently adopted the following definition of a reference case: "An optimization modeling scenario in which all pre-established operating life assumptions of existing generation facilities are left unchanged." See Wyoming Public Service Commission, Docket No. 90000-180-XO-24, (Record No. 17669). PacifiCorp requests that the term "reference case" be changed to "expected case" to prevent confusion for utilities that engage in multi-state planning. This change would align with how the company has historically described this type of analysis.	OAR 860-090-0020(10)	Joint Utilities	8/20/2025		If PacifiCorp wishes to state in its IRPs that it uses "expected case" to mean the Oregon Rules' "reference case," it may do so.

NW Natural recommends removing Section -0030(3). Section (3) discusses publishing of the standard data request responses related to the IRP on the utility's website (and section OAR 860-090-0110(4)) indicates the same requirement for IRP Updates). NW Natural continues to believe that the Commission should be the aggregator of this information and is willing to work with the participants in this docket to identify alternatives to each utility posting its own information.	OAR 860-090-0030	NWN	5/28/2025		Staff has revised Section -0030(3) to require utilities to post SIR responses "as indicated in the most recent version of the Standard Information Requests," "unless otherwise provided by the Commission." Note that the content of the SIRs is undetermined at this time.
RNW recommends adopting a provision within the IRP Guidelines that requires utilities to fund modeling software licenses for intervenors who have the technical capacity to review utility modeling files or conduct independent modeling. At a minimum, the rules should allow for parties to request access to utility modeling software. Providing access to the same modeling tools used by utilities will level the playing field and enhance transparency in IRP proceedings. It will allow intervenors to verify utility assumptions, test alternative portfolios, and offer improvements to utility plans. This, in turn, strengthens the Commission's ability to make informed decisions based on a more robust record that reflects the broader public interest.	OAR 860-090-0030 and -0110	RNW	5/28/2025	<u>When a utility's integrated resource plan relies on modeling software subject to a license fee, the utility must provide software licenses, at its own expense, to Commission Staff and to any interested party with the technical capability to review modeling files or conduct independent modeling.</u>	While Staff has not revised the draft language, we would welcome additional feedback regarding what information stakeholders need, and how it can be provided.
Software licensing is a rapidly changing business model and a rule that codifies the provision of a software license in many cases today is already obsolete. Utilities using a "Software as a Service" arrangement would be unable to provide a software license for an individual stakeholder's use. Providing access to utility IT infrastructure would present a serious IT security risk and Critical Infrastructure Protection (CIP) requirement concerns. Federal CIP requirements may not permit utilities to provide their models which may include detailed information about the vulnerabilities of the bulk electrical system. The cost to ratepayers could balloon into the millions of dollars if a utility were required to provide licenses for each IRP stakeholder or a stakeholder inadvertently consumed enormous cloud CPU-hour costs. The Joint Utilities recommend that this requirement not be added to the proposed rules.	OAR 860-090-0030 and -0110	Joint Utilities	7/16/2025		Staff believes it would be possible to craft a requirement that is flexible enough to accommodate changes to software licensing. Security/CIP concerns could likely be addressed via an MPO. However, Staff believes that this issue is more appropriately handled by the Commission on a case-by-case basis rather than in rule.

If a requirement to provide modeling software access were to be added, it should include additional language to mitigate some concerns: Additional details are needed on "technical capability" and "interested party." At a minimum, technical capability should mean the utility is not required to provide technical assistance, IT hardware, or software knowledge assistance. An "interested party" should at a minimum be an intervenor who represents the interests of a segment of the relevant utility's ratepayers. There should be limits to the number of licenses provided and a cap on the cloud computation costs per stakeholder. Additionally, stakeholders that use the software should be required to affirm that their use is only to review the relevant IRP and that they will be required to refund the utility expenses incurred if used for other purposes, with penalties for stakeholder use of the software for their own commercial gain. The rules should codify that stakeholders are liable for IT security breaches, disclosure of CIP information, or damage to actual infrastructure resulting from their negligence, and stakeholders should be required to show that they have the collateral or insurance to cover the liability. Lastly, costs and ratepayer impact should be considered as opposed to giving intervening parties an absolute right. Where a utility is compelled to incur such costs to comply with this rule, the utility should also be given the right in the rules to recover such costs in electric rates.	OAR 860-090-0030 and -0110	Joint Utilities	7/16/2025		Security/CIP concerns could likely be addressed via an MPO. However, Staff believes that this issue is more appropriately handled by the Commission on a case-by-case basis rather than in rule.
Verifying the reasonableness of a utility's inputs, assumptions, and sensitivities used in modeling runs is an essential element of analyzing a utility's IRP to determine whether it is in the public interest and represents the optimal blend of cost and risk to serve Oregon customers and meet state energy mandates. For those that have technical expertise, the ability to access and analyze the utility's modeling software is perhaps the most effective way to do this. To provide concrete feedback, it would be helpful for stakeholders to be able to access the underlying data—i.e., the XML file or otherwise—to be able to run and verify the utility's modeling. In the instance where this requires a license fee, RNW is proposing that the utility cover the cost of the fee, as is the requirement in several other jurisdictions, as noted in RNW's initial comments. Accessing model input data is best achieved through discovery. The ability to access this information greatly increases Staff and intervenors' analysis in an IRP and can significantly influence a determination on whether a utility's proposed resource strategy is reasonable. Accessing this information is essential to ensuring a transparent process and will help ensure a robust record for Commission consideration. RNW's proposed draft language to OAR 860-090-0030 and -0110 follows, with new additions in bold that are responsive to Staff's request for clarification.	OAR 860-090-0030 and -0110	RNW	7/16/2025	When a utility's integrated resource plan relies on modeling software subject to a license fee, the utility must provide software licenses, at its own expense, to Commission Staff and to any interested party with the technical capability to review modeling files or conduct independent modeling. Upon request, the utility will provide the underlying data needed to analyze the utility's modeling in discovery in the individual proceeding.	Staff believes that this issue is more appropriately handled by the Commission on a case-by-case basis rather than in rule. Note that the draft IRP/RFP information request rule would likely allow a party to request the underlying data.

RNW continues to believe strongly that its proposed language around providing software licenses to interested parties should be included. From experience, RNW can share that the ability to access this information greatly increases Staff and intervenors' analysis in an IRP and can significantly influence a determination on whether a utility's proposed resource strategy is reasonable. Accessing this information is essential to ensuring a transparent process and will help ensure a robust record for Commission consideration. This practice would align with the direction of ongoing rulemaking at the Washington Utilities and Transportation Commission and would strengthen the Commission's ability to make informed decisions based on a more robust record that reflects the broader public interest. The Joint Utilities make several arguments related to the cost and difficulty of implementing this requirement. However, the ability for interested parties to dive deep into a utility's resource modeling—and potentially offer various alternative portfolios for Commission consideration—can lead to substantial savings that are likely to outweigh the costs of sharing software licenses and supporting data. Further, as is the case with RNW's engagement in PacifiCorp's ongoing LC 85 IRP, our consultant already has a PLEXOS software license and simply required PacifiCorp's underlying data. This creates no additional burden or cost on the utility or customers, but the potential savings are massive. Creating a requirement in rule that utilities share software licenses and/or underlying data to parties that have the ability to analyze the data would lead to better IRP decisions that would benefit the Commission, parties, and utility customers.	OAR 860-090-0030 and -0110	RNW	8/20/2025		Staff believes that this issue is more appropriately handled by the Commission on a case-by-case basis rather than in rule. Note that the draft IRP/RFP information request rule would likely allow a party to request the underlying data.
Creating a requirement for utilities to post responses to data requests publicly on their website conflicts with OAR 860-001-0540, which includes the rules for data requests. First, data requests may only be issued by a "party." Data requests are intended for only parties to a proceeding, not for public view. Further, 860-001-0540(1) requires that "Each data request must be answered fully and separately in writing or by production of documents, or objected to in writing." If there are a substantial number of SDRs that must be responded to individually, which often are accompanied by numerous attachments, there will not be a simple way to post the data requests in a manner that is easy to navigate or understand. Finally, responses to data requests are not part of the record unless a party offers "into evidence data requests and the answers to the data requests." Accordingly, SDRs should only be required to be provided through the standard channels of providing data requests to parties in a proceeding.	OAR 860-090-0030(3)	Avista	5/27/2025		Staff has changed "Standard Data Requests" to "Standard Information Requests" to avoid confusion.
The section implies that the utilities must provide standard information requests concurrent with the submission of an IRP. While the Joint Utilities support streamlining information-sharing processes, the scope of these standard information requests, and if they would be individually tailored for the unique circumstances of each utility, is currently unknown. For this reason, it is challenging to comment on the reasonableness of this requirement. While the Joint Utilities are open to discussing a standard information request process, it would be necessary to better understand the scope of the information intended to be requested.	OAR 860-090-0030(3)	Joint Utilities	5/28/2025		The Standard Information Requests are intended to be standard across all utilities within a given sector; tailoring for individual utilities will take place in the utility-specific guidance.

Changing SDRs to "Standard Information Requests" only circumvents the concerns raised about who may access data requests and does not adequately address the concerns. As such, Avista does not support the notion of Standard Information Requests in the rules. If certain information is required to be in an IRP, the rules should state what that information is. If after a utility files an IRP and Staff or other intervening parties have questions or would like more information, they can follow the standard discovery rules and ask data requests.	OAR 860-090-0030(3)	Avista	7/16/2025		The Commission requires utilities to respond to standard data requests under its rules for general rate revisions and petitions for certificates for public convenience and necessity. See OAR 860-022-0019(2), OAR 860-025-0030(2)(q). The draft proposed rules follow this same format and require a utility to access the most recent version of Standard Information Requests and certify in the IRP filing that it has submitted its responses. This rule does not require the information requested to be included in the IRP, only the certification that the utility has responded. The Commission addressed this process in Order No. 22-351, Docket AR 626 at 4 (September 26, 2022). As noted in the order, this process allows for flexibility over time in identifying information that is relevant to Staff's review. It allows for a more efficient review process when the Standard Information Requests are available to the utilities in their preparation of the IRP filing and the responses are readily available after the IRP filing.
While the Joint Utilities support streamlining the information-sharing processes in IRPs, we question the scope of the Standard Information Requests as drafted. As we've previously noted, we are concerned with including a provision in the proposed rules without understanding the scope of the Standard Data Requests. We continue to note that it is challenging to comment on the reasonableness of this requirement but are open to discussing this process and seek further discussions and detail before this is included in rules.	OAR 860-090-0030(3)	Joint Utilities	7/16/2025		The SIRs will be developed later through a separate process. SIRs may be updated to address changing circumstances as necessary over time.
It is unclear what data the SIRs will require or the process for revision, making it difficult to comment on this provision of the draft proposed rules. Staff stated that the SIRs are intended to be standard across all utilities within a given sector (leaving open the possibility of specific SIRs to individual energy utilities), but admitted that the content of the SIRs is undetermined. Additionally, NW Natural recommends that Staff clarify that the SIRs for an IRP and IRP Update will be specific to the scope of each process.	OAR 860-090-0030(3)	NWN	7/16/2025		The SIRs will be developed later through a separate process. SIRs may be updated to address changing circumstances as necessary over time.

