

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2383

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for Partial Waiver of
OAR Chapter 860-089, Request to Engage
Independent Evaluator, and Approval of
2025 Draft RFP

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on September 3, 2026, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



Alison Lackey
Chief Administrative Law Judge



A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 3, 2026

REGULAR	<u>X</u>	CONSENT	EFFECTIVE DATE	N/A
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DATE: August 26, 2026

TO: Public Utility Commission

FROM: Benedikt Springer

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

SUBJECT: PACIFICORP:
(Docket No. UM 2383)
2025 RFP Phase 2, requests for waivers and appointment of independent evaluator.

STAFF RECOMMENDATION:

Grant PacifiCorp's dba Pacific Power (the Company) request for a waiver of OAR 860-089-0250(1) and approve use of PA Consulting as the Independent Evaluator (IE) for Phase 2 of PacifiCorp's 2025 Request for Proposals (RFP).

DISCUSSION:

Issue

1. Whether the Commission should authorize PA Consulting to be the IE for Phase 2 of PacifiCorp's 2025 request for proposals.
2. Whether the Commission should grant a waiver of the requirement in OAR 860-089-0250(1) to conduct bidder and stakeholder workshops prior to filing a draft request for proposals.

Applicable Rule or Law

The Competitive Bidding Rules (CBR) in OAR Chapter 860, Division 89, apply when an electric utility intends to acquire a resource or a contract for more than an aggregate of 80 megawatts and five years of duration.¹ The Commission may waive any of the

¹ OAR 860-089-0100(1).

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Division 089 rules for good cause shown.² A request for waiver must be made in writing to the Commission prior to or concurrent with the initiation of a resource acquisition.

OAR 860-089-0200(1) states that an electric company must engage the services of an Independent Evaluator (IE). OAR 860-089-0200(2) sets out the process for engaging a new IE. However, this process may be shortened if a utility intends to engage the same IE as in a previous request for proposals (RFP). According to OAR 860-089-0200(5), the Commission may authorize an electric company to engage the same IE for the electric company's next resource acquisition and identify the minimum scope of work for which the electric company must engage the same IE.

OAR 860-089-0250(1) states that 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.

Analysis

Background

On August 21, 2026, PacifiCorp made a filing in Docket No. UM 2383 that requests:

- Waiver of eight CBRs to streamline the Company's 2025 RFP Phase 2,
- Commission authorization to engage PA Consulting as the IE, and
- Commission approval of the Company's Draft 2025 RFP Phase 2.³

As described below, Staff supports appointing PA Consulting as the IE and waiving the requirement to conduct workshops prior to the filing of a draft RFP. These two elements of PacifiCorp's request are taken up in this Staff Report. Staff proposes to address PacifiCorp's additional waiver requests together with the approval of the RFP, subject to the schedule posted in the docket. As such, Staff invites stakeholders to file comments on the Company's draft RFP as well as the remaining waiver requests by September 14, 2026.

When approving PacifiCorp's 2025 RFP, the Commission directed the Company to conduct a second phase of the RFP to take advantage of additional clarity on the connection of the Boardman to Hemingway transmission project to PacifiCorp's West Balancing Area (PACW).⁴ On June 23, 2026, the Commission acknowledged the final short list (FSL) in PacifiCorp's 2025 RFP and gave the Company further direction on

² OAR 860-089-0010(2).

³ Docket No. UM 2383, [Application for Partial Waiver of OAR Chapter 860-089, Request to Engage Independent Evaluator, and Expedited Approval of 2025 Phase II Draft RFP](#), August 21, 2026.

⁴ Docket No. UM 2383, [Order No. 25-343](#), August 29, 2025.

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how to conduct a Phase 2 of the RFP.⁵ The FSL contains sufficient energy and capacity to fill the Company's forecasted Oregon resource needs up to the year 2030. The Company intends Phase 2 of the RFP to fill gaps left by bids from Phase 1 that drop out and procure resources for energy and capacity needs inclusive of the year 2033. This is consistent with the needs and actions described in PacifiCorp's June Supplement to the 2025 Integrated Resource Plan.⁶ Phase 2 of the RFP is also consistent with Commission Order No. 25-343.⁷ At the same time, the Company has not yet made a specific proposal as to how it will assess transmission capacity from Longhorn to PACW.

