Portland General Electric
121 SW Salmon Street • Portland, OR 97204
portlandgeneral.com

September 30, 2026

Via Electronic Filing

Public Utility Commission of Oregon
Attention: Filing Center
P.O. Box 1088
Salem, OR 97308-1088

Re: UM XXXX – Portland General Electric Company, Application for Waiver of the Competitive Bidding Rules

Dear Filing Center:

Enclosed for filing is Portland General Electric Company's (PGE) Application for Waiver of the Competitive Bidding Rules.

Please contact Andrew Baker (Andrew.C.Baker@pgn.com) with any questions regarding details of this filing.

Sincerely,

/s/ Erin Apperson

Erin Apperson

Managing Corporate Counsel

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM XXXX

In the Matter of PORTLAND GENERAL ELECTRIC COMPANY, Application for Waiver of Certain Competitive Bidding Rules.	PORTLAND GENERAL ELECTRIC COMPANY'S APPLICATION FOR WAIVER

I. INTRODUCTION

Pursuant to OAR 860-089-0010(2), Portland General Electric Company (PGE or Company) requests that the Public Utility Commission (OPUC or Commission) waive the Competitive Bidding Rules (CBRs) within OAR 860-089-0100 through OAR 860-089-0500 to allow PGE to continue negotiations to enter into a Build-Transfer Agreement (BTA) for a utility-scale 199 MW solar photovoltaic array paired with a 199 MW 4-hour battery energy storage system being developed on the Warm Springs Reservation ("Reservation") by Warm Springs Power & Water Enterprises ("WSPWE"), the enterprise that manages the energy assets of the Confederated Tribes of Warm Springs ("CTWS" or the "Tribes"), in partnership with renewable developer BrightNight ("Salmonfly" or the "Project"). It is PGE's understanding that Salmonfly remains subject to CTWS's development review and approval process, and Tribal Council retains authority to approve or deny the Project.

PGE respectfully requests that the Commission issue an order addressing this waiver no later than November 15, 2026. Commission action by November 15 is necessary to provide PGE

and BrightNight sufficient time to advance the commercial, contractor, and equipment-procurement activities required to preserve the Project's current sourcing strategy and avoid or materially mitigate exposure to recently imposed Section 232 tariffs. Delays beyond that date could cause equipment that can presently be secured under the Project's existing procurement plan to become subject to materially higher tariff-related costs. Timely Commission action is also important to maintain the Project schedule and preserve anticipated federal tax-credit value. PGE acknowledges the compressed timeline for review and issuance of an Order for this waiver. However, the timing of the requested waiver has a direct relationship to the cost and value of the Project for PGE's customers.

PGE's waiver request is not intended to replace or circumvent competitive procurement. Rather, this is a targeted supplement to PGE's recent competitive solicitations for a unique bilateral opportunity that provides competitive customer value while also delivering broader Tribal, operational, and strategic benefits. PGE can measure Salmonfly's economics against the substantial and recent market information developed through its competitive procurements, preserving the customer-protection function of competition, while recognizing that a new RFP would not replicate the Project's Tribal origination, Reservation location, proposed use of a CTWS-controlled interconnection position, integration with PRB, or the broader CTWS-PGE energy partnership.

Against that backdrop, Salmonfly presents an opportunity that extends beyond procurement of a single generation resource. Salmonfly is a tribally initiated project that remains subject to the Tribe's development review and approval process. PGE understands that the project

could support CTWS's participation in energy resource and infrastructure development in a manner that advances Tribal sovereignty, cares for tribal natural and cultural resources for future generations, creates durable economic value, builds Tribal leadership and Tribal workforce in the energy sector, and advances opportunity for greater Tribal ownership and control of energy infrastructure. Granting the waiver provides customers with a cost-effective, durable clean-energy resource for PGE's customers while enabling the State to demonstrate action that purposefully includes Oregon tribes in the State's clean energy transition, consistent with the November 2025 Oregon Energy Strategy[1].

The Project would build upon the decades-long relationship between PGE and CTWS centered on the jointly owned Pelton Round Butte Hydroelectric Project ("PRB"). Through that relationship, the parties have demonstrated that utility infrastructure located on Tribal lands can be structured to provide value to utility customers while supporting Tribal economic development, treaty fishery resource restoration, natural resource management, and partnership in the ownership and operation of energy infrastructure. Salmonfly provides an opportunity to extend that partnership by optimizing the existing hydroelectric generation through integration of solar and battery storage. Together with contemplated transmission investments on the Reservation, it is PGE's understanding that this creates a broader platform through which CTWS could increase its role in the development, ownership, operation, and economic benefits of the region's energy infrastructure and contribute to important collaborative efforts of the Tribe, State of Oregon, State