OSSIA suggests Staff consider strengthening the corrective actions the Commission can take in Proposed OAR 860-090-0030(4).	OAR 860-090-0030(4)	OSSIA	5/30/2025	“(4) If the Commission determines that , while the utility’s IRP is pending before the Commission, that the utility has undertaken or committed to actions that directly conflict with the utility’s action plan, the Commission must may direct the utility to take additional or remedial actions, including, but not limited to : (a) Revision of the utility’s action plan; or (b) Submission of a new IRP that is response to Commission direction; or (c) Remedying the action that directly conflicts with the utility’s action plan. (5) If the Commission determines that, while the utility’s IRP is pending before the Commission, the utility has undertaken or committed to actions that directly conflict with the utility’s action plan, the Commission may impose penalties pursuant to ORS 756.990.”	Staff has not made changes in response to this comment: IRPs are not binding utility commitments; unexpected changed circumstances may make divergence from the utility’s filed action plan beneficial; and Staff sees no reason to constrain the Commission’s discretion in making acknowledgment decisions.
NW Natural requests that Staff provide additional clarification as to the basis for and scope of this provision of the draft proposed rules. Resource planning is inherently subject to changed conditions. There may be situations where a utility must act quickly to address rapidly evolving reliability risk, take advantage of market conditions to reduce costs to customers, or address new federal or state regulatory requirements during a pending IRP proceeding. As currently written, if such an action is deemed to be in “direct conflict” with an action plan item, the IRP process may need to be restarted. It is unclear why this would be necessary given other sections specifically limiting reliance on acknowledgment of the IRP action items or long-term strategy.	OAR 860-090-0030(4)	NWN	7/16/2025		It could be appropriate to restart the IRP process if the utility has taken action in conflict with its filed action plan such that continuing to analyze the IRP as filed would be a waste of Commission and stakeholder resources. The availability of this option to the Commission does not mean that the Commission would necessarily exercise it in all applicable cases.
NW Natural recommends that the language regarding the required timing for the utility’s presentation before the Commission be modified. Providing a deadline for an informational presentation in rules is overly prescriptive and removes the Administrative Hearing Division’s flexibility to address Commissioners’ and parties’ schedules.	OAR 860-090-0040(1)(b)	NWN	7/16/2025	“In the case of an IRP or CEP, the procedural schedule shall endeavor to include a time no less than 14 days and no more than 30 days following the filing of the IRP or CEP for the utility’s presentation of the IRP or CEP to the Commission, at which the utility will be required to appear and present.”	The word "generally" has been added to the draft language.
NW Natural recommends that additional language be added to OAR 860-090-0040(2) to articulate specific circumstances that would justify suspension or extension of the procedural schedule. This provision appears to be largely unnecessary given the Commission’s ability to withhold acknowledgment, direct filing of a new IRP, and the annual IRP Update requirement. Absent the identification of specific criteria, suspension could be requested by parties seeking simply to delay the process for their own commercial reasons or to leverage policy arguments into a planning proceeding. Identifying specific criteria streamlines the process, as per the original intent of the IRP modernization effort.	OAR 860-090-0040(2)	NWN	7/16/2025		Staff sees no need to restrict the Commission's discretion on this issue.

The Commission has a long history of striving to complete IRP reviews in 180 days. The current language eliminates that policy without clear explanation as to the basis for the change. This is important because planning assumptions become more and more stale over the course of a proceeding, meaning that an energy utility, responding to real world requirements, may either run afoul of other provisions (e.g. OAR 860-090-0030(4)) or run into changed conditions in preparation for the following IRP Update. It is crucial that the Commission continue its long-standing policy of seeking to complete an IRP proceeding within 180 days, by retaining the requirement that Staff and parties complete their comments <i>and recommendations</i> within 180 days of the IRP being filed.	OAR 860-090-0040; -0040(1)(c)	NWN	7/16/2025		As previously discussed, while this rulemaking is intended to result in a more efficient IRP process, the rule should not constrain the Commission's discretion in setting its public meeting agendas.
Upon reviewing these updated proposed rules, the Joint Utilities think it is best to include the language similar to that used by the Commission in recent acknowledgment orders to avoid confusion. For example, the Joint Utilities put forth the following language "acknowledgment is a relevant but not exclusive consideration in the Commission's examination of whether the costs associated with a utility's resource investment is prudent and should be recovered in customer rates."	OAR 860-090-0050(3)	Joint Utilities	7/16/2025	acknowledgment is a relevant but not exclusive consideration in the Commission's examination of whether the costs associated with a utility's resource investment is prudent and should be recovered in customer rates.	Staff has re-inserted a portion of the previous sentence, omitting a phrase to attempt to alleviate utility concerns: "Acknowledgment of an action plan item does not guarantee Commission approval of cost recovery for the action, but may be considered in future rate making decisions." The Joint Utilities' proposed "acknowledgment is a relevant but not exclusive consideration..." (emphasis added) fails to account for situations in which IRP acknowledgment is <u>not</u> relevant to a rate making decision because of dramatically changed circumstances. The rule must allow for this possibility.
NW Natural requests clarification as to the new standard articulated in OAR 860-090-0050(3). OAR 860-090-0050(3) ties acknowledgment to customers' interests. This is a deviation from the Commission's general powers to balance interests of utility investors and consumers by ensuring just and reasonable rates and practices, and deviates from the Commission's prior IRP policy of identifying needed investments that are least-cost and least-risk to the utility and customers, consistent with the long-run public interest, which has been articulated at length under the Commission prudence definition and past IRP decisions.	OAR 860-090-0050(3)	NWN	7/16/2025		The proposed rule language incorporates the element of long run public interest that is embedded in the long-standing standard used by the Commission in IRP acknowledgment decisions.
Avista has no issues with the proposed language.	OAR 860-090-0050(3)	Avista	8/20/2025		In response to other utility comments, Staff has omitted the statement that acknowledgment "does not guarantee Commission approval of cost recovery for the action."

The Joint Utilities appreciate Staff's responsiveness to addressing concerns with new language in this section. However, it remains unclear whether Staff is intending to change the framework and relevance of acknowledgment for future cost recovery proceedings. The draft language emphasizes that acknowledgment of an action plan item does not guarantee cost recovery. While it is important to maintain the Commission's discretion in ratemaking, the phrasing introduces uncertainty that may undermine the purpose of the IRP acknowledgment process. If acknowledgment carries little to no evidentiary weight in future recovery proceedings, utilities face challenges in making prudent long-term investments aligned with state policy goals.	OAR 860-090-0050(3)	Joint Utilities	8/20/2025		As discussed at the August 6 workshop, the draft language is consistent with Order 07-002. Allowing for the possibility that an acknowledged IRP may no longer be relevant because of significantly changed circumstances does not equate to acknowledgment "carr[ying] little to no evidentiary weight." However, to attempt to alleviate utility concerns, Staff has omitted the statement that acknowledgment "does not guarantee Commission approval of cost recovery for the action."
NW Natural appreciates Staff's consideration of the comments. Restoring the language is crucial to balancing the interests in the IRP process to get thoughtful engagement. NW Natural, however, encourages Staff to review the other issues addressed in the Company's second round of comments on this section of the draft IRP/CBR Proposed Rules.	OAR 860-090-0050(3)	NWN	8/20/2025		Staff has restored the original language, with the exception of the statement that acknowledgment "does not guarantee Commission approval of cost recovery for the action," which has been omitted in response to other utility concerns.
In RNW's experience, acknowledgement is reserved for circumstances where the Commission has found that the long-term strategy or near-term action plan results in a least cost, least risk resource decision. RNW submits that a least cost, least risk resource decision is indeed in "customers' interests." Therefore, RNW would support the language as drafted, or potentially to change it to "that the action appears to align with a least cost, least risk outcome."	OAR 860-090-0050(3)	RNW	8/20/2025	RNW would support the language as drafted, or potentially to change it to "that the action appears to align with a least cost, least risk outcome."	Staff agrees that the proposed rule language incorporates the element of long run public interest that is embedded in the long-standing standard used by the Commission in IRP acknowledgment decisions, and proposes to retain that language, with the exception of the statement that acknowledgment "does not guarantee Commission approval of cost recovery for the action," which has been omitted in response to utility concerns..
The deletion of the effect of acknowledgement on subsequent cost recovery processes does not raise any concerns for RNW, as the impacts of Commission acknowledgement on later cost recovery are well-established in Commission practice. Namely, that acknowledgement is evidence that may support later cost recovery, but it is not conclusive.	OAR 860-090-0050(3)	RNW	8/20/2025		Staff has restored the original language based on other comments, with the exception of the statement that acknowledgment "does not guarantee Commission approval of cost recovery for the action," which has been omitted in response to other utility concerns.
NW Natural recommends that the deleted language in the new draft be retained. A clear statement of acknowledgment is necessary to balance interests in the planning review process. Energy utilities understand that acknowledgment is not a guarantee of recovery, but it provides clarity that based on the information available at the time the plan was reasonable. Without the deleted language in OAR 860-090-0050(3), OAR 860-090-0050(5) appears to eliminate any ability to build a case for prudence in a future rate proceeding by granting a future Commission the ability to disclaim studies in a past IRP after-the-fact. Staff appear to have misinterpreted NW Natural's concern in its previous comments.	OAR 860-090-0050(3); -0050(5)	NWN	7/16/2025	Retain statement in -0050(3) that "Acknowledgment of an action plan item does not guarantee Commission approval of cost recovery for the action, but may be considered in future rate making decisions."	Staff has restored the original language, with the exception of the statement that acknowledgment "does not guarantee Commission approval of cost recovery for the action," which has been omitted in response to other utility concerns.

Workshop 1 participants requested clarity regarding whether proposed requirements are new or a recognition of something the utilities are already doing well.	OAR 860-090-0050(3); throughout	PacifiCorp; PGE	6/11/2025		While Staff cannot provide an opinion on whether existing utility practices would comply with the revised rules as currently proposed, we welcome comments regarding any ambiguity or vagueness in the draft rules. For example, in response to a comment asking whether section -0050(3)'s statement that "[a]cknowledgment of an action plan item does not guarantee Commission approval of cost recovery for the action, but may be considered in future rate making decisions" was intended to represent a divergence from Commission precedent, Staff has deleted that text in order to ensure clarity on this issue: Commission precedent will continue to govern.
Cascade is not opposed to an acknowledgement decision based on what is known at the time of acknowledgement, but respectfully requests the rule recognize the currency of assumptions and related analytics at the time of filing, up to one and half years before acknowledgment.	OAR 860-090-0050(4)	Cascade	5/28/2025	"(a) describing changes from the time of filing to the time of acknowledgment; and (1) directing the utility to take additional action to mitigate future risks; or (2) considering the utility's failure to act to mitigate risks in future rate making decisions."	Staff has not made the requested change; Staff sees no reason to limit the Commission's discretion in making a decision on acknowledgment.
OSSIA suggests Staff consider strengthening the language in Proposed OAR 860-090-0050(4) to reflect the Commission's broad statutory authority and obligation to ensure least-cost, least-risk planning.	OAR 860-090-0050(4)	OSSIA	5/30/2025	"(4) ...However, a non-acknowledged long term resource strategy may indicate that the utility is not adequately planning for future risks to customers or that the utility's plan is otherwise deficient. In this circumstance, the Commission shall take protective and corrective actions, including, but not limited to; for example:... "	Staff has not made the requested change; Staff sees no reason to limit the Commission's discretion in making a decision on acknowledgment.
Cascade remains concerned about the time lag between what is known at the time of filing and the date of Commission acknowledgement. Cascade's prior proposed edit to note any differences was not adopted. Therefore, the rule in some manner should state any change(s) in the planning horizon or any other directives causing the Commission to not acknowledge parts of the IRP, as-filed, will be identified. This is particularly relevant due to the extended time period, compared to the existing rule and existing practice, between the time of filing and the time of acknowledgment.	OAR 860-090-0050(4)	Cascade	7/16/2025		Staff sees no reason to limit the Commission's discretion in making a decision on acknowledgment nor to require additional process for making that decision.
NW Natural recommends removing Section -0050(5). A finding of IRP acknowledgement should include the supporting analysis and findings, and would be consistent in providing "...evidence in support of favorable rate-making treatment of the action, although it is not a guarantee of favorable treatment."	OAR 860-090-0050(5)	NWN	5/28/2025		Staff has not made the requested change. Analysis may be adequate for planning purposes but not for a separate proceeding where the details matter more. Requiring acceptance of underlying analysis would significantly slow IRP acknowledgment as the Commission would need to check all analysis with an eye to possible future uses.