PacifiCorp's request for waivers leverages progress made with stakeholders on streamlining procurement processes in the Docket No. UM 2417 Executive Order (EO) Work Plan development process.⁸ This is the first step in effectuating a joint proposal for streamlining the Phase 2 RFP made by PacifiCorp, the Northwest & Intermountain Power Producers Coalition (NIPCC), and Renewable Northwest (RNW).⁹ Staff appreciates these three groups working together and thinking outside the box in furtherance of clean energy procurement.

IE Selection

PA Consulting has served as the Commission-authorized independent evaluator for PacifiCorp's three most recent competitive solicitations: the 2020 RFP, the 2022 AS RFP, and Phase 1 of the 2025 RFP.¹⁰ Staff has previously found PA Consulting to have been independent of the electric company and potential bidders, of reasonable cost, experienced and competent as an IE, as well as generally in the public interest. Most recently, Staff evaluated multiple IE bids for Portland General Electric's RFP and recommend PA Consulting be appointed.¹¹ Staff was satisfied with PA Consulting's performance in Phase 1 of the RFP and supports engaging them for Phase 2. Furthermore, retaining the same IE for a substantively similar RFP means that prior work and institutional knowledge can promote efficiency. Consistent with that, PA Consulting offered a substantive price reduction. The scope of work slightly expanded, adding active verification of modeling, transmission impacts, and non-price scoring (see Appendix A).

⁵ Docket No. UM 2383, [Order No. 26-215](#), June 23, 2026.

⁶ Docket No. LC 85, [IRP Supplemental Filing](#), June 30, 2026.

⁷ Docket No. UM 2383, [Order No. 25-343](#), August 29, 2025.

⁸ Docket No. UM 2417, [Staff's Draft EO Work Plan](#), August 5, 2026.

⁹ Docket No. UM 2417, [Joint Proposal](#), August 12, 2026.

¹⁰ Docket Nos. UM 2059, UM 2193, and UM 2383.

¹¹ Docket No. UM 2371, [Order No. 25-089](#), March 5, 2025.

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Waiver

Staff finds there is good cause for waiving the requirement to conduct workshops prior to filing a draft RFP for Commission approval for several reasons:

- PacifiCorp's draft RFP is substantively similar to that approved by the Commission in Order No. 25-343.¹² As such, PacifiCorp has already conducted a workshop on July 1, 2025. Furthermore, the document has already been revised through multiple rounds of comments and altered according to Commission direction.
- Staff still proposes one round of comments which will give stakeholders an opportunity to suggest any critical modifications. Furthermore, the draft requires Commission approval. Staff may recommend, and the Commission may adopt revisions to the draft RFP based on stakeholder comments.
- Waiving this requirement is line with Staff's intent to use targeted waivers to expedite resource procurement in response to Executive Orders 25-25 and 25-29.¹³

Conclusion

Staff recommends the Commission authorize PA Consulting as the IE for PacifiCorp's 2025 RFP Phase 2 due to their satisfactory performance in previous proceedings, cost savings in the proposed scope of work, and the time saving value of retaining the previous IE, which supports streamlined procurements sought by Executive Order 25-25. Furthermore, Staff believes that the use of an RFP design substantively similar to one subject to previous workshops and Commission approval creates good cause to waive the requirement to conduct workshops prior to filing.

PROPOSED COMMISSION MOTION:

Authorize PA Consulting to be the independent evaluator for Phase 2 of PacifiCorp's 2025 request for proposals.

Grant a waiver of OAR 860-089-0250(1), allowing PacifiCorp to file a draft request for proposals for Oregon Public Utility Commission's approval without conducting bidder and stakeholder workshops in advance.

¹² Docket No. UM 2383, [Order No. 25-343](#), August 29, 2025.

¹³ Docket No. UM 2417, [Joint Proposal](#), August 12, 2026.

Appendix A
INDEPENDENT EVALUATOR (IE)
FOR
PACIFICORP
2026 OREGON SITUS PHASE 2 REQUEST FOR PROPOSALS

I. INTRODUCTION AND BACKGROUND

To comply with Oregon Commission’s order number 25-343, under Docket UM2383, PacifiCorp will issue the 2026 Oregon Phase Two Situs Request for Proposals (“2026 OR Phase Two RFP”). As required by the Oregon Public Utility Commission PacifiCorp must engage an independent evaluator (IE) per Oregon Administrative Rules § 860-89-0200. The independent evaluator’s role is to review and provide assessment of the RFP main document, as well as the processes for bid solicitation, bid eligibility screening, and bid valuation and shortlisting. PacifiCorp will seek Commission approval of IE selection from Oregon.