[1] https://www.oregon.gov/energy/data-and-reports/pages/energy-strategy.aspx

of Washington, Confederated Tribes of the Umatilla Reservation, the Nez Perce Tribe, and the Yakama Nation to support a regional energy system that works for fish.[2]

Salmonfly is a Tribe initiated project being advanced on the Warm Springs Reservation. It is PGE's understanding that, at the request of the Tribal Council, WSPWE has explored opportunities to develop renewable energy resources on Tribal lands and PGE understands that WSPWE identified Salmonfly as an opportunity to advance the Tribes' energy and economic objectives, selected BrightNight as its development partner, and is advancing the Project through a deliberate, community-centered process consistent with Tribal requirements which remains ongoing and subject to CTWS approval. PGE's prospective role is therefore fundamentally different from conventional utility procurement. Rather than selecting a resource through a utility-led solicitation, PGE would become the utility partner and prospective owner upon invitation by the Tribe in furtherance of the Tribe's sovereign long-term economic development, natural and cultural resource management and governmental services prerogatives, and which would also provide a cost-effective, durable clean-energy resource for PGE's customers.

It is PGE's understanding that the BTA structure creates the pathway to optimize those outcomes. Utility ownership would provide this Project with a durable commercial foundation and integrate Salmonfly with CTWS and PGE's existing and future operations of Pelton Round Butte Hydro generation Project and future generation on the Reservation, while also expanding opportunities for CTWS to receive meaningful and sustained value and benefits from the use of Tribal lands and resources, to increase Tribal ownership opportunities in energy infrastructure and

[2] *See* Executive Order No. 24-28 available at https://drive.google.com/file/d/1dbHTCAgkpEbpSE9rjhRtyqFaT_7oVqBN/view

to increase Tribal energy workforce opportunities over time. Therefore, Salmonfly is not simply a project located on Tribal land. PGE understands that it is an opportunity to secure cost-effective, dependable clean energy for PGE's customers while also strengthening the capacity of CTWS to contribute further, as desired, as a participant in the regional energy economy.

PGE understands that the Project also has the potential to create important benefits that could support not only existing Tribal needs but also future generations. PGE understands that development on the Reservation can support infrastructure development, generate lease and other project revenues, employment and workforce opportunities, institutional and technical capabilities within WSPWE, and a stronger economic foundation for future Tribal energy investments. Salmonfly could serve as the first major new generation investment within a broader strategic relationship among CTWS and PGE that encompasses hydroelectric generation, solar and storage, and transmission infrastructure. It is PGE's understanding that the value of the Project to CTWS is expressed by its sovereign choices regarding the Project and cannot be evaluated solely through the economics of conventional power procurement.

At the same time, these Tribal benefits would complement the needs of PGE's customers. Salmonfly provides competitive energy and capacity value relative to available alternatives, together with operational, deliverability, tax-credit, and strategic benefits that distinguish the Project from resources evaluated through PGE's recent competitive solicitations. The Project also presents a unique opportunity to capture customer value. Commission approval of the requested waiver by November 15, 2026, would allow PGE and BrightNight to maintain the procurement schedule necessary to avoid or materially mitigate incremental Section 232 tariff costs and

preserve anticipated federal tax-credit benefits. Conversely, delays beyond that date could result in a more expensive Project without any corresponding increase in energy, capacity, reliability, or other benefits for customers.

This waiver application focuses on three mutually reinforcing sources of value. First, it is PGE's understanding that Salmonfly would, if approved and developed, advance CTWS's sovereign objectives for Tribal energy development, economic prosperity, natural and cultural resources management, capacity building, and greater participation in energy infrastructure. Second, this project is anticipated to provide PGE's customers with clean, reliable, cost-effective, and tax-credit-eligible capacity that can be measured against recent competitive procurement results, while directly advancing Oregon's resource acquisition objectives. These include advancing the clean energy requirements established by HB 2021, responding to Governor Kotek's direction to accelerate renewable energy development and preserve federal tax credit value, and addressing the Commission's call in PGE's 2025 RFP Final Shortlist order for additional procurement to meet remaining customer resource needs.

Third, Salmonfly presents a finite opportunity to help preserve favorable Project economics by acting within the procurement window necessary to protect federal tax-credit value and avoid or materially mitigate Section 232 tariff exposure. That opportunity could be irretrievably diminished without regulatory urgency, which is why PGE respectfully requests Commission action no later than November 15, 2026. Together, the Project's Tribal origination and location, the longstanding PGE-CTWS energy partnership, its unique interconnection and operational attributes, its competitive customer value, and the time-sensitive opportunity to preserve favorable

Project economics distinguish Salmonfly from conventional bilateral procurement. The requested waiver is therefore a targeted supplement to, not a substitute for, competitive procurement, allowing PGE to pursue customer value and broader benefits that a new RFP could not independently create while continuing to compare the Project with recent competitive market results. These circumstances establish good cause for the requested waiver.