Staff appear to have misinterpreted NW Natural's concern in its previous comments. This section could be read to remove the acknowledgement of action plan items by future Commissions through the questioning of methodology and studies. That would contravene the Commission's definition of prudence as being based on what the energy utility knew or should have known at the time.	OAR 860-090-0050(5)	NWN	7/16/2025	(5) Acknowledgment of an IRP does not indicate that the Commission approves all supporting analysis or findings in an IRP for use in future determinations. The Commission may identify potential changes or additions to elements of the utility's IRP analysis that may meaningfully inform future Commission determinations if performed by the utility.	It is not clear in what way NWN believes Staff misinterpreted its prior comment. As previously indicated, analysis may be adequate for planning purposes but not for a separate proceeding where the details matter more. Requiring that an acknowledgment decision include acceptance of the underlying analysis for the purposes of future proceedings would significantly slow IRP acknowledgment as the Commission would need to check all analysis with an eye to possible future uses.
Staff's prior proposal of a six-month review period for the IRP was consistent with prior Commission rules and practice. The Joint Utilities request that this initial proposal be adopted. Having a reasonable time limitation on regulatory processes is key to the modernization objectives of this workshop. Having such a timeline for a decision is consistent with other provisions in the rules, such as OAR 860-089-0250 and OAR 860-089-0500. The Joint Utilities note that IRP processes have taken upwards of a year in previous cycles, with multiple rounds of comments and appearances before the Commission. The imposition of a reasonable time limitation will ensure efficiency for all parties and provide utilities with adequate time to implement guidance from acknowledgment orders into the subsequent IRP Update and as topics of discussion in public input meetings.	OAR 860-090-0050(6)	Joint Utilities	5/28/2025		Staff has not made changes in response to this comment. As previously indicated, while this rulemaking is intended to result in a more efficient IRP process, the rule should not constrain the Commission's discretion in setting its public meeting agendas.
Sections OAR 860-090-0060(4)(a)-(b) provide useful and important guidance for energy utilities. NW Natural, however, recommends three clarifications in sections OAR 860-090-0060(4)(b), (c), and (d) to remove what could be interpreted as unnecessarily burdensome requirements to provide specific details responsive to individual stakeholder comments. First, Staff should clarify that the "written public comments received" referenced in OAR 860-090-0060(4)(b) is limited to specified opportunities for comment provided in the energy utility's technical workshops or broader IRP process. NW Natural is concerned that any comment in a meeting instant message forum could qualify, which would be unnecessarily burdensome to track and provide a response. Second, NW Natural recommends that Staff clarify OAR 860-090-0060(4)(c) to allow for a general discussion, similar to Staff's helpful table of responses to comments in this proceeding. Third, OAR 860-090-0060(4)(d) is unnecessary and should be removed. OAR 860-090-0060(4)(d) appears to require specific documentation of the explanation to stakeholders of how their individual input was incorporated into the filed IRP. This requirement is burdensome on its face and creates an additional timing issue because the energy utility would need to complete the IRP, then explain how each individual public comment was incorporated into the final IRP. This is overly burdensome and unnecessary given the requirement already established in OAR 860-090-0060(4)(c).	OAR 860-090-0060(4)	NWN	7/16/2025		With respect to subsection (4)(b), Staff has tentatively revised the language to require the utility to attach "all written public comments received in response to comment opportunities specified by the utility on each draft element of the IRP enumerated in OAR 860-090-0070." With respect to subsection (4)(c), the currently proposed text would not foreclose a utility from using a table of responses or similar approach. With respect to subsection (4)(d), there is no timing restriction; for example, depending on individual circumstances, it might be permissible for a utility to create a table of issues and responses as it finalizes its IRP, circulate that table to all commenters, and note in its IRP that it has circulated the table.

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Open public participation is key to robust IRPs and CEPs that are informed by public input and responsive to community concerns. The IRP Guidelines have long recognized that prerogative in Guideline 2a. Recognizing the importance Oregon's clean energy policies place on stakeholder engagement and consideration of community impacts and benefits of utility decision making, we emphasize the need for the rules to preclude any utility gatekeeping in the development of an IRP and/or CEP. OAR 860-090-0060(4) properly requires the utility to document public input. We recommend that subsection (a) be revised.	OAR 860-090-0060(4)(a)	GEI, MCAT, Sierra Club, CUB, and 350PDX	8/20/2025	The utility must include in the IRP an appendix that: (a) Describes the opportunities the utility created for public input, <u>which must include meetings that are open to everyone</u> , including the timeframes over which the utility accepted input from the public on each draft element of the IRP enumerated in OAR 860-090-0070.	Staff has accepted the proposed language.
Avista is supportive of the proposed language.	OAR 860-090-0060(4)(b)	Avista	8/20/2025		In response to another comment, Staff has inserted the words "at a high level" to the previously proposed language.
The Joint Utilities appreciate Staff's consideration of stakeholder input on this proposal and find the rule is close to being mutually agreeable. One remaining concern is the requirement to summarize major themes of public input. This places the utility in the position of characterizing the views of various parties, which can be sensitive. The Joint Utilities acknowledge Staff's helpful clarification during the workshop that only a high-level summary is expected. However, as currently written, this requirement could inadvertently lead to conflict if parties feel their input was misrepresented or not recognized as a "major theme." Such disagreements could result in unnecessary disputes over whether the utility violated the rule, despite its best efforts to comply. Accordingly, the Joint Utilities propose that the rule be revised to state: " <u>Provide best efforts</u> to summarize major themes of public input <u>at a high level</u> ..."	OAR 860-090-0060(4)(b)	Joint Utilities	8/20/2025	" <u>Provide best efforts</u> to summarize major themes of public input <u>at a high level</u> ..."	Staff has accepted the insertion of "at a high level."
NW Natural appreciates Staff's consideration of this issue and supports the additional language.	OAR 860-090-0060(4)(b)	NWN	8/20/2025		In response to another comment, Staff has inserted the words "at a high level" to the previously proposed language.
NW Natural requests that Staff make a minor revision to OAR 860-090-0060(5) to avoid increasing the risk of unintentional errors in filed IRPs. OAR 860-090-0060(5) requires narrative explanation and page reference to the utility's response to any specific direction from the Commission. NW Natural recommends that the reference be to the appropriate section or subsection of the IRP, rather than the page. Finalization of the IRP involves a number of steps, the last of which is preparation for printing and filing. Requiring specific page reference is overly burdensome and can lead to unintentional errors when converting documents to their final format.	OAR 860-090-0060(5)	NWN	7/16/2025	change "page reference" to "section or subsection reference."	Staff has revised the text to require reference to section and, if applicable, subsection, rather than a page reference.

The proposed requirement to “calculate resource needs based on the utility’s most recent load forecast” does not account for dependencies of the entire IRP analytical process. For example, an updated load forecast available five months prior to a filing deadline should not be incorporated into the needs assessment as this would impact all following analytical steps. The Joint Utilities recommend the language be modified so that the needs assessment will be “based on a recent utility load forecast conducted within the previous 18 months of the next IRP or IRP Update filing deadline.”	OAR 860-090-0060(6)(a)	Joint Utilities	5/28/2025	The Joint Utilities recommend the language be modified so that the needs assessment will be “based on a recent utility load forecast conducted within the previous 18 months of the next IRP or IRP Update filing deadline.”	Staff has not made the requested change; however, the draft rule has been revised to require that the load forecast have been conducted no more than 3 months before the utility calculates resource needs. To the extent that an updated load forecast becomes available after the needs assessment is calculated, the revised language indicates that the utility should make the updated forecast available--there is no general requirement that the utility update the needs assessment and subsequent IRP steps based on the updated forecast.
Avista is concerned about the requirement for a utility to update their load forecast “no more than three months before the needs assessment calculation is performed.” This time horizon is simply not realistic given the complexity of the load forecast and modeling that must be completed to perform the resource needs assessment. At minimum, a utility should be allowed at least 6 months from the time the load forecast is updated to when the needs assessment is completed.	OAR 860-090-0060(6)(a)	Avista	7/16/2025		Staff has revised the draft language to require that the load forecast be the most recent available <u>at the time the needs assessment calculation is performed</u> .
Given the complexity and variability of scenario and sensitivity modeling within IRPs, the 3-month timeline may unintentionally constrain the quality and thoroughness of the analysis. Cascade recommends removing the timing language to allow more flexibility in delivering a robust needs assessment that meets the objectives within these rules.	OAR 860-090-0060(6)(a)	Cascade	7/16/2025		Staff has revised the draft language to require that the load forecast be the most recent available <u>at the time the needs assessment calculation is performed</u> .
The Joint Utilities are concerned that this very prescriptive timing requirement associated with modeling is not an appropriate level of detail to include in rules. The proposed three-month timeline will likely be insufficient in many cases given the public input requirements of -0060(4) and -0070. The Joint Utilities are concerned that this prescriptive timing requirement constitutes a managerial and process over-reach to include in rules and could lead to unintended consequences, such as possible modeling errors if inadequate time to conduct quality work necessary to build the complex output of the IRP. Unless explicitly stated with a revision to the current language in these rules, it appears that the load forecast and the planning scenarios derived from it are an element of the IRP that is intended for public input. The utility cannot solicit public input with sufficient time for that input to inform the load forecast and the subsequent needs assessment in three months. When the load forecast is finalized and ready to be used as an input to the IRP process depends on a multitude of factors that do not fit into a specifically defined time frame.	OAR 860-090-0060(6)(a)	Joint Utilities	7/16/2025		Staff has revised the draft language to require that the load forecast be the most recent available <u>at the time the needs assessment calculation is performed</u> .

The proposed rule is overly proscriptive and imposes a one-size-fits-all requirement on all utilities. It mandates that utilities adjust their internal load forecasting cycles to ensure completion within a three-month window. This requirement fails to recognize that load forecasting serves a variety of other business and regulatory functions beyond the IRP process. Imposing such a rigid timeline could disrupt established forecasting practices, reduce accuracy, and lead to unintended consequences across different utilities. Additionally, requiring forecasts to be finalized within this narrow window may force utilities to lock in assumptions earlier than is practical, resulting in IRPs that are more outdated by the time they are filed. The Joint Utilities recommend that the rules allow for greater flexibility to accommodate the diverse operational needs and planning timelines of different utilities.	OAR 860-090-0060(6)(a)	Joint Utilities	7/16/2025		Staff has revised the draft language to require that the load forecast be the most recent available <u>at the time the needs assessment calculation is performed.</u>
Given the requirement in proposed rule OAR 860-090-0110 that requires timely updates of the reference case, posting or filing an updated load forecast seems unnecessarily duplicative and overly burdensome and should be removed. However, if the requirement remains, it must be clarified to make clear that the posting or filing requirement is limited to an update of the long-term load forecast for use in resource planning. This clarification will prevent confusion over when updated load forecasts must be posted or filed and ensure that forecasts that are irrelevant to the IRP planning process are not unintentionally covered by the rules.	OAR 860-090-0060(6)(a)	Joint Utilities	7/16/2025		Staff has reverted to proposing to require the "most recent" load forecast, with clarification that "most recent" means at the time the needs assessment is performed (i.e. not necessarily at the time the IRP is filed). With this change, Staff believes an additional requirement to submit any updates to the load forecast is no longer necessary.
NW Natural recommends Staff continue discussions with stakeholders to clarify the intent behind and clarify the requirements articulated in OAR 860-090-0060(6) of the draft proposed rules. NW Natural agrees with the comments submitted by the Joint Utilities on the first draft of the proposed rules regarding OAR 860-090-0060(6)(a) but does not understand Staff's response to those comments. It is impossible to incorporate the 'most recent load forecast' due to the need to lock down assumptions to complete the stakeholder engagement required under the draft proposed rules.	OAR 860-090-0060(6)(a)	NWN	7/16/2025		In response to other comments on the July 2 draft, Staff has further revised proposed - 0060(6)(a) and proposes to require that the load forecast be the most recent available <u>at the time the needs assessment calculation is performed.</u>
Avista appreciates Staff's consideration of modification to this proposed rule and supports the updated language. Also, the second sentence does not seem relevant.	OAR 860-090-0060(6)(a)	Avista	8/20/2025		Staff has not made further changes to the draft language presented at the August 6 workshop.
NW Natural appreciates Staff's consideration of this issue and supports the additional language.	OAR 860-090-0060(6)(a)	NWN	8/20/2025		Staff has not made further changes to the draft language presented at the August 6 workshop.

