

ORDER NO. 25-455

ENTERED Nov 14 2025

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2371

In the Matter of

PORTLAND GENERAL ELECTRIC  
COMPANY,

2025 All-source Request for Proposals.

ORDER

DISPOSITION: ADMINISTRATIVE HEARING DIVISION'S RECOMMENDATION  
ADOPTED

This order memorializes our decision, made and effective at our November 13, 2025 Regular Public Meeting, to adopt the Administrative Hearings Division's recommendation in this matter. The report with the recommendation is attached as Appendix A.

Made, entered, and effective Nov 14 2025.



**Letha Tawney**  
Chair



**Les Perkins**  
Commissioner



**Karin Power**  
Commissioner



ITEM NO. RA1

**PUBLIC UTILITY COMMISSION OF OREGON  
ADMINISTRATIVE HEARINGS DIVISION REPORT  
PUBLIC MEETING DATE: November 13, 2025**

**REGULAR**   X   **CONSENT**        **RULEMAKING**        **EFFECTIVE DATE**   N/A  

**DATE:** November 5, 2025

**TO:** Public Utility Commission

**FROM:** Katharine Mapes, Administrative Law Judge

**THROUGH:** Alison Lackey, Chief Administrative Law Judge **SIGNED**

**SUBJECT:** ADMINISTRATIVE HEARINGS DIVISION:  
Docket No. UM 2371  
Portland General Electric Company  
2025 All-source Request for Proposals.

**RECOMMENDATION:**

The Commission should choose not to take up NewSun Energy LLC's application for rehearing or reconsideration or, in the alternative, it should deny that application.

**DISCUSSION:**

Issues

Should the Commission take up NewSun's application for rehearing or reconsideration for consideration?

Should the Commission grant reconsideration of Order No. 25-279?

Applicable Rule or Law

This application for rehearing or reconsideration was brought under ORS 756.561 and OAR 860-001-0720. ORS 756.561 states in relevant part:

(1) After an order has been made by the Public Utility Commission in any proceeding, any party thereto may apply for rehearing or reconsideration thereof within 60 days from the date of service of such order. The

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commission may grant such a rehearing or reconsideration if sufficient reason therefor is made to appear.<sup>1</sup>

OAR 860-001-0720 implements ORS 756.561, and provides that

(3) The Commission may grant an application for rehearing or reconsideration if the applicant shows that there is:

- (a) New evidence that is essential to the decision and that was unavailable and not reasonably discoverable before issuance of the order;
- (b) A change in the law or policy since the date the order was issued relating to an issue essential to the decision;
- (c) An error of law or fact in the order that is essential to the decision; or
- (d) Good cause for further examination of an issue essential to the decision.

This proceeding also involves ORS 496A.075(4)(c), which states that the Commission shall adopt rules:

Providing for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity.

In addition, the Commission's rules state at OAR 860-089-0250(5) that:

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.

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<sup>1</sup> See ORS 756.568. The PUC may also "rescind, suspend or amend any order made by the commission" upon "notice to the public utility or telecommunications utility and after opportunity to be heard."

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## Background

### *Pleadings*

NewSun filed an application for rehearing or reconsideration of the Commission's Order No. 25-279 approving Portland General Electric Company's (PGE) 2025 request for proposal (RFP). NewSun alleges that the order in question commits two errors of law. First, it states that the order fails to address at all how the RFP will allow for a "diverse ownership" of resources. Specifically, it argues, the order does not cite to nor address ORS 496A.075(4)(c), the statutory standard that competitive bidding processes must allow for diverse ownership of resources.

Second, it argues that the order fails to make the necessary findings, as required by the Commission's own rules, that the RFP "will" result in a fair and competitive bidding process. In short, while the Staff memo states that its set of conditions "increase the likelihood of an RFP design that results in a fair and competitive bidding process," NewSun states that this falls short of the standard created by the rules. NewSun points to the fact that the last several PGE RFPs have resulted in projects owned partially or wholly by PGE.

Staff and PGE filed responses to NewSun's application. Staff first points out that neither OAR 860-001-0720 nor ORS 756.569 *require* reconsideration. Instead, the Commission *may* grant an application for rehearing or reconsideration if it deems it appropriate to do so. It next argues that NewSun appears to apply the judicial review requirement for an order to be supported by substantial evidence, but that standard does not apply here where no final agency action has been taken.

Staff argues that NewSun has alleged a failure of the Commission to make specific findings, but those findings would not alter the outcome of this proceeding. Staff contends that there is no requirement in the statute that requires the Commission make legal findings about whether or not the RFP will result in diverse ownership. It also asserts that the statute requires the Commission to adopt rules to permit diverse ownership, not that the RFP must ultimately result in diverse ownership. Staff further argues that the Commission did not adopt the entire Staff report, including the section referenced by NewSun, but rather only Staff's recommendations as modified. Finally, Staff argues that the Staff Report and order allow for a fair and competitive RFP process.

PGE filed a response as well, arguing that the RFP process is a sequential one, whereby (1) the Commission approves the RFP design; (2) the Independent Evaluator oversees the solicitation to ensure fairness, transparency, and compliance; and (3) the Commission later reviews the final shortlist to determine whether it was developed

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consistent with the rules and is reasonable at the time. It argues that this structure ensures compliance with the mandate of OAR 860-089-0250(5) that the RFP result in a fair and competitive process.

### *Analysis*

As an initial matter, whether to consider this application is within the Commission's discretion. First, both the rule and statute specify that the Commission "may" grant rehearing or reconsideration; it is a discretionary action. Additionally, this is an other than contested case where there has not been a hearing held or evidentiary record developed, so "rehearing" is not appropriate. If the Commission chooses not to take up NewSun's application, the application would be denied by operation of rule after 60 days from its filing.<sup>2</sup> The Commission may, if it chooses, however, consider whether to grant reconsideration on the merits. The Commission may choose to take up an application for reconsideration when there is something in the prior order that it wishes to clarify or correct.

If the Commission does choose to take up NewSun's motion, I recommend that it be denied. The order that NewSun seeks rehearing or reconsideration of is not a final order and is not subject to appeal, so the substantial evidence standard that NewSun focuses on is not applicable. As such, NewSun does not demonstrate an error of fact or law that warrants reconsideration. As to its first ground for reconsideration, the statute does not direct the Commission to make a finding that the RFP *will* result in diverse ownership of resources. Instead, the statute states that the Commission *shall adopt rules* "[p]roviding for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity." The Commission has adopted extensive rules on competitive bidding processes, found in Division 89 of the Commission's rules. Thus, there was no error in not including such a finding in this order.

As to the second ground for reconsideration, the Commission is not required to recite the precise language of the rules in approving an RFP. As PGE argued in its response, the rules set up an iterative process in which the Commission approves the final RFP design and will later review the final shortlist. Here, the Commission approved the final RFP design subject to conditions; in doing so, they adopted additional conditions intended to increase the competitiveness of the RFP.

Further, the Staff recommendation stated that:

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<sup>2</sup> OAR 860-001-0720(6).

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Based on the above analysis, Staff believes PGE's Draft 2025 Scoring and Modeling Methodology and All-Source Request for Proposals should be approved as fair and competitive, subject to the conditions recommended by Staff.

To the extent the Staff report needed to contain an explicit finding, this one is sufficient. The adoption of conditions coupled with approval of the RFP adequately meet the Commission's obligations under the rules.

Accordingly, there is no error of law or fact to warrant reconsideration.

**PROPOSED COMMISSION MOTION:**

The Commission should deny NewSun Energy LLC's application for rehearing or reconsideration.