II. LEGAL STANDARD

OAR 860-089-0010(2) authorizes the Commission, upon request or on its own motion, to waive any of the requirements of Division 089 for "good cause shown." A request for waiver must be submitted in writing prior to or concurrent with initiation of the resource acquisition. The good-cause inquiry should be considered in light of the stated purposes of Division 089. Under OAR 860-089-0010(1), the Competitive Bidding Rules are intended to provide an opportunity to minimize long-term energy costs and risks, complement the integrated resource planning process, and establish a fair, objective, and transparent competitive bidding process, while avoiding undue restrictions on an electric company's ability to acquire resources and negotiate mutually beneficial terms. The Commission has also explained in applying generic waiver provisions that good cause requires a sufficient reason for departing from the rule and that granting the waiver must be in the public interest.[3]

[3] *See* Order No. 11-346.

III. BACKGROUND AND DEVELOPMENT OF THE SALMONFLY PROJECT

It is PGE's understanding that the Salmonfly Project is the product of a long-running Tribal effort to expand CTWS's role in clean energy development and expand and optimize the Reservation's energy resources to create enduring benefits for Tribal members. [4]

It is PGE's understanding that CTWS's energy experience is substantial. Through WSPWE, the Tribes manage their interests in PRB, which CTWS and PGE jointly own. That relationship has evolved over decades from the use of Tribal lands for utility infrastructure to significant Tribal ownership and participation in a major regional generating resource. Salmonfly represents an opportunity to continue that evolution by adding utility-scale solar and battery storage to the Reservation's energy portfolio, which PGE understands would improve the value and optimization of the hydroelectric resource, and create a foundation for additional Tribal participation in generation, transmission, and other regional energy opportunities.

PGE understands that WSPWE selected BrightNight to assist in developing Salmonfly and has advanced the Project through Tribal processes, which remain ongoing. WSPWE and BrightNight brought the Project to PGE outside of an RFP process, which PGE understands occurred after meeting important Tribal process milestones. PGE believes the Project presents an opportunity to build on its existing relationship with CTWS and deliver value to PGE customers while furthering what PGE understands are CTWS's own energy and economic objectives.

The parties continue to negotiate the commercial arrangements. Those negotiations include the Project's purchase price and risk allocation as well as the underlying Tribal land use, tax,

[4] https://wspwe.net/energy-sovereignty/

interconnection, and other arrangements necessary to support construction and long-term operation. PGE seeks the requested waiver now so that those negotiations can continue with sufficient regulatory review to determine whether a final transaction can be reached that appropriately allocates risks and delivers value to both CTWS and PGE customers.

In preparing this waiver request, PGE has reached out to Staff, Northwest Intermountain Power Producers Coalition ("NIPPC"), and Renewable Northwest ("RNW"). Those discussions have addressed the unique opportunity presented by the Project, including its development on the Warm Springs Reservation, the leadership and participation of CTWS through WSPWE, and the potential for Salmonfly to advance what PGE understands is the Tribes' long-term energy, natural resource, and economic objectives. PGE believes this engagement further demonstrates that the requested waiver can be considered without diminishing the importance of competitive procurement as the Company's primary means of acquiring new resources.

PGE intends to maintain transparency with Commission Staff as the Project and commercial negotiations advance and the Tribal development process concludes. PGE expects to provide Staff with visibility into the Project's development status, evolving economics, interconnection pathway, tax-credit strategy, and the distinctive benefits associated with CTWS and PRB. This engagement is intended to identify material regulatory or customer-protection issues early and inform the record presented to the Commission.

IV. CTWS'S LONG-TERM ENERGY, ECONOMIC AND RESOURCE STEWARDSHIP

A. Tribal Energy Sovereignty

The central feature distinguishing the Salmonfly project from other projects is that, based on PGE's understanding, if approved and developed, it would advance the objectives of a sovereign Tribal government. CTWS has identified energy sovereignty as a core component of its long-term sovereign objectives to increase energy independence, to take climate action through expanded renewable energy development, to support Tribal treaty resource, natural resource and cultural resource management and restoration, to support its economic prosperity, and to meaningfully contribute to the energy resources of the Tribe, the region and the nation.

It is PGE's understanding that, if approved and developed, Salmonfly directly advances those objectives. Development of a 199 MW solar facility and 199 MW four-hour battery on the Reservation would materially expand the scale and diversity of energy infrastructure associated with CTWS. The project is being developed to increase the energy output and optimization of the Tribes' existing hydroelectric interests and create experience, capabilities, commercial relationships, and economic resources that can support future Tribal energy development.