RNW supports the changes to the language included in Staff's updated draft rules from July 2, 2025. While parties have raised concerns about an updated load forecast occurring after the needs assessment, Staff's proposal strikes a sound balance in RNW's view. Concerns about updating the load forecast adding time and process to the IRP are mitigated by having an updated estimate of future resource needs. Specifically, in RNW's view it is far superior to update information mid-stream and have a better understanding of the resources needed to serve customers—even if it adds some time to an ongoing process—than it would be to wait for the subsequent IRP Update or IRP. In a dynamic and shifting energy environment in which new large loads can be substantial drivers of resource decisions, it is essential to use the best and most recent data available.	OAR 860-090-0060(6)(a)	RNW	8/20/2025		In response to other comments on the July 2 draft, Staff has further revised proposed - 0060(6)(a) and proposes to require that the load forecast be the most recent available at the time the needs assessment calculation is performed.
Guideline 10 currently provides: "Multi-state utilities should plan their generation and transmission systems, or gas supply and delivery, on an integrated-system basis that achieves a best cost/risk portfolio for all their retail customers." To ensure that multi-state utilities adequately implement Guideline 10, we recommend that OAR 860-090-0060(7) specifically identifies the need for a multi-state utility to model its generation and transmission system in an optimized manner for the multi-state system as a single whole.	OAR 860-090-0060(7)	GEI, MCAT, Sierra Club, CUB, and 350PDX	8/20/2025		Staff has inserted related language proposed by another commenter: "A multi-jurisdictional utility must develop at least one portfolio that optimizes resources across its entire system, taking into account the varied energy and policy requirements of the jurisdictions in which it operates."
Given that the cost, timing, and availability of emerging technologies are difficult to predict, planning rules should encourage utilities to use transparent and defensible assumptions around emerging technologies.	OAR 860-090-0060(7)(a)(B)	RNW	5/28/2025	The utility must consider both commercially available and emerging technologies as resource options <u>based on defensible and transparent inputs and assumptions. For resources reliant on emerging fuels, the cost and availability of fuel supply, transport, and/or storage must be considered.</u>	In response to this comment, Staff has added "For resources reliant...." with minor clarifying modifications. Staff did not adopt the proposed phrase "based on defensible and transparent inputs and assumptions"; all IRP assumptions must be defensible and transparent.
RNW thanks Staff for including this language in the latest iteration of the draft rules and agrees that all inputs and assumptions in an IRP must be defensible and transparent. The addition of the language regarding emerging fuels will be helpful as utilities continue to explore alternative, emerging options for non-emitting energy and capacity within their IRPs, such as small modular reactors and direct hydrogen use in natural gas plants.	OAR 860-090-0060(7)(a)(B)	RNW	7/16/2025		Staff has not made further changes to the draft language.
Requests clarification of what "...includes resource actions that the utility intends to take outside of a competitive acquisition process" means to a natural gas utility. CNGC assumes this is applicable to long-term resource acquisition but is not clear whether and how this relates to nominations and open-season expansion of the system. The former can occur one half hour to 1.5 hours prior to need. The latter could be considered a competitive acquisition process if, for example, an LDC is outbid by another LDC if one LDC proposes a longer term.	OAR 860-090-0060(7)(a)(C)	Cascade	5/28/2025		Staff has revised the draft language to clarify the applicability.

Cascade as well as other utilities have requested either deletion of certain terms or expanded definitions. Cascade believes these terms do not add any value nor without such limits the Commission's already existing flexibility and authority. These terms include plausible, meaningfully different, material differences, and reasonably estimate. Staff has not adopted associated recommendations for clarity. Assuming the Staff Report does not do so, Cascade will comment on this topic when this informal process shifts to the formal rulemaking phase. As an example, Cascade has noted the vague and ambiguous nature of the word "plausible."	OAR 860-090-0060(7)(a), - 0060(7)(c), - 0060(7)(g)(B), - 0060(7)(g)(E), and 0060(9)(e)	Cascade	8/20/2025	"The utility's development of the long term resource strategy must be informed by a needs options encompassing current and expected techno-economically feasible demand and supply-side resource options."	Staff has changed the reference to "all <u>reasonably</u> plausible resources."
Requests clarification regarding whether the reference to "generation" in "...lowering the costs associated with the generation, purchase, or delivery of energy to customers..." relates solely to electric utilities.	OAR 860-090-0060(7)(b)	Cascade	5/28/2025		In response to this comment, Staff has added the word "production" to more clearly include activities such as ownership of RNG facilities, synthetic methane, and hydrogen production.
OSSIA requests clarity in Proposed OAR 860-090-0060(7)(b). The proposed draft requires the utilities to "consider the contributions of all resource options..." but the proposed draft does not specifically require the utilities to incorporate that consideration in writing as a component of the IRP. We suggest that Staff add in an additional phrase to this section to ensure it is clear this IRP component will be documented in the docket, not just considered by a utility outside of the IRP filings.	OAR 860-090-0060(7)(b)	OSSIA	5/30/2025		Staff has not made changes in response to this comment. If there is a question as to whether a utility has complied with subsection (7)(b), additional documentation can be requested through the discovery process.
NW Natural appreciates Staff's response to Cascade's comment on OAR 860-090-0060(7)(b) to recognize differences between electric and gas utility IRPs.	OAR 860-090-0060(7)(b)	NWN	7/16/2025		Staff has not made further changes to the draft language.
Some seemingly important portfolios for evaluation may not, ultimately, have differences in outcomes (yet such analyses should occur nonetheless).	OAR 860-090-0060(7)(c)	Cascade	5/28/2025	The utility must evaluate portfolios under this section across a range of future planning scenarios that <u>could</u> represent material differences in outcomes with respect to key planning uncertainties.	Staff has not adopted the requested change; however, in response to this comment, the draft rule has been revised to require that "[t]he utility must evaluate portfolios under this section across a range of future planning scenarios that, <u>taken together</u> , represent material differences in outcomes with respect to key planning uncertainties." The intent is not to prevent the utility from performing or presenting analysis that turns out to demonstrate that a particular portfolio performs the same across two particular scenarios; this requirement is rather a check on portfolio and scenario design, in that if a portfolio performs effectively the same across all scenarios, this suggests that the utility is failing to grapple with the implications of factors that are highly uncertain in the future.

OSSIA requests clarity in Proposed OAR 860-090-0060(7)(c). The proposed draft language uses the term “key planning uncertainties,” defined in Proposed OAR 860-090-0020(6). That definition seems to allow the Commission to determine what a “key planning uncertainty” is. OSSIA is requesting clarity from Staff on whether that definition allows the utilities to determine what a “key planning uncertainty” is, and whether stakeholder input will be considered on factors that rise to the level of a “key planning uncertainty.”	OAR 860-090-0060(7)(c)	OSSIA	5/30/2025		Stakeholders can provide input to the Commission regarding key planning uncertainties in the prior IRP or in response to the prior IRP Update. If the Commission has not identified a particular factor in advance of the current IRP through one of these forums, a stakeholder can advocate it be added to the utility-specific guidance for the next IRP. This approach avoids creating a moving target with respect to modeling expectations in the docket that leads to prolonged schedules, but does not prevent the Commission from considering material changes in conditions, if they actually occur, during an IRP docket.
Staff's response with respect to the timing of stakeholder input re "key planning uncertainties" and changes to utility-specific guidance is responsive to Cascade's concern about what is termed here as a "moving target." Yet this is an informal perspective that should be embodied in some manner in the rule.	OAR 860-090-0060(7)(c)	Cascade	7/16/2025		Draft -0040 provides for public comment in the process preceding an acknowledgment decision, while draft -0050(6) states that "The Commission may provide direction in the acknowledgment decision to the utility regarding information, analyses or actions to be addressed in the utility's next IRP."
OAR 860-090-0060(7)(c) inappropriately shifts from an assumption and planning process focus to an outcome focus. After reviewing Staff's response to Cascade, NW Natural does not believe that is the intent, but the draft rule language should be further clarified to prevent future misinterpretation because, taken on its face, the section appears to require the energy utility to change its modeling to provide different ranges of outcomes, which would undermine the entire planning process.	OAR 860-090-0060(7)(c)	NWN	7/16/2025		The "outcomes" in (7)(c) are not planning outcomes, but different ways conditions could evolve. The draft language has been revised to clarify this issue: "The utility must evaluate portfolios under this section across a range of future planning scenarios that reflect plausible and material differences across key planning uncertainties."
Additional clarifications to section -0060(7) may be necessary to avoid placing unnecessary or overly burdensome requirements on gas utilities that may be appropriate only for electric utility planning. For example, NW Natural request that Staff lead additional discussion on the requirement in OAR 860-090-0060(7)(e) related to how the reliability analysis accounts for opportunities presented by regional demand and resource diversity relative to gas utilities.	OAR 860-090-0060(7)(e)	NWN	7/16/2025		To enhance clarity, Staff has revised the draft language: "The utility must describe how the reliability analysis accounts for opportunities presented by regional demand and resource diversity interactions with other systems and markets ." A conforming change has been made to -0060(6).
Gas utilities should conduct a reliability analysis to ensure adequate capacity during extreme conditions and analyze impacts if such capacity is lost. The context of this proposed rule aligns with the electric analysis and is materially different than how gas utilities historically analyze resource adequacy. Reliability rules for gas and electric utilities should be different.	OAR 860-090-0060(7)(e)	Avista	8/20/2025		The phrase "adequate level of reliability" is sufficiently flexible to include ensuring adequate capacity during extreme conditions and analyzing impacts if such capacity is lost.