Although the 2026 OR Phase Two RFP has not been issued yet, PacifiCorp is considering many elements of the draft RFP which may be similar to the 2025 Oregon Situs RFP¹: [2025 Oregon Situs RFP](#)

II. SCOPE OF WORK

A. REPORTS

1. **Draft RFP and Scoring and Modeling Methodology Assessment Report:** The Report will be due to be filed with the Commission on or before August 21, 2026. The IE will complete a thorough assessment of the 2026 RFP design and the proposed Scoring and Modeling Methodology and will review the adequacy, accuracy, and completeness of all solicitation materials to ensure compliance with the Commission’s competitive bidding requirements and consistency with accepted industry standards and practices.

The assessment will also include the extent to which:

- a. all reasonably available data and information necessary for a potential bidder to submit a bid was provided;
 - b. the non-price criteria is objective and can be reasonably self-calculated by bidders²;
 - c. Staff and stakeholder comments and concerns were addressed in the final draft RFP (if applicable).
2. **IE Closing Report:** IE will review PacifiCorp’s analysis for the final shortlist as completed per OAR 860-089-0400(5)(b) and deliver an IE Closing Report. The IE will provide the draft IE Closing Report within 14 calendar days after PacifiCorp has notified Staff and the IE that it has selected the final shortlist of bids; the IE Closing Report will be delivered to PacifiCorp and Staff for submittal with PacifiCorp’s shortlist acknowledgement application.

¹ RFP requirements and documentation from the first phase of the OR Situs RFP, are located as follows and are a fair representation of what an IE can expect to see in this RFP with minor updates: [2025 Oregon Situs RFP](#)

² OAR 860-089-0400(2)(b).

The closing report will also include an analysis of whether or the extent to which:

- a. The IE's assessment of PacifiCorp's reasons and basis for a) ranking bids, b) selecting a bid, and c) rejecting bids;
 - b. The IE's independent score of all or a significant sample of eligible bids to determine whether PacifiCorp's selections for the final shortlists are reasonable;
 - c. An assessment of the design and results of sensitivity analyses of bid rankings performed by PacifiCorp and final short list sensitivities;
 - d. the resources selected for PacifiCorp's Oregon compliance obligations were determined in a least cost manner;
 - e. An assessment of consistency with PacifiCorp's current IRP;
 - f. The price scores were calculated as appropriate for the product and technologies submitted in the bids, using real-levelized methods³; and
 - g. The results of the PacifiCorp Transmission Services Consultancy Study were consistently applied to determine the shortlists if applicable to the RFP.
 - h. Communications between bidders and PacifiCorp before and after proposals were conducted impartially;
 - i. Minimum bidder eligibility requirements were applied consistently and comparably to all bids;
 - j. Potential bidders were provided instruction to access information (such as RFP website, bid submission forms, bidder conferences, RFP announcements and informational links) and other data necessary to submit a bid;
 - k. The IE was provided with or given access to all data, studies, information and models relevant to the screening and valuation process to permit full and timely assessment and validation of the screening and valuation process and results;
 - l. the solicitation process was fair;
 - m. eligibility screening and bid evaluations were applied consistently and comparably to all bids;
 - n. credit and security requirements, liquidated damages provisions, resource performance and operational characteristics, warranties and other similar requirements were appropriately applied to bid evaluation and appropriately affected the outcome of the solicitation process;
 - o. the IE was provided with or given access to all data, information and models relevant to the solicitation process to permit full and timely scoring, testing and verification of assumptions, models, inputs, outputs, and results; and
 - p. the evaluation was performed consistent with Commission-approved competitive bidding rules and/or granted waivers.
3. **Contract Negotiations Monitoring Report.** The IE will provide a Contract Negotiations Monitoring report, documenting the contract negotiations and any departures of any contract terms and conditions from both other bidders as well as the draft terms and conditions provided in the RFP pro forma contracts.

PacifiCorp will ensure that the IE is included on all exchanges of drafts and redlines to draft contracts, including emails. PacifiCorp will invite the IE to negotiation calls. It is the responsibility of the IE to provide personnel to attend if they choose.