The significance of the Project therefore extends beyond this immediate transaction. PGE understands that Salmonfly serves broader Oregon public policy goals of supporting what PGE understands are the Tribal priorities in their energy and resource development and can help establish a platform from which CTWS can participate more broadly in the energy transition occurring throughout the Pacific Northwest. As utilities and customers invest in new generation,

storage, and transmission, the Project provides an opportunity for CTWS to participate in that investment as an active commercial partner rather than solely as a landowner or host community.

B. Salmonfly Delivers Community Benefits Consistent with HB 2021

It is PGE's understanding that Salmonfly also provides an opportunity to translate the Reservation's renewable energy resources into durable economic and community benefits of the type contemplated by HB 2021 and the Commission's evolving clean-energy regulatory framework. The Project is a potential major clean-energy investment initiated through WSPWE and being advanced by WSPWE and BrightNight but PGE understands it remains subject to review and approval by CTWS as a sovereign entity, with the potential for the benefits of that investment to remain directly connected to CTWS and Tribal members. The Project and its lease are anticipated to generate revenues, employment and contracting opportunities, workforce development, and increased institutional and technical capabilities within WSPWE and the Tribal community.

It is PGE's understanding that the benefits anticipated from this development could provide enduring resources that CTWS may leverage over time to advance its governmental, community, cultural, and economic priorities. PGE understands that these are tangible community benefits: jobs and contracting opportunities, local economic activity, Tribal revenues, workforce and institutional capacity, and a pathway toward greater Tribal ownership and participation in the infrastructure supporting Oregon's clean-energy transition. In this way, it is PGE's understanding that the Project can convert a near-term investment in solar and storage into longer-term human and institutional capacity that would remain with CTWS well beyond construction of Salmonfly.

These benefits are qualitatively different from other types of community benefits that may accompany a competitively procured project located elsewhere. These are anticipated to accrue directly to a sovereign Tribal government and its community and form part of what PGE understands to be a broader strategy to use clean-energy development to strengthen Tribal self-determination, economic resilience, energy capabilities, and participation in the clean-energy transition. That alignment is particularly relevant in the HB 2021 landscape, which requires Oregon's clean-energy transition to consider community benefits and impacts alongside emissions reductions and customer economics. Salmonfly provides a concrete opportunity for utility-scale clean-energy investment to produce identifiable, durable benefits for CTWS. Preserving those benefits is therefore an important consideration in evaluating the requested waiver.

The community benefits are also broader than the direct financial consideration associated with the Project, including lease revenues and a development fee anticipated to be payable to CTWS in connection with successful development of Salmonfly. It is PGE's understanding that the Project could also create opportunities for Tribal members and Tribal businesses to participate in construction, operations, maintenance, professional services, and other activities associated with a major energy infrastructure investment on the Reservation. It is PGE's understanding that the Project can support workforce training and the development of technical, commercial, and operational expertise within WSPWE and the Tribal community, which PGE understands could strengthen CTWS's ability to develop, own, operate, and participate in additional energy infrastructure over time.

Taken together, it is PGE's understanding that the Project provides both direct economic benefits through lease revenues, the development fee, and other Project related payments, and broader community benefits, including jobs and contracting opportunities, local economic activity, Tribal revenues, workforce and institutional capacity, and a pathway toward greater Tribal ownership and participation in the infrastructure supporting Oregon's clean-energy transition. In this way, the Project can convert a near-term investment in solar and storage into longer-term human and institutional capacity that is anticipated to remain with CTWS well beyond construction of Salmonfly.

It is PGE's understanding that Salmonfly can also provide broader community benefits to CTWS by creating a durable source of economic activity and revenues that can support what PGE understands to be the Tribes' governmental and community priorities as determined by CTWS. Because the Project would be located on the Reservation and developed through WSPWE, it is PGE's understanding that a greater portion of the economic value associated with energy development can remain connected to the Tribal community. That outcome is consistent with what PGE understands CTWS's objective to be of using its energy resources not merely to host infrastructure, but to create lasting economic and natural resource management opportunities and increase Tribal participation in the regional energy economy.