As discussed at the workshop, the Joint Utilities have concerns with the word “any” in the proposed rule’s requirement that utilities “describe how the reliability analysis accounts for any opportunities presented by interactions with other systems and markets.” The term “any” may be interpreted as overly broad, potentially encompassing interactions with systems that are not economically feasible. This could allow parties to argue that a utility is noncompliant simply because an opportunity technically exists—regardless of whether that opportunity is clearly uneconomic or reasonably achievable. To address this concern, the Joint Utilities propose alternative language. If the Joint Utilities’ primary recommendation is not adopted, as an alternative, the Joint Utilities recommend inserting the term “reasonable” after “any.” While this revision may still invite adjudication over the definition of “reasonable,” it provides a more grounded basis for reliability analysis by focusing on opportunities that are realistically achievable.	OAR 860-090-0060(7)(e)	Joint Utilities	8/20/2025	“The utility must describe how the reliability analysis considers opportunities presented by regional demand and resource diversity interactions with other systems and markets, to the extent such opportunities are supported by available data, established market structures, and reasonable planning assumptions.”	To avoid the unintended interpretation cited by Joint Utilities, the word “any” has been deleted.
The Joint Utilities also note that the first sentence in Staff’s second draft of proposed OAR 860-090-0060(7)(e) posted on July 2, 2025, includes a requirement for a utility to demonstrate that “all portfolios” developed under the section meet reliability requirements. The reliability assessment process demands significant expertise and resources. Extending this type of comprehensive analysis to all portfolios could substantially impact workflow and add several weeks to months of additional work to already constrained timelines. Should Staff intend to preserve this sentence in the draft, the Joint Utilities recommend striking the reference to “all portfolios” and instead state, “The utility must conduct a reliability analysis to demonstrate an acceptable level of reliability and meet reliability requirements to which the utility is subject, while complying with all state and federal energy policies, over the next five years and in key planning years.”	OAR 860-090-0060(7)(e)	Joint Utilities	8/20/2025	The utility must demonstrate that all portfolios developed under this section provide for an <u>conduct a reliability analysis to demonstrate</u> acceptable level of reliability and are expected to meet any reliability requirements to which the utility is subject, while complying with all state and federal energy policies, over the next five years and in key planning years.	In the formal phase of the rulemaking, Staff would welcome feedback from the utilities regarding: (1) how they apply the reliability analysis to portfolios; (2) how they determine which portfolios will be selected for reliability analysis; and (3) how portfolios are comparable if not all of them have gone through the same reliability test.
NW Natural continues to have concerns regarding OAR 860-090-0060(7)(e) and the edits above remain unclear as to application and scope. Adding a reference to ‘other systems and markets’ does not clarify the requirement for a gas utility. Further, the expansive requirement to account for ‘any’ opportunities presented by the ‘other systems and markets’ raises a number of concerns regarding the scope of the modeling required. NW Natural continues to recommend that Staff hold additional discussions to clarify the intent behind this proposed requirement.	OAR 860-090-0060(7)(e)	NWN	8/20/2025		To avoid the unintended interpretation cited by NWN, the word “any” has been deleted.
Utilities routinely rely on market purchases and sales to meet load, manage costs for customers, and maintain reliability. As such, assumptions around market availability must reflect actual market conditions, regional capacity constraints, and likely future resource developments.	OAR 860-090-0060(7)(f)	RNW	5/28/2025	In evaluating portfolios under this section, the utility must reasonably estimate future operations of the utility’s system, including interactions between resources and interactions with energy markets. <u>Utilities must use transparent and evidence-based assumptions around market availability and pricing.</u>	Staff has not adopted the requested change; all IRP assumptions must be transparent and evidence-based. Staff notes in addition that, as with all forecasts, market forecasts are not actuals and it is impossible to reflect actual market conditions in a long-term plan.

The commercial structure used to procure a specific resource (i.e., owned vs. contracted) is not known when developing an IRP. It is not feasible for an IRP to incorporate future costs for all aspects of the utility to provide meaningful rate impacts. Any rate impact projections provided by the Company in the context of an IRP would be limited to estimates of indicative cost changes related to a preferred portfolio. The Joint Utilities provide insight into possible rate impacts by calculating a present value revenue requirement (PVRR) for each scenario considered. The Joint Utilities recommend that the rules require indicative cost impacts rather than rate impacts for IRPs—without premature assumptions as to ownership structure or cost allocation to actual resources that may be procured in downstream actions.	OAR 860-090-0060(7)(g)	Joint Utilities	5/28/2025	retain OAR 860-090-0060(g)(A) and remove OAR 860-090-0060(g)(B)	Staff has not deleted subsection (7)(g)(B). However, in response to this comment, the draft rule has been clarified that "resource ownership and cost allocation to Oregon customers" are examples of "near-term uncertainties" that must be considered; the draft rule recognizes the inherent uncertainty of these projections. In addition, Staff has added a statement, drawn from OAR 860-025-0030(2)(j), that "A revenue requirement estimate provided under this rule may be used solely for the purposes of evaluating the utility's IRP and, if applicable, CEP." The goals of this subsection are twofold: (1) obtain visibility into the broader cost context of the proposed resource choices; and (2) understand the near-term cost impacts of the proposed resource choices, which may not be proportional to the overall NPVRR (up-front costs may be relatively higher or lower).
Calculating an Oregon-allocated revenue requirement over the next five years adds another level of complication for multi-state energy utilities, one that would likely result in distorted results given how NW Natural operates its system. For NW Natural, the planning process does not evaluate resources with separate costs for Oregon and Washington, and to do so could force inefficiencies and may require state by state planning, increasing both planning and resource costs to customers.	OAR 860-090-0060(7)(g)	NWN	7/16/2025	eliminate section -0060(7)(g)(B)	The "plausible range" language should allow the utility to take a simplified approach to allocating costs between states. In addition, the word "presented" has been replaced with "estimated" in the draft rule.
The Joint Utilities raised the valid concern that calculating a hypothetical revenue requirement at the level to determine rate impact would require a substantial number of significant assumptions, overly burdening the IRP process. Staff's response to the Joint Utilities only highlights the issue. Instead of addressing the issue raised regarding the study, Staff's proposed solution was to limit the use of the study because of the uncertainty. This solution appears to acknowledge the issue that the study itself would be inherently uncertain but avoids the discussion on whether the additional effort and cost to produce the study are worth the purported benefits.	OAR 860-090-0060(7)(g)	NWN	7/16/2025	eliminate section -0060(7)(g)(B)	Staff's addition of language in the previous draft limiting the use of the near-term cost estimate is intended to recognize the commonplace fact that resource planning is at a different level of detail and confidence from rate cases. Utilities might look at how PGE has presented and discussed near term cost estimates in their IRPs. Some if not all utilities also do near-term capital planning as part of the course of business. Note also that the IRP cost metrics do not require cost allocation to rate classes.

RNW feels strongly that a cost impact analysis should be included in the IRP and, even though it may not be perfect, RNW supports the revenue requirement estimate. The Joint Utilities have raised concerns that revenue requirement as calculated in a general rate case applies to known and measurable costs and will be therefore inherently difficult to identify within the IRP context. While this is true, their argument misses that the rule also allows for a “plausible range” for the total annual Oregon-allocated revenue requirement. Cost estimates in the IRP context are just that—estimates. By definition, actual costs will always deviate from the values projected in the IRP. In putting together a range of revenue requirement potential impacts, the utilities can examine the effect that different variables have on projected costs. Even if forecasted revenue requirement impacts vary relatively widely under the “plausible range,” it will give an idea of the eventual impact on the utility’s customers. This information is even more important now that electric utilities subject to the RPS and HB 2021 must fit procurement decisions under two different cost caps. The HB 2021 cost cap is currently being examined in UM 2273. Several parties in that docket—including RNW—have argued that the cost cap should only be examined based on real and quantifiable costs that stem from actual resource acquisition. A determination of whether the HB 2021 cost cap has been hit can only be examined based on an HB 2021, Section 10 request. Therefore, Staff’s language in the draft rules in this proceeding that “[a] revenue requirement estimate provided under this rule may be used solely for the purposes of evaluating the utility’s IRP and, if applicable, CEP” is helpful, because cost estimates should not be used to determine whether a cost cap threshold has been reached. However, it will aid a party in determining whether a Section 10 filing should be made, which will likely trigger the requirement for a utility to run a counterfactual scenario to determine to what extent real procurement costs were driven by HB 2021 and are therefore eligible for consideration under the cost cap.	OAR 860-090-0060(7)(g)	RNW	8/20/2025		The revenue requirement estimate is retained in the current draft.
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It is difficult to reconcile Staff's request to replace the NPVRR with a "revenue-requirement"-like assessment in the IRP with the established principles of revenue requirement assessments. Unlike general rate cases, in which rigorous analysis of known, incurred expenditures is performed, the IRP is a planning document that forecasts potential, speculative, and unknown costs over a long-term horizon. During this planning horizon, neither the utility nor the Commission has the necessary clarity regarding future rate class allocations or definitive cost causation. Moreover, proxy resources should not assume utility ownership – as ownership will only be known after an RFP or other procurement activity is completed. In this context only a Present Value Revenue Requirement (PVRR) should be required in the context of an IRP for the reasons stated above. It is unclear how Staff envisions running a revenue requirement model for future test periods within the IRP's inherently uncertain planning framework. Therefore, the Joint Utilities respectfully request a dedicated forum for discussion with Staff. Our aim is to collaboratively develop an approach that delivers the valuable insights Staff seeks regarding future cost impacts, but without imposing the exact rigor and detailed cost assignment methodology of a general rate case revenue requirement.	OAR 860-090-0060(7)(g)(B)	Joint Utilities	7/16/2025		Because the IRP is intended to provide information about near-term rate shocks and affordability, it is necessary to approach the question of when resource costs are experienced more carefully than in the past. This will be affected by ownership structure. One option is to use the annual fixed costs from the utility's revenue requirement model (which start high and decrease over the life of the project) to approximate a utility-owned project and the equivalent annualized costs spread out over the project life to approximate an equivalent PPA or offtake. Ownership structure may also factor into how the utility accounts for curtailment-related costs (whether any lost PTCs are experienced in the year when the curtailment occurs or just increase the equivalent PPA price paid in all years).
Typically, IRPs focus on resource costs only. This current draft implies utilities should forecast total costs to serve customers and not only resource costs, i.e., a total revenue requirement or a forecast of future rates. Avista is concerned that any such forecast will be inaccurate as it is not possible to forecast what the total costs to serve customers in the future may be. Future rate cases and price adjustments will determine what rates will be in the future. Any such forecast included in an IRP would only be an estimate. As such, Avista believes that an IRP should remain focused on resource costs to serve customers.	OAR 860-090-0060(7)(g)(B)	Avista	8/20/2025		As previously discussed, a forecast of total costs, while necessarily imperfect (like any forecast), may help inform decisions, e.g. re the timing of expenditures.
The Joint Utilities appreciate Staff's consideration of prior comments, and the progress made in this revision. While recognizing the positive steps, a significant concern remains regarding the lack of clarity on how a utility would comply with this requirement. It is our understanding that Staff has not yet articulated the specific method or outcome the proposed rule is intended to achieve. This ambiguity is concerning, as it may lead to unnecessary disputes within the IRP process if the rule is adopted without a clear demonstration of how compliance would be shown. The Joint Utilities are open to a collaborative effort with Staff to address this issue. In the interim, they maintain that the Present Value Revenue Requirement (PVRR) remains a sufficient method, as previously stated in comments. The Joint Utilities are willing to explore and identify alternative methodologies with Staff. This could come in the form of direct engagement with Staff, a workshop or a request of the utilities to present a preferred alternative once Staff communicates the goals of the methodology and how that is different from PVRR. To avoid the potential for unclear compliance, the Joint Utilities recommend that the proposal either be withdrawn or be revised to only require the use of PVRR until a clearer understanding of the rule's goals is established.	OAR 860-090-0060(7)(g)(B)	Joint Utilities	8/20/2025		It is important to know when resource costs might be reflected in customer rates since one of the goals of the modernization effort is to get better insights into rate shocks and affordability.