³ OAR 860-089-0400 (2)(a)

The IE will note any potential instances of PacifiCorp providing differential treatment related to contracting terms and conditions to varying bidders; the IE will alert PacifiCorp as soon as practicable upon noting any such instances so that PacifiCorp may explain its justification for such instances and/or revise its treatment of a given bidder to align with other bidder treatments.

The Independent Evaluator's Contract Negotiations Monitoring Report will summarize the substance and results of the contract negotiations; whether bidders were able to stick to their bids and why or why not; whether a bid from the final shortlist completed contract negotiations and executed a contract; and whether bidders were treated uniformly in the negotiation process. The Contract Negotiations Monitoring Report will include an assessment of how the specific commercial terms impacted the order of the Final Short List. The assessment will include but not be limited to any changes to bid prices and analysis of negotiations on the following contract terms: Guaranteed COD; Transmission Upgrade Cost; and output guarantees.

Further, in addition to filing a final Contract Negotiations Monitoring report with the Commission no later than 30 days following the execution of all the final contracts between PacifiCorp and bidders, the IE will report at least monthly on contract negotiations and any impacts to pricing or bid withdrawals.

B. OTHER ACTIVITIES

1. As requested, in consultation with Commission Staff, participate in additional meetings with parties, hosted by Staff, related to final short-list selection or any request for acknowledgment of the final short-list.
2. Participate in the RFP bidder's workshop and be available to discuss the IE role in the 2026 OR Phase Two RFP process.
3. Review and comment on PacifiCorp's screening process for bidder eligibility.
4. As requested, participate in any Commission public meetings (if applicable) related to the Commission's consideration of RFP approval, based on the IE's assessment of the 2026 OR Phase Two RFP design.
5. Monitor all aspects of the solicitation process from the RFP issuance through the final shortlist of bids, including the following:
 - a. Receiving and opening of bids,
 - b. Bidder eligibility screening,
 - c. Communications between bidders and PacifiCorp before and after proposals are due,
 - d. Any requested bidder updates,
 - e. Any RFP amendments issued by PacifiCorp,
 - f. Evaluation and ranking of responses,
 - g. Selection of the final shortlist of bids, and
 - h. Monitoring the solicitation process and discussions with bidders through the final shortlist determination and any acknowledgement of the final shortlist.

6. Audit the evaluation process and validate the evaluation criteria, methods, models, and other solicitation processes have been applied as approved by the Commission and consistently and appropriately applied to all bids. Verify assumptions, inputs, outputs and results are appropriate and reasonable.
7. Verify the basis for selection of the final shortlist of bids.
 - a. Verify the impact of PacifiCorp Transmission's interconnection agreements or study reports setting forth the cost and timing of each project's interconnection service on the selection of the final shortlist.
 - b. Verify the results of modeling the effect of candidate resources on applicable costs and risks.^[1]
8. Verify that the portfolio modeling and decision criteria used to select the final shortlist of bids are consistent with the modeling and decision criteria^[2] used to develop PacifiCorp's IRP Action Plan.
9. Advise PacifiCorp and Commission Staff of any issue that might reasonably be construed to affect the integrity of the solicitation process and provide PacifiCorp an opportunity to remedy the defect identified. Advise Commission Staff of significant changes or unresolved issues as they arise.
10. Verify that the price score is calculated as appropriate for the product and technologies submitted in the bids, using real-levelized or annuity methods
11. Independently score all or a significant sample of the market bids determine whether the selections for the final shortlists are reasonable.
12. Provide a redline draft of recommendations and edits to improve upon the non-price scoring questionnaire from the first iteration in the 2025 OR Situs RFP.
13. Independently score all of the non-price scoring elements and provide the final non-price score for each bid prior to PacifiCorp's modeling of bids.
14. Compare the IE's and PacifiCorp's scoring and evaluation of the competing bids and attempt to reconcile and resolve any scoring differences.
15. Participate in Commission proceedings on acknowledgment of the final shortlist of bids, if PacifiCorp requests such acknowledgment. Participation would include oral comments at a Commission public meeting or hearing.
16. Participate in any additional meetings with parties on request, including individual Commissioner briefing sessions.
17. To the extent not already mentioned, all Independent Evaluator duties listed in OAR Chapter 860-089, and specifically OAR 860-089-0450.