PGE anticipates the benefits extend to Oregon as well. If approved and developed, Salmonfly would represent a significant investment in new Oregon-based renewable generation and energy storage, supporting construction activity, jobs, contracting opportunities, and associated economic activity within Central Oregon. The Project would add substantial non-

emitting generation and flexible capacity within the state, supporting Oregon's clean-energy and decarbonization objectives while strengthening the diversity and resilience of the electric system. In this respect, Salmonfly would advance both sides of the HB 2021 framework: it contributes toward the physical clean-energy resources needed to decarbonize PGE's system while directing meaningful economic, workforce, institutional, and energy-development benefits to a Tribal community. The Project provides a tangible example of how Oregon's clean-energy transition can be structured in a way anticipated to create shared value with a federally recognized sovereign Tribal nation. A Tribe initiated project of this scale could establish a model for pairing the State's energy and infrastructure needs with Tribal economic development, energy sovereignty, workforce development, and long-term participation in the benefits created by the energy transition.

C. Salmonfly Advances the 2025 Oregon Energy Strategy

Salmonfly is also closely aligned with the Oregon Department of Energy's 2025 Oregon Energy Strategy, which provides a statewide framework for advancing Oregon's clean-energy objectives while maintaining affordability and reliability and recognizes the importance of coordination with Oregon's federally recognized Tribes.[5] Of relevance to Salmonfly, the Strategy recognizes Tribal energy sovereignty and self-determination, meaningful Tribal participation in energy decision-making, and opportunities for Tribes to participate in the development and ownership of energy infrastructure as important considerations in Oregon's energy transition.[6]

---

[5] Oregon Department of Energy, *Oregon Energy Strategy*, 7 (Nov. 2025), https://www.oregon.gov/energy/Data-and-Reports/Documents/Oregon-Energy-Strategy.pdf (submitted to the Governor and Oregon Legislature pursuant to HB 3630).

[6] *Id*, 41.

Salmonfly provides a concrete opportunity to put those principles into practice. The Project was initiated through WSPWE and, subject to CTWS's ongoing review and approval, is being advanced in what PGE understands to be furtherance of the Tribes' own energy and economic objectives. PGE understands that the Project can generate Tribal revenues, workforce and contracting opportunities, institutional and technical capabilities, and pathways toward greater Tribal participation and potential future ownership of energy infrastructure. These benefits are integral to the Project and what PGE understands is its broader role in strengthening Tribal self-determination and economic resilience.

At the same time, if approved and developed, Salmonfly advances the Energy Strategy's broader objectives by adding significant Oregon-based renewable generation and flexible storage needed to support clean electricity, reliability, and affordability. The Project therefore provides an opportunity to align Oregon's need for new energy infrastructure with Tribal energy sovereignty and economic development.

Accordingly, the 2025 Oregon Energy Strategy provides additional support for the requested waiver. If approved and developed, Salmonfly would represent the type of Tribal-led energy infrastructure development PGE understands to be contemplated by the Strategy: development that recognizes Tribal sovereignty at the outset, expands Tribal participation in economic benefits from energy infrastructure, and simultaneously contributes resources needed for Oregon's clean-energy transition. These characteristics are inherent to Salmonfly and could not simply be recreated through a new utility-led competitive solicitation.

D. PGE Ownership Supports the Project's Integration with PRB and the Long-Term CTWS-PGE Energy Partnership

The contemplated BTA structure reflects the specific circumstances in which Salmonfly is being developed, including its location on the Warm Springs Reservation, its development by WSPWE in partnership with BrightNight, its proposed use of a surplus interconnection associated with the PRB hydroelectric project, and the longstanding energy relationship between CTWS and PGE. These characteristics distinguish Salmonfly from a conventional stand-along generation project and are relevant to the structure being negotiated by the parties.

Salmonfly is being developed in close physical and operational proximity to PRB, a hydroelectric facility jointly owned by CTWS and PGE and operated by PGE. The Project also proposes to use a surplus interconnection associated with PRB, with the proposed interconnection utilizing CTWS's bay within the substation. Accordingly, Salmonfly's interconnection and potential delivery arrangements must be evaluated in conjunction with PRB's operating profile, the applicable interconnection requirements, PGE's existing transmission arrangements, and PGE's continuing responsibility to operate PRB in accordance with its FERC license, fish and wildlife commitments, water-management requirements, CTWS rights, and other applicable obligations.

The joint ownership of PRB reflects a long history of increasing CTWS participation in the energy infrastructure located on and adjacent to the Reservation. PGE and CTWS have partnered with respect to PRB for decades, and in 2000 the parties entered into an agreement, approved by

the Commission,[7] which established a pathway for shared ownership and control of the Project. Pursuant to that agreement, CTWS acquired an initial 33.33 percent undivided ownership interest in PRB in 2002. The parties subsequently pursued relicensing of PRB jointly, culminating in FERC's issuance of a new 50-year license to PGE and CTWS as co-licensees in 2005.[8] That joint licensing structure reflected not only CTWS's economic interest in the Project, but also its sovereign and natural-resource interests in the Deschutes River and surrounding Reservation.