The proposed edits to OAR 860-090-0060(7)(g)(B) do not address NW Natural's concerns with this provision. The edits proposed for Staff's August 6, 2025 workshop could be interpreted as more onerous and burdensome than the original language and NW Natural recommends that Staff make additional clarification. The proposed language could be interpreted as requiring a rate comparison by customer class. That would be an extremely burdensome requirement that could not be conducted without making a number of assumptions. The current process already provides for a present value revenue requirement comparison. The additional analysis contemplated in this provision would provide no reliable data to support acknowledgment of an IRP. These provisions must be extremely clear given the increasingly litigious nature of IRP proceedings.	OAR 860-090-0060(7)(g)(B)	NWN	8/20/2025		Because the IRP is intended to provide information about near-term rate shocks and affordability, it is necessary to approach the question of when resource costs are experienced more carefully than in the past. This will be affected by ownership structure. One option is to use the annual fixed costs from the utility's revenue requirement model (which start high and decrease over the life of the project) to approximate a utility-owned project and the equivalent annualized costs spread out over the project life to approximate an equivalent purchased energy agreement.
The Joint Utilities are concerned that the requirement to include community impacts is overly prescriptive and requests clarification on how Staff envisions the utilities will provide community impacts for proxy resources that do not exist, and if brought into existence may be located in any number of communities.	OAR 860-090-0060(7)(g)(E)	Joint Utilities	5/28/2025		The language was intended to allow significant flexibility for the utilities to take different approaches and adopt more sophisticated approaches over time. For example, if the utility is testing a proxy supply side resource that could be located in any number of places, it may not make sense to have the selection of that resource directly impact the CBIs. However, if the utility has a CBI around local emissions and the resource selection changes the dispatch of a coal or natural gas plant that impacts the local emissions CBI, there may be an indirect impact. If the utility is testing CBREs and intends to design the program to target specific types of communities or to create specific types of community benefits, then it may be appropriate to reflect those community benefits in the portfolio CBIs even if the utility does not know exactly where the CBREs will be located.
Staff has indicated that this provision was intended to provide flexibility. However, as currently written, the rule does not offer any flexibility—it mandates that proxy resources include an assessment of community impacts. The Joint Utilities continue to question how community impacts can be assessed for proxy resources that do not exist and, therefore, are not located in or affecting any specific community. Generally applicable rules should be understandable for utilities mandated to comply, and there no explanation has yet to be provided on how to comply with this proposal.	OAR 860-090-0060(7)(g)(E)	Joint Utilities	7/16/2025		The proposed requirement is that the utility analyze the community impacts of the <i>portfolio</i> , not of individual proxy resources, which, as previously indicated, may not all be relevant to the utility's analysis under this subsection. Even if the utility does not know exactly which communities will be affected, they can still estimate such benefits at a high level.

Avista is unclear on the expectation for what the draft rule text should include. Regarding community impacts analysis with an IRP, the focus should be on impacts that can be quantitatively analyzed and within utilities' control. In this regard, costs seem to be a primary community or customer impact to be considered. For natural gas utilities, the examples provided by Staff do not seem possible or relevant to evaluate. It is not possible to evaluate how energy efficiency selection affects comfort as comfort is subjective to each individual household. Further with the Energy Trust of Oregon delivering energy efficiency programs, the utilities do not seem best suited to attempt to evaluate comfort, nor anticipated changes in services offerings or energy efficiency incentives based on a selected portfolio. Also, estimating potential impacts at a high level would be difficult and potentially not meaningful.	OAR 860-090-0060(7)(g)(e)	Avista	8/20/2025		Although "comfort" may be a somewhat subjective concept, energy efficiency improvements benefit comfort under any definition. More generally, while Staff is open to a discussion regarding sources of information for the utilities to use in developing their IRPs, the utility itself is responsible for estimating the impacts of the portfolios the utility puts forward in its IRP. Avista's effort to develop Non-Energy Impact metrics serves as a valuable example of how the company could consider community impacts in its IRP.
Throughout this proceeding, the explanation of Community Impacts and associated actions appeared to, in a plain English reading, focus on providing a narrative (with associated metrics for quantification) on planning and action items to lessen energy utility impacts on, at its core, neighborhoods and the environment. However, 8/6 Workshop Slide #12 casts this portion of the rule in a new light. Slide #12 includes multiple other factors that go beyond a plain English reading of the rule, without definition. There is insufficient context to clarify the full intent for compliance purposes. The rule now appears it applies to everything: "utility implementation decisions, including investments, contracts, and program designs." This is overly broad and changes scoring metrics without definition and guidance. The content of the added language in Slide #12 suggests this topic should be part of additional workshops, if not a separate proceeding. Even if this slide is retracted, there is now sufficient doubt about what Staff envisions for compliance. Is the intent for this to be applied to all aspects immediately upon publication of a new rule? If so, the processes need to be better defined. For example, the scoring metrics and how they should be applied need definition. This should be done before utilities are held responsible to comply with what hasn't been defined. The issues posed in Slide #12 for requested comment are too broad and lacking in context to be individually and specifically addressed in a two-week response period. Cascade recommends proposed OAR 860-090-0060(7)(g)(E) be the basis for dedicated workshops prior to this process moving to a formal rulemaking phase. Alternatively, Staff should consider deleting this item and initiating a separate proceeding on this topic.	OAR 860-090-0060(7)(g)(E)	Cascade	8/20/2025		The community impacts provision is intended to provide visibility into community impacts information that is relevant to the relative merits of portfolios and that may be missing from other parts of the analysis. It does not require the utility to estimate the impacts of a proxy resource on a particular community, nor to estimate the community impacts of actions that are not part of the portfolio analysis.

Given Staff's clarification on the goals of the analysis, the Joint Utilities submit that the assessment of community impacts should be removed from the IRP and instead looked at when procuring resources or implementing specific programs. Requests for proposals can, and do, include non-price scoring to address equity. For example, the impact of "local air pollution" of an individual resource bid can be assessed through non-price scoring in an RFP. This is not possible in an IRP, where the location and size of proxy resources are not known. Similarly, demand-side and customer programs can evaluate potential impacts on communities, incentive levels, and be tailored to address various concerns. A lot of this work is already done in various Advisory Groups that are focused on program design. The Commission has requested, and the utilities have conducted and now use several different community benefit indicators when assessing IRP portfolios through pCBI (portfolio Community Benefits Indicator), rCBI (Resource Community Benefits Indicators), or iCBI (Informational Community Benefits Indicators). These new perspectives and assessments of community benefits from utility plans, actions, and prospective investments are an excellent first step in meeting the requirements of the draft rule. Perhaps additional investment and utilization of these indicators should be undertaken before additional metrics are applied. Accordingly, the Joint Utilities submit that community impacts of individual resources and programs should be assessed at the time of procurement (of actual resources) and the development of individual programs, as opposed to proxy resource planning where unsubstantiated assumptions on resource placement and specific program design would need to be made.	OAR 860-090-0060(7)(g)(E)	Joint Utilities	8/20/2025		To be clear, the draft rule does not propose to require the assessment of community impacts of individual resources; this would be a portfolio score used to compare portfolios, at a similar level of detail to what the Joint Utilities currently report in their CEPs.
Idaho Power reiterates its request that utilities that are not required to file a CEP should be exempt from any "Community Impacts Metric." Compliance would be burdensome and unlikely to produce meaningful insights given the small size of Idaho Power's Oregon service territory and the low likelihood of siting utility scale resources within it.	OAR 860-090-0060(7)(g)(E)	Joint Utilities/Idaho Power	8/20/2025		The proposed requirement is for a portfolio scoring metric that will provide better insight into the trade-offs of different resource strategies. Staff envisions a narrow set of community impacts metrics and is happy to work with stakeholders.
The additional comments requested by Staff only address HB 2021 issues in relation to electric utilities. NW Natural continues to request that Staff include an exemption for gas utilities for this provision or provide additional time to engage with customers and advisory groups to determine appropriate metrics for community impacts.	OAR 860-090-0060(7)(g)(E)	NWN	8/20/2025		The additional comments requested by Staff were not limited to HB 2021 issues nor to electric utilities; it is not clear why "anticipated changes in service offerings and incentives based on portfolio" would not be relevant to a gas utility.
OAR 860-090-0060(7)(g)(E), along with OAR 860-090-0110(5)(b), introduces a new requirement for gas utilities. NW Natural agrees with comments from the Joint Utilities, and Staff's response appears to focus on electric utilities subject to ORS 469A.415. NW Natural is always seeking additional opportunities to engage with its customers to improve service. NW Natural recommends that energy utilities not subject to ORS 469A.415 either be exempted or provided additional time to engage with customers and advisory groups to determine appropriate metrics for community impacts.	OAR 860-090-0060(7)(g)(E); - 110(5)(b)	NWN	7/16/2025		In addition to the examples provided at the August 6 workshop, Staff notes that gas utility portfolio choices may have public health (air emissions), safety, and economic development implications.

RNW recommends encouraging utilities to select the portfolio with lower risks, where cost differences are marginal. Additionally, we suggest requiring the utility to transparently evaluate and compare resource portfolios across multiple dimensions of cost and risk by using a portfolio scoring matrix.	OAR 860-090-0060(7)(h)	RNW	5/28/2025	Preferred Portfolio. The utility must select a Preferred Portfolio in the IRP and explain why it represents the best balance of cost and risk to customers and the utility. <u>Where portfolios share similar cost impacts, the utility should consider selecting the portfolio with lower risks. The utility must include a matrix that describes how each portfolio performed against the portfolio scoring metrics and that clearly demonstrates why the preferred portfolio was selected.</u>	Staff has adopted the proposed language regarding a portfolio scoring matrix. Staff did not adopt the sentence stating that "the utility should consider selecting the portfolio with lower risks," because it is unenforceable.
The newly added requirement for a scoring matrix is undefined and needs elaboration allowing for utilities' review and comments.	OAR 860-090-0060(7)(h)	Cascade	7/16/2025		Staff does not intend to limit the utilities' discretion in designing useful portfolio scoring matrices; the intent is simply for the IRP to include a visual representation of each portfolio's performance to allow Staff and stakeholders to clearly understand the tradeoffs among different dimensions of cost and risk.
The Joint Utilities recommend removal of the newly proposed requirement that the IRP include a "matrix that describes how each portfolio performed against the portfolio scoring metrics and that clearly demonstrates why the preferred portfolio was selected." The proposed matrix is overly prescriptive, particularly compared to the more general guidance provided by the other rules. The creation of a matrix is also overly burdensome and duplicative of the requirements elsewhere in the same subsection that a utility explain why the Preferred Portfolio represents the best balance of cost and risk. While some utilities may find a matrix the best way to convey this information, others may not and find another manner of conveying the same information more efficient and better suited to the utility's filing. The Joint Utilities are concerned that mandating a one-size-fits-all approach may run counter to the goal of making the data more digestible and instead result in an overly simplified presentation of the utilities' analyses, which risks obfuscating or misleading the reader. There is a long history of summarization like the suggested matrix creating confusion, such as LCOE.	OAR 860-090-0060(7)(h)	Joint Utilities	7/16/2025	Remove the language regarding the portfolio matrix.	Staff has revised the draft text to provide more flexibility: "The utility must include a <u>visual representation such as a matrix</u> that describes how each portfolio performed against the portfolio scoring metrics and that clearly demonstrates why the preferred portfolio was selected."
Staff's new edit to OAR 860-090-0060(7)(h) requires additional discussion and clarification. In particular how does Staff envision scoring metrics to be discussed in the proposed matrix and what is the weighting?	OAR 860-090-0060(7)(h)	NWN	7/16/2025		Staff does not intend to limit the utilities' discretion in designing useful portfolio scoring matrices; the intent is simply for the IRP to include a visual representation of each portfolio's performance to allow Staff and stakeholders to clearly understand the tradeoffs among different dimensions of cost and risk.

