ORDER NO. 26-364

ENTERED Sep 30 2026

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 2453

In the Matter of CONSTELLATION NEWENERGY, INC., 2025 Renewable Portfolio Standard Compliance Report.	ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on September 29, 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.

ITEM NO. CA13

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 29, 2026

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

DATE: September 21, 2026

TO: Public Utility Commission

FROM: Ryan Kern

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

SUBJECT: CONSTELLATION NEWENERGY, INC:
(Docket No. UM 2453)
2025 Renewable Portfolio Standard Compliance Report.

STAFF RECOMMENDATION:

Staff recommends the Public Utility Commission of Oregon (Commission) take the following actions, based upon Constellation NewEnergy's (Constellation or Company) 2025 Renewable Portfolio Standard (RPS) Compliance Report (Compliance Report):

1. Find that Constellation complied with the RPS for the 2025 compliance period;
2. Direct Constellation to retire the renewable energy certificates (RECs) identified in its Compliance Report; and
3. Direct Constellation to provide a Western Renewable Energy Generation Information System (WREGIS) retirement report to the Commission, subject to appropriate non-disclosure agreements, within 30 calendar days of the Commission's Order.

DISCUSSION:

Issue

Whether Constellation's Compliance Report for the year 2025 demonstrates compliance with applicable RPS requirements.

Applicable Rule or Law

Per ORS 469A.170(1), each electric utility and electric service supplier (ESS) that is subject to the RPS must file an annual compliance report with the Commission. The Commission, on review of the report, shall determine whether the company or supplier has complied with applicable RPS requirements.

In reviewing the reports, the Commission must consider the manner in which the company or supplier has complied and review the information required under ORS 469A.170(2)(a-g) and any other factors deemed reasonable by the Commission. RPS compliance may be demonstrated through the retirement of RECs that are maintained through WREGIS. Under ORS 469A.135, RECs may be either bundled with energy or exchanged separate from the energy (unbundled).

Per OAR 330-160-0015(17), one REC is issued per Megawatt-hour of renewable generation produced.

Under ORS 469A.065, the RPS for an ESS is the same as the RPS requirement applicable to the electric utilities that serve the territories in which the ESS sells electricity to retail consumers. When an ESS sells electricity in more than one service territory, the Commission may provide for an aggregate standard based on the amount of electricity the ESS has sold in each territory.

OAR 860-083-0350(1)(b) requires that each electric company subject to the RPS in ORS 469A.052 and each electric service supplier subject to Oregon's RPS in ORS 469A.065 and providing service in the service territory of an electric company subject to ORS 469A.052 provide an annual report on or before June 1 of each year.

OAR 860-083-0350(2) sets forth specific information that the electric company or supplier must address in its Compliance Report. Among other reporting details required by OAR 860-083-0350(2)(a-t), the Compliance Report must contain a complete accounting of the RECs used for compliance in the compliance year, separating the RECs into bundled or unbundled categories, showing clearly which generating unit produced the RECs, and the total cost of compliance.

Once a company or supplier files a compliance report, Staff and interested persons may file written comments within 45 days of the filing. The company or supplier may respond within 30 days of any comments, per OAR 860-083-0350(4).

Per OAR 860-083-0340(4), on review of the Compliance Report, the Commission will issue a decision determining whether the company or supplier complied with applicable

RPS requirements, and the Commission may address any of the issues noted in ORS 469A.170(2), such as whether the actions taken are contributing to the long-term development of generating capacity using renewable energy resources and the effect on rates for retail customers.

If the company or supplier is not in compliance with the RPS, the Commission may, per ORS 469A.180 and ORS 469A.200, require an alternative compliance payment, impose a penalty or both, unless the cost limit in ORS 469A.100 applies.

ORS 469A.145(3) allows utilities to exclude unbundled RECs from PURPA qualifying facilities from calculation of the 20 percent cap on the use of unbundled RECs established under ORS 469A.145(1).

Analysis

As an ESS, Constellation must meet the requirements of the RPS that apply to the electric utilities that serve the territories serviced by Constellation. Constellation serves customers in Portland General Electric Company's (PGE) service territory. PGE's 2025 RPS requirement is 27 percent.[1] Therefore, for the compliance year 2025, Constellation must meet its RPS target through the retirement of RECs equal to 27 percent of its retail load or provide an alternative compliance payment.

Constellation filed is 2025 RPS Compliance report on June 1, 2026. Constellation's 2025 RPS Compliance Report demonstrates compliance with the RPS through the use of bundled and unbundled non-banked RECs. Of the unbundled RECs that Constellation used to meet its 2025 RPS obligation, a portion of those are Qualifying Facility (QF) non-banked RECs. ORS469A.145(3) allows Constellation to exclude unbundled QF RECs from inclusion in the calculation of the 20 percent unbundled REC cap. Accordingly, Constellation's use of unbundled RECs to meet its compliance obligation does not exceed the 20 percent limit set in ORS 469A.145(1).

There is one mechanism that serves as a cost protection for Oregon consumers—the incremental cost limit equal to four percent of annual revenue requirement. Constellation has calculated the total cost of compliance and the percentage of revenue requirement that this cost represents. Constellation's total cost of compliance is below the cost limit of four percent of its revenue requirement as established by ORS 469A.100.

[1] ORS 469A.052(1)(e).

Stakeholder Comments
The deadline to submit public comment was July 16, 2026. No comments were received.

Conclusion

Staff finds that Constellation's 2025 Report demonstrates that it complied with the RPS by the purchase and planned retirement of bundled and unbundled non-banked RECs equivalent to 27 percent of the electricity that Constellation sold to retail electricity consumers wherein unbundled RECs do not exceed 20 percent of the Company's 2025 compliance obligation.

PROPOSED COMMISSION MOTION:

1. Find Constellation to have complied with Oregon's Renewable Portfolio Standard during the 2025 compliance year;
2. Direct Constellation to retire the RECs identified in its Compliance Report; and
3. Direct Constellation to provide a WREGIS retirement report to the Commission, subject to appropriate non-disclosure agreements, within 30 calendar days of this Order.