That ownership relationship has continued to evolve. In 2022, CTWS exercised an option established under the parties' original agreement to acquire an additional 16.66 percent interest, increasing the Tribes' ownership of PRB to 49.99 percent, while PGE has continued to operate the Project. The parties' relationship therefore represents more than two decades of progressively greater Tribal ownership coupled with continued operational partnership with PGE. Salmonfly provides an opportunity to build upon that established model—using a commercial structure with PGE ownership and operational integration in the near term while preserving a pathway for greater Tribal participation and potential ownership over time. In this respect, the contemplated Salmonfly structure is not a novel approach to the CTWS-PGE relationship; it represents a potential next chapter in a longstanding model through which the parties have combined utility operation, customer value, and increasing Tribal participation in major energy infrastructure.

The transmission arrangements associated with PRB are also relevant to the Project's development. PGE holds transmission arrangements used in connection with delivery of PRB

[7] PGE Application Regarding Sale of Property, UP 176, Order No. 00-459 (Aug. 22, 2000).
[8] PGE and CTWS, Project No. 2030-036, Order Approving Settlement and Issuing New License, 111 FERC ¶ 61,450 (June 21, 2005).

output to PGE's system, while Salmonfly is pursuing a surplus interconnection configuration associated with PRB. The extent to which those arrangements can support delivery of Salmonfly output depends on applicable transmission and interconnection requirements, system conditions, PRB operations, and coordination with the relevant transmission providers. PGE and CTWS have evaluated these matters as part of the Project's development and resulting deliverability and operational characteristics in assessment of Salmonfly's value to customers.

As currently being negotiated, the proposed BTA would place ownership of Salmonfly with PGE during the lease term following construction and transfer, subject to CTWS's development review and approval process, final agreements among the parties and applicable regulatory approvals. After the lease term, the Tribe would retain an option to own the Project facilities. The proposed structure is consistent with the broader joint ownership relationship between CTWS and PGE. CTWS and PGE have jointly owned PRB for decades, with PGE serving as operator, and the parties are currently evaluating additional opportunities involving generation, storage, and transmission infrastructure on the Reservation. Salmonfly was initiated through WSPWE and represents an opportunity to expand that existing relationship while advancing CTWS's stated objectives for greater participation in energy development and the economic benefits associated with infrastructure located on Tribal lands. The contemplated BTA can also provide a platform for potential future Tribal participation in Salmonfly, subject to future agreements and applicable regulatory, tax, financing, and commercial requirements.

For these reasons, PGE believes the proposed BTA should be evaluated based on the circumstances of Salmonfly itself: a Tribe initiated project and if approved and developed, located

on the Reservation, developed in connection with an existing CTWS-PGE energy asset, utilizing a unique interconnection position with the proposed surplus interconnection associated with PRB, and capable of supporting a broader evolution of the parties' energy partnership. PGE will demonstrate the Project's costs, risks, deliverability, operational characteristics, and customer benefits as part of this Application and the Commission's review of the ultimate transaction.

E. Round Butte Substation Interconnection Position Is a Unique Tribal Asset

Salmonfly's relationship with PRB extends beyond the parties' joint ownership of the hydroelectric project. The Round Butte substation includes an available 230-kV bay position owned by CTWS that WSPWE has identified for potential use by Salmonfly, subject to necessary Tribal approvals. The Project proposes to utilize that bay as its point of interconnection and is pursuing a surplus interconnection configuration associated with PRB. This existing interconnection position is a significant and site-specific development attribute: it provides Salmonfly with a potential pathway to interconnect at existing energy infrastructure in which CTWS already has substantial ownership and operational interests. CTWS's own public Project Assessment identifies the Project as connecting at the Tribe's 230-kV bay at the Round Butte substation.

Importantly, PGE did not make this point of interconnection available to bidders in its recent competitive RFPs as the bay is owned by CTWS and unavailable to PGE for procurement purposes. PGE understands that its availability for Salmonfly would arise from CTWS's final approval of the Project including WSPWE's proposal to advance this Tribe initiated project using a Tribal asset. Therefore, this is not a generic PGE-controlled interconnection capability that could

have been offered on equivalent terms to other RFP participants. Nor could a new competitive solicitation necessarily reproduce the combination of the proposed Reservation site, proposed access to the CTWS-owned bay, proximity to PRB, and the associated surplus-interconnection strategy. Public descriptions of Salmonfly identify the point of interconnection as the Tribally owned 230-kV bay position at Round Butte.