RNW appreciates Staff adopting the proposed language regarding the scoring matrix which will help Staff and intervenors' ability to transparently and accurately assess the viability of various utility portfolios. However, RNW requests that Staff reconsider including language related to the utility selecting the portfolio with lower risks, when cost impacts are similar. Under longstanding Commission IRP practice and in alignment with the prevailing guidelines, utilities must select least cost, least risk portfolios to serve Oregon customers. If the cost of two different portfolios is the same, it therefore follows that the utility must select the portfolio with the lower risk, since that portfolio would reflect the least cost, least risk option. RNW would like to understand more about Staff's concern regarding enforceability. It makes sense that language requiring the utility to "consider" selecting the lower risk portfolio would be unenforceable. If "consider" is where Staff's concern about enforceability comes from, RNW would support language that states "the utility must select the portfolio with lower risks." This would align with the spirit of the IRP to ensure least cost, least risk resource selection and add clarity to the rules in a manner that would improve the process.	OAR 860-090-0060(7)(h)	RNW	7/16/2025	Where portfolios share similar cost impacts, the utility must select the portfolio with lower risks. The utility must include a matrix that describes how each portfolio performed against the portfolio scoring metrics and that clearly demonstrates why the preferred portfolio was selected.	Staff does not believe that the proposed language is needed because in a multi-criteria problem such as an IRP, it can be unduly limiting or harmful to force in constraints like this. For example, there may be multiple risk metrics.
Avista agrees a table should be created to show a matrix of the results of the portfolio analysis. Avista disagrees with the need for portfolio scoring metrics. Avista's planning process uses the lowest cost portfolio meeting policy requirements. If Avista changes from this methodology, it would have a description of the changes, making a matrix unnecessary.	OAR 860-090-0060(7)(h)	Avista	8/20/2025		The draft rule proposes to require the utility to "identify metrics in the IRP that describe the portfolio's performance with respect to... [l]ong term costs... [n]ear-term costs... [e]conomic risk... [r]eliability risk... [c]ommunity impacts[, and] [e]missions," and to "explain why [the preferred portfolio] represents the best balance of cost and risk to customers and the utility." A visual representation of each portfolio's performance with respect to each of these metrics would enhance Staff and stakeholder review.
The Joint Utilities recognize the value of a visual representation of the comparative performance of competing portfolios relative to the preferred portfolio. However, such a matrix or representation cannot encompass all conceivable factors guiding final preferred portfolio selection. There are clear examples where unmodeled considerations may lead to the selection of another competitive portfolio within a reasonable range of outcomes. In other words, any visual representation has its physical limits. The phrase, "...and that clearly demonstrates why the preferred portfolio was selected," should be replaced with, "...and that clearly demonstrates the relationship of the preferred portfolio to all portfolios eligible for preferred portfolio selection." While it is obvious that a justification must always be provided for selecting a portfolio that was less competitive on the basis of the metrics alone, an additional statement could be added to say, "In the event that the most competitive portfolio is not selected as the preferred portfolio, the utility must provide additional justification for the selection."	OAR 860-090-0060(7)(h)	Joint Utilities	8/20/2025	"...and that clearly demonstrates the relationship of the preferred portfolio to all portfolios eligible for preferred portfolio selection. In the event that the most competitive portfolio is not selected as the preferred portfolio, the utility must provide additional justification for the selection."	Staff has revised the draft language.

The added language may be helpful with additional clarification, but absent further discussion on scoring metrics and weighting, the edit appears to be more form over function and additional clarification of expected scoring metrics is required. NW Natural continues to recommend the additional language suggested by Cascade and the Joint Utilities.	OAR 860-090-0060(7)(h)	NWN	8/20/2025		Staff has revised the draft language consistent with the suggestion of the Joint Utilities.
RNW does not agree with the Joint Utilities that the proposed matrix is “overly prescriptive.” In fact, the design and form of the matrix is not defined at all in the draft rule. It could quite literally be a simple table assimilating existing information regarding how the different portfolios have performed against each other. Rather than having to parse through dense datasets and accompanying narratives, it would aid Staff, the Commission, and stakeholders immensely if the utility could put this information into a simple table format. RNW supports Staff’s draft language as it will aid the Commission and all stakeholders in their review of an IRP.	OAR 860-090-0060(7)(h)	RNW	8/20/2025		In response to another comment, Staff has revised the draft language somewhat.
More clarity on the requirements for multi-jurisdictional utilities is needed. Most of the Commission’s regulated utilities, such as Idaho Power Company, Avista Utilities, NW Natural, Cascade Natural Gas, and PacifiCorp serve customers in multiple jurisdictions, and must balance the needs of a wide range of customers and state energy policies. While these utilities must make resource decisions that balance the needs of their varied customers and energy policies, it is uncontroverted that they are beholden to the Commission's planning and procurement requirements to ensure least cost, least risk resource decisions are made for Oregon customers. Therefore, it is essential for the Commission and stakeholders to understand how a multi-jurisdictional utility’s IRP and, by extension, RFP are designed in a manner that results in an optimized outcome for Oregon. To effectuate this, RNW proposes new language to be included in OAR 860-090-0060(7)(i) Portfolio analysis. The proposed language is important because multi-jurisdictional utilities are responsible for proposing portfolios of resources that meet the needs of their entire system, and must justify new resource decisions based on state energy policies, reliability needs, or a combination of the varied factors that drive new resource procurement. Absent a portfolio that optimizes for the needs of its entire system—i.e., a portfolio that recognizes the inherent tradeoffs of balancing broad system needs—it will be challenging to assess whether the utility’s preferred portfolio is in customers’ best interests. With divergent energy policies, climate change, and load growth scenarios driving resource planning in different directions, it is essential that the Commission be given the best possible plan for minimizing costs and risks while continuing to capture the economic benefits of multi-jurisdictional planning. Under the current paradigm, it is difficult to assess whether multi-jurisdictional utility plans do so. This language, or a similar version thereof, will help alleviate this issue and ensure necessary benefits are captured.	OAR 860-090-0060(7)(i)	RNW	8/20/2025	Multi-jurisdictional utilities must develop at least one portfolio that optimizes resources across its entire system, taking into account the varied energy and policy requirements of the jurisdictions in which it operates.	Staff has inserted the proposed language.

In response to concerns about the vague and ambiguous meaning of "all plausible," Staff states: "Staff has not adopted the requested change; the requirement to 'consider' all 'plausible' resource options is not a requirement to <i>model</i> all <i>possible</i> resource options." (emphasis as in the Table) Cascade respectfully notes "possible" is a synonym for "plausible." Cascade recommends the Staff adopt the Joint Utilities' proposed requested change.	OAR 860-090-0060(9)	Cascade	7/16/2025	"The utility's development of the long-term resource strategy must be informed by a needs assessment and portfolio analysis that considers a broad and diverse set of distinct resource options encompassing current and expected techno-economically feasible demand and supply-side resource options." +F34	Staff has changed the reference to "all <u>reasonably</u> plausible resources."
Despite Staff's clarification, the Joint Utilities remain concerned with Staff's proposed language. Staff does not explain how a utility would "consider" a resource option without "modeling" that resource option. Staff's language would require the utility to "consider" all plausible resources in both the needs assessment and portfolio analysis. The needs assessment and portfolio analysis are inherently modeling exercises. Indeed, Staff's proposed -0060(6), which describes the needs assessment, requires a utility to "include in the IRP an evaluation of the resource needs to achieve an acceptable level of reliability." To understand if a resource provides an acceptable level of reliability requires modeling that resource using a reliability assessment tool. Similarly, proposed -0060(7) goes into great detail about the analysis, and therefore modeling efforts, that define what constitutes an acceptable portfolio analysis. Staff's own rules therefore require modeling of "all plausible" resources. Second, while not defined within Staff's proposed rule, the word "plausible" is generally defined as "appearing worthy of belief;" reasonableness is not a factor, so the rule would require consideration of patently unreasonable resource options. Third, the overly broad requirement in subsection (9) conflicts with the narrower, and reasonable, requirements within the portfolio analysis subsection of the proposed rule. In particular, subsection (7)(a)(A) requires the portfolio analysis to "consider both commercially available and emerging technologies as resource options," which is far more reasonable than the overly broad requirement in subsection (9) to consider "all plausible resource options." To align the proposed rules with Staff's comments, the rules must either (1) clarify that the requirement to "consider all plausible resource options" need not occur as part of the needs assessment and portfolio analysis because modeling is not required; or (2) remove the overly broad requirement to "consider all plausible resource options."	OAR 860-090-0060(9)	Joint Utilities	7/16/2025	Require that the needs assessment and portfolio analysis consider "a broad and diverse set of distinct resource options encompassing current and expected techno-economically feasible demand and supply-side resource options" OR mirror proposed OAR 860-090-0060(7)(a)(B), which requires utilities to "consider both commercially available and emerging technologies as resource options" in the portfolio analysis.	Staff has changed the reference to "all <u>reasonably</u> plausible resources."
NW Natural agrees with the issues raised in the Joint Utilities' first round of comments and does not find Staff's response as clearly acknowledging and addressing the concerns raised. It is unclear if Staff is essentially minimizing the required analysis, implying that only a discussion on what is a plausible resource is required in an IRP, or if something more will be required. Further discussions and clarifications are required in this section.	OAR 860-090-0060(9)	NWN	7/16/2025		Staff has changed the reference to "all <u>reasonably</u> plausible resources."

The Joint Utilities, Cascade, and NW Natural all pushed back on the requirement to consider “all plausible resource options” in the IRP long-term resource strategy, despite the fact that “plausible” also appears in sections regarding near-term costs and community benefits. RNW supports Staff’s language as drafted. In the context of a long-term resource strategy, the utilities must present a strategy that is least cost, least risk and aligns with all procedural and substantive planning requirements in the Commission’s administrative rules and practice. Therefore, the scope of what is “plausible” is narrower than what the utilities suggest. A “plausible” resource strategy is inherently limited to those that meet IRP requirements and guidelines. In order to ensure a robust range of long-term resource procurement options that align with IRP requirements and result in benefits to customers, it is important to include a variety of planning and procurement pathways.	OAR 860-090-0060(9)	RNW	8/20/2025		In response to other comments, Staff has changed the reference to “all <u>reasonably</u> plausible resources.”
The phrase “all plausible” sets an unreasonably high and impractical standard. Taken literally, “all plausible” obligates a utility to model an infinite set of permutations—e.g., every miniscule battery duration increment—an impossible and unnecessary burden.	OAR 860-090-0060(9)	Joint Utilities	5/28/2025	“The utility’s development of the long-term resource strategy must be informed by a needs assessment and portfolio analysis that considers a broad and diverse set of distinct resource options encompassing current and expected techno-economically feasible demand and supply-side resource options.”	Staff has not adopted the requested change; the requirement to “consider” all “plausible” resource options is not a requirement to <i>model</i> all <i>possible</i> resource options.
NW Natural would appreciate additional discussions on the scope of the “upper and lower bounds” on resource needs identified in OAR 860-090-0060(6)(b), along with a discussion on whether OAR 860-090-0060(6)(c) should be revised to limit the required discussion to “key” assumptions.	OAR 860-090-0060(b)-(c)	NWN	7/16/2025		Staff expects that the utility would conduct the needs assessment for its reference demand forecast and a high and low demand forecast based on the particular key uncertainties (as defined in -0020(6)) it faces.
PacifiCorp notes that the requirement to prepare a draft IRP (that contains elements like an action plan) necessitates that the modeling inputs be locked down at an earlier date. Specifically, to publish a draft IRP by January 1, the inputs in the IRP model must be locked down around September. This is due to the time required to load and run the model, as well as to publish the draft IRP document. Thereafter, PacifiCorp submits its IRP by April 1. Accordingly, due to the requirement to prepare a draft IRP, the inputs and assumptions may be seven months old by the time the actual IRP is filed.	OAR 860-090-0070	Joint Utilities/ PacifiCorp	5/28/2025		To be clear, the draft IRP elements need not all be circulated simultaneously. Indeed, it may be more effective to solicit feedback earlier in the process on an element that will feed into the development of another element.