This distinction further supports the requested waiver. Competitive bidding is most effective where bidders can compete for a comparable opportunity. Here, one of Salmonfly's distinguishing attributes arises from an interconnection position controlled by PGE's sovereign Tribal partner that WSPWE has proposed for use by the Project. If approved and developed, the CTWS would specifically commit this interconnection position to a project that CTWS initiated and developed with BrightNight. Requiring PGE to conduct a separate solicitation would therefore not create meaningful competition for that same opportunity unless CTWS independently elected to make its bay and related Tribal development rights available to competing projects. The requested waiver does not provide Salmonfly with preferential access to a PGE asset that was withheld from other bidders; rather, it recognizes a unique proposed project configuration that would be created through CTWS's exercise of its own rights and assets.

V. THE PROJECT PROVIDES MEANINGFUL VALUE TO PGE CUSTOMERS

The substantial Tribal benefits associated with Salmonfly are complementary with, rather than a substitute for, PGE's obligation to seek least-cost, least-risk projects for customers.

The Project should be considered in the context of the Commission's recent direction regarding PGE's broader resource-acquisition needs. In acknowledging the 2025 RFP Final Shortlist in Order No. 26-194, the Commission encouraged PGE to continue pursuing additional resource acquisition beyond the resources expected to be secured through that solicitation. Salmonfly is responsive to that direction. It provides PGE an opportunity to add a substantial, cost-effective, and deliverable solar-plus-storage-plus-hydro resource. Salmonfly, combined with the Pelton Round Butte hydroelectric resource, would represent one of the largest solar, battery storage, and hydro optimization projects in the United States, creating opportunities to better shape and dispatch energy to meet customer needs while leveraging existing hydroelectric infrastructure and operational flexibility. The requested waiver therefore supports maintaining momentum toward acquisition of the resources necessary to meet PGE's growing energy and capacity needs.

Salmonfly also complements, rather than replaces, PGE's 2023 and 2025 All-Source RFP processes. Those solicitations remain the principal mechanisms through which PGE seeks out resources, evaluates the market for resources capable of meeting identified system needs and establishes competitive benchmarks for price, technology, ownership structure, deliverability, and development readiness. Salmonfly addresses the same underlying resource needs for renewable energy and flexible capacity but arises from a Tribe initiated opportunity that remains subject to CTWS's review and approval and that the RFPs may not originate or replicate.

Evaluating Salmonfly alongside the 2023 and 2025 RFP results therefore allows PGE to preserve the benefits and market discipline of competitive procurement while also capturing a differentiated resource opportunity that advances CTWS's long-term energy objectives and PGE's broader strategic relationship with the Tribes.

From a portfolio-construction perspective, Salmonfly would add a solar-plus-storage resource with attributes that are familiar and readily measurable through recent RFPs, while also providing location-specific, operational, and Tribal partnership benefits that are not available from the broader competitive market. The waiver therefore does not represent an alternative to PGE's competitive procurement strategy; rather, it is a targeted supplement where a unique bilateral opportunity can be demonstrated to provide competitive customer value and broader benefits that the RFP process itself cannot create.

A. PGE's Continued Energy and Capacity Needs

Salmonfly should be evaluated against PGE's remaining resource needs, not simply against the resources already procured or currently under negotiation. The 2023 CEP/IRP Update reaffirmed the need for accelerated acquisition of non-emitting energy and capacity as load growth increases and PGE progresses toward Oregon's clean-energy requirements. The underlying Action Plan identified a need to acquire up to approximately 1,254 MWa of non-emitting energy by 2028 and address capacity deficits of approximately 905 MW in summer and 787 MW in winter. Although the 2023 RFP and the resources expected to be acquired through the 2025 RFP make progress toward those requirements, they are not anticipated to fully address PGE's need for additional energy and dependable capacity.

That need is being refreshed and validated through PGE's 2026 CEP/IRP. Public stakeholder work supporting that filing is evaluating updated load forecasts, capacity needs, resource adequacy, transmission constraints, and portfolio requirements.[9] PGE expects the 2026 CEP/IRP to provide the Commission with the next comprehensive assessment of the amount, timing and composition of resources required to reliably serve customers while continuing progress toward emissions targets. Salmonfly is therefore a resource opportunity that can help address a need already identified in the 2023 CEP/IRP Update and that is further refined in the 2026 CEP/IRP.

Importantly, the existence of the forthcoming 2026 CEP/IRP should not require PGE to defer an otherwise economic and executable resource, which PGE understands remains subject to Tribal and other required approvals. Resource planning and resource acquisition need to proceed in parallel because projects capable of serving needs later this decade require commercial commitments well before their commercial operation dates, particularly where interconnection, transmission, permitting, equipment procurement, and federal tax-credit qualification are time-sensitive. PGE will continue to evaluate Salmonfly against the updated need reflected in the 2026 CEP/IRP as that work progresses, but preserving the Project now maintains an option to satisfy a portion of PGE's remaining energy and capacity requirements with a resource that also provides the distinctive Tribal, operational and transmission benefits described in this Application.