Incorporating feedback on each element of the expanded process will likely have to be started while the Commission's review of a prior IRP Update filing, or even possibly a prior IRP, was still pending. This makes it difficult to incorporate the Commission's direction into the IRP because the development would already be substantially on its way.	OAR 860-090-0070	NWN	7/16/2025		The proposed requirement is to solicit and incorporate feedback on five key elements of the IRP, not every element. It is not clear why soliciting stakeholder feedback on discrete elements of the IRP would take more time overall than the current approach of collecting stakeholder feedback on the entire draft IRP. For multi-jurisdictional utilities that are required to post a draft IRP for other states, the rules as written would allow the utility to refer to its Draft IRP to meet this requirement, so long as the Draft IRP is released with enough time to meaningfully incorporate public input into the analysis. Utilities might consider ensuring they address the topics required by Oregon rule in their existing public IRP processes and documenting how they responded to input in those forums. Staff notes in addition that the potential for overlap in the IRP and IRP Update development processes is not new.
NW Natural is concerned it would require the lockdown of assumptions significantly earlier in the IRP development process, thus increasing the risk of reliance on stale data. Traditionally, NW Natural schedules its IRP Technical Work Group (TWG) meetings to review assumptions with stakeholders as we go through the IRP preparation. This allows parties to provide input on specific assumptions that will be incorporated into the modeling. NW Natural uses its IRP Feedback Form to track and respond to comments along the way. Requiring solicitation of written feedback on specific elements may distract from the importance of stakeholder input on those modeling assumptions. More importantly, seeking written feedback on results may be too far along in the process to incorporate feedback into the modeling.	OAR 860-090-0070	NWN	7/16/2025		It is not clear in what way NWN believes the process it describes would be in conflict with the proposed rules. See, e.g., PacifiCorp's references to stakeholder input and feedback forms in 2025 IRP filing.
NW Natural appreciates Staff's efforts to streamline the IRP Update process and supports use of the template process. Template submittals could be an incredibly useful tool to simplify the review and increase stakeholder understanding of the planning process. NW Natural, however, requests that Staff modify the filing requirements and update the IRP Update SIRs to match a simplified template. NW Natural is concerned that modifications are required to avoid the risk that IRP Updates unintentionally result in the need to recreate the full IRP to allow for the possibility that the Commission accept the IRP Update so that the utility will have some certainty when implementing its action plan. Absent acceptance by the Commission, implementation of the action plan would be at considerable risk to the utility and its shareholders.	OAR 860-090-0110	NWN	7/16/2025		SIRs will be developed later through a separate process.

The requirement to file the IRP Update one year following ‘filing’ of the IRP provides little time to identify and address changed conditions. OAR 860-090-0110(1) identifies the purpose of the IRP Update as: (1) providing visibility into utility implementation of the near-term action plan; (2) facilitating efficient scrutiny of any changes to the near-term action plan; and (3) identifying whether the utility’s long-term resource strategy remains relevant. The timing of the first IRP Update is unlikely to provide much insight into any of the three stated purposes. Implementation efforts of action plans that may only have been acknowledged a few months prior to the filing of the IRP Update may not have started. Similarly, changes may have just been identified. More information may be available in a later IRP Update for those analyses, but NW Natural questions whether an analysis of the utility’s long-term resource strategy outside a full IRP is valuable or appropriate.	OAR 860-090-0110(1)	NWN	7/16/2025		To be clear, the IRP update is a check-in. If not much has changed, the utility can fill out the template saying so.
Accepting Staff’s explanation regarding -0110(3)(b) that the updates will not require a utility to develop new capacity expansion model runs or preferred portfolio, the Joint Utilities recommend the deletion of proposed rules OAR 860-090-0110(1)(b) and (c), OAR 860-090-0110(3)(d) and (e), and OAR 860-090-0110(3)(f). To fully evaluate the requirements in these provisions requires a new capacity expansion model run. Proposed rules OAR 860-090-0110(1)(b) and (c) require the update to enable scrutiny of changes to the near-term action plan and identify whether the long-term resource strategy remains relevant. Without a new capacity expansion model run, a utility can provide visibility into its implementation of the near-term action plan, but changes to the action plan itself would likely require a new capacity expansion model run. In addition, any meaningful evaluation of the relevance of the long-term resource strategy is not possible without a new capacity expansion model run. Proposed rules OAR 860-090-0110(3)(d) and (e) require the update to include an updated needs assessment. To provide that updated needs assessment in compliance with proposed rule OAR 860-090-0060(6) requires new capacity expansion model runs. Proposed rule OAR 860-090-0110(3)(f) requires a description of changes to the near-term action plan, which also requires new capacity expansion model runs. Because these requirements for the IRP Update require modeling that Staff indicates was not intended to be required, these provisions should be eliminated.	OAR 860-090-0110(1)(b), -0110(3)(d)-(e), -0110(3)(f)	Joint Utilities	7/16/2025		To be clear, the IRP update is a check-in. If not much has changed, the utility can fill out the template saying so.

The potentially very short time between IRP acknowledgment and the IRP Update deadline is problematic in that it would not allow the utility to incorporate direction from the underlying IRP proceeding and acknowledgment order. As a solution, the Joint Utilities request Staff consider recommending an exemption for utilities filing IRPs on a biennial-cycle or to eliminate the update requirement in its entirety. For utilities on a two-year IRP cadence, the existing docket review already provides near-continuous oversight. If the rule is retained for all utilities, the Joint Utilities ask Staff to consider adjusting the timing. As previously explained, requiring an update on the filing anniversary leaves little time between acknowledgment and the update—too little time to incorporate Commission feedback. Filing an update one year after the acknowledgment date, only if the next IRP is more than 18 months away, would be workable.	OAR 860-090-0110(2)	Joint Utilities	5/28/2025		In response to this comment, Staff has deleted the words "or IRP Update" from Section 0050(6), consistent with Staff's previously stated intent to "[r]emove references to IRP Updates in sections... addressing Commission direction."
NW Natural believes that the intent behind the draft proposed rules is to streamline the IRP Update process and avoid the expense of prolonged evaluation between IRP filings. However, NW Natural requests that Staff hold further discussions on the additional information required to be filed with the IRP Update template. OAR 860-090-0110(3)(b) requires updates to the most recent IRP reference case and OAR 860-090-0110(3)(c) then requires a quantitative comparison of the updated reference case forecasts with the range of planning scenarios considered in the IRP. This combination essentially requires a full portfolio analysis to justify the action plan. Additional discussion on what Staff is seeking in the quantitative analysis would be helpful in crafting specific language to address Staff's concerns.	OAR 860-090-0110(3)	NWN	7/16/2025		Updates to the most recent IRP reference case are only required to the extent that there is new "key planning information that has been obtained or developed by the utility." If, as Staff envisions, IRPs going forward are more resilient to changing circumstances, it should be rare that new key planning information obtained within a year or two of IRP filing is outside the range of planning scenarios considered in the most recent IRP.
Subsection -0110(3)(b) requires a utility to redo nearly all the IRP analysis. It is likely to eliminate some of the IRP report drafting and public process requirements but it will include essentially all the number crunching that occurs in an IRP. This is because, an IRP reference case (interpreted as the preferred portfolio) is a result of the key planning information used in an IRP.	OAR 860-090-0110(3)(b)	Joint Utilities	5/28/2025		The reference case is not the same thing as the preferred portfolio. The reference case is a collection of assumptions for future conditions. The proposed language only requires the utility to report any updates that they've made to the reference case (e.g., has their load forecast or wholesale market price forecast changed?), not to develop a new preferred portfolio or capacity expansion model run. The proposed language reflects the change Staff already made to the conceptual proposal in response to this concern in the last phase.

In comments, Staff clarified that: “The reference case is not the same thing as the preferred portfolio. The reference case is a collection of assumptions for future conditions. The proposed language only requires the utility to report any updates that they’ve made to the reference case (e.g. has their load forecast or wholesale market price forecast changed?), not to develop a new preferred portfolio or capacity expansion model run. The proposed language reflects the change Staff already made to the conceptual proposal in response to this concern in the last phase.” However, Staff’s proposed definition of a reference case—“the planning scenario that the utility considers to be most likely or expected for the purposes of planning”—appears to align with what the Joint Utilities understand the preferred portfolio to represent. To avoid confusion, the Joint Utilities recommend that this definition be formally adopted into the rule.	OAR 860-090-0110(3)(b)	Joint Utilities	7/16/2025		Definition of reference case has been revised: “Reference case” means the planning scenario collection of assumptions for future conditions that the utility considers to be most likely or expected for the purposes of planning.
Avista has no issues with the proposed language.	OAR 860-090-0110(3)(b)	Avista	8/20/2025		Staff has not made further changes to the draft language.
Joint Utilities have no concerns with this proposal, subject to the proposed revision above that the term “reference case” be changed to “expected case.”	OAR 860-090-0110(3)(b)	Joint Utilities	8/20/2025		Staff has not made further changes to the draft language.
NW Natural appreciates Staff’s consideration of this issue and supports the clarification, but this should be reflected in the IRP update template as well.	OAR 860-090-0110(3)(b)	NWN	8/20/2025		Staff anticipates that it may be necessary to make conforming changes to the IRP Update Template once the rules are finalized.
Staff has updated the rule to provide that the “[t]he utility may request that the Commission affirmatively accept the IRP Update.” The Joint Utilities support this addition. It is consistent with the current rules that give the utility the option to seek acknowledgement of an IRP Update. However, it does not make sense that the Commission “may decide not to accept an IRP Update” in a circumstance where a utility is not seeking approval. This infers that even in the absence of a utility application seeking approval there would be an adjudicatory process in which the Commission would determine if it wants to not accept the filing—despite the fact that the utility is not requesting the Commission to do so. This seems like a very inefficient process that would distract parties from the development of the subsequent IRP. The main purpose of the IRP Update should be informative and serve as a discussion point for stakeholders. Accordingly, the rule should be modified to make it clear the Commission may only decide to not accept an IRP Update in the event a utility seeks such acceptance.	OAR 860-090-0110(6)	Joint Utilities	7/16/2025		The new construct in which IRP Updates require minimal analysis relies on the IRP Update being within the bounds of what was acknowledged in the most recent IRP, and thus supported by the IRP analysis. The utility cannot constrain the Commission's discretion to determine that the utility's action plan is no longer within the scope of the acknowledged IRP by declining to request such a determination. The original text was revised in the second draft to provide the utilities with some measure of discretion regarding whether to seek an affirmative acceptance decision. For the sake of clarity, Staff will revert to the original text.

NW Natural requests: (1) clarification on the basis for acceptance, versus the prior policy of acknowledgment if requested by a utility; and (2) establishment of a timeline for review. The current policy for IRP Updates provides a valuable tool. If an energy utility determines significantly changed circumstances, it can seek acknowledgment of the IRP Update, which could include changes to the action plan. The language in the draft proposed rules takes that option away from the energy utility and provides something less. Instead, the IRP Update could be accepted or not accepted, but the meaning of that remains unclear. OAR 860-090-0110(6) states that “[a]cceptance of the IRP Update may indicate that updates to the utility’s action plan presented in the IRP Update are consistent with the scope or the prior IRP acknowledgment order.” Again, this intentional addition of uncertainty in the IRP process goes against the stated goal of this rulemaking and only disadvantages customers by increasing cost and risk. These risks could be even greater given the identified factors the Commission may consider. Specifically, it appears that the Commission could consider external information, outside of the record or energy utility analysis, as a basis for not accepting the IRP Update. This could have significant consequences for the utility and its customers. The capital-intensive nature of the industry and risk to recovery for large investments could essentially halt implementation of an action plan if the Commission were to not accept an IRP Update because of one of the articulated factors. That is why the prior policy of allowing the utility to request acknowledgment of an IRP Update is still the best policy, as it allows a utility to implement its plan based on internal analysis and decision-making, addressing prudence in a later proceeding. Under the current language in OAR 860-090-0110(6), any decision by the Commission other than acceptance creates a significant risk to rate recovery, potentially forcing energy utilities to reconsider or delay necessary investments.	OAR 860-090-0110(6)	NWN	7/16/2025		Under the proposed new framework, if a utility determines significantly changed circumstances, it would file a new IRP early, rather than submitting an IRP Update with what the utility knows to be significant divergences from the most recently acknowledged IRP. In the IRP Update process, the <i>Commission</i> has the discretion to determine that the utility has left the territory mapped out in the most recently acknowledged IRP.
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