[9] https://portlandgeneral.com/about/who-we-are/resource-planning/combined-cep-and-irp/combined-cep-irp-public-meetings

B. Energy and Capacity Value

Salmonfly combines 199 MW of utility-scale solar generation with 199 MW of four-hour battery energy storage with total capacity of 199MW of firm power. The combination provides both renewable energy and dispatchable storage capacity that allows PGE to shift a portion of the Project's solar production (or hydro production, when charged by the hydro facility) to hours in which system capacity and energy are more valuable. Importantly, these are the same fundamental products PGE has recently sought through its 2023 and 2025 All-Source RFPs. Those competitive processes therefore provide relevant market evidence against which the Commission can assess Salmonfly rather than relying on a hypothetical proxy or an older market comparator.

WSPWE, BrightNight, and PGE evaluated the Project's sizing in relation to the existing PRB resource, the available surplus-interconnection and transmission capability, and the way PGE uses PRB to provide reliability and customer value. That analysis considered historical hydroelectric output and operating patterns, including the timing and variability of available hydro energy, together with the physical limitations of the existing interconnection and transmission arrangements. The resulting configuration is intended to add meaningful solar energy and short-duration storage without materially oversizing the Project relative to the infrastructure available to integrate and deliver its output.

The sizing analysis also considered the evolving operational role of PRB. PGE uses PRB to respond to customer demand, support system reliability, integrate variable renewable generation, and preserve energy for periods when it provides greater customer value. PGE's public descriptions similarly recognize PRB as a flexible resource capable of increasing and decreasing

output to meet demand and support renewable integration. The addition of a right-sized solar and four-hour battery resource can complement that flexibility: solar can provide incremental energy during daylight hours, the battery can shift energy and respond rapidly to shorter-duration system needs, and PRB can retain its longer-duration hydro flexibility for periods when it is most valuable. The sizing therefore reflects an effort to optimize the combined value of hydro, solar, battery storage, interconnection and transmission as an integrated portfolio, rather than evaluate Salmonfly as a stand-alone resource.

C. Limited Alternative Resources

PGE's remaining needs must also be considered against the increasingly limited set of resources capable of reaching commercial operation by the end of the decade. The 2025 RFP identified a substantial portfolio of potential resources, but subsequent diligence and negotiations have demonstrated that several projects face material development constraints, including interconnection, transmission, permitting, and other development risks, which are likely to delay commercial operation and, in some cases, into the 2030s. As a result, the number of resources from the 2025 RFP that PGE presently expects to remain capable of providing meaningful energy and dependable capacity by 2029 to 2030 has narrowed materially.

That distinction is important for reliability. A resource that may be economic but cannot be interconnected, transmitted, permitted, and placed in service until the 2030s cannot address the same near-term resource-adequacy need as a project with a credible pathway to operation before the end of this decade. Salmonfly therefore represents more than an incremental renewable-energy opportunity: if its remaining commercial, interconnection, permitting, and development

requirements can be completed on the contemplated schedule, it is one of a limited number of substantial resources positioned to contribute both renewable energy and flexible capacity within the period in which PGE has identified material reliability needs. This scarcity of executable alternatives strengthens the value of preserving Salmonfly while PGE continues to pursue all economic and deliverable resources available through its competitive procurement processes.

D. Deliverability and Operational Value

Resource value depends not simply on nameplate capacity or bid price, but on whether a project can be interconnected, delivered, constructed, and operated when customers need it. PGE has evaluated Salmonfly's interconnection status, transmission and deliverability, development maturity, permitting, construction schedule, equipment and supply-chain risks, and operational characteristics as part of its overall assessment of the Project.

The Project's location also creates an operational value proposition that is not fully reflected in a simple comparison of levelized energy prices. Salmonfly would add solar generation and four-hour battery storage in proximity to PRB, a large, flexible hydroelectric resource jointly owned by PGE and CTWS. PRB's storage capability and operational flexibility allow hydroelectric output to be shaped across time, subject to the requirements of the FERC license, fish and wildlife commitments, water-management requirements, and other operational constraints. Salmonfly would introduce a complementary set of capabilities by providing low-variable-cost solar energy during daylight hours and battery storage capable of rapidly charging, discharging, and shifting energy over shorter time periods.

These resources have different but complementary operating characteristics. During periods of strong solar production, the Salmonfly battery can charge rather than requiring the hydro system to absorb all the balancing responsibilities associated with variable generation. The battery can then discharge during higher-value or higher-need hours, while hydro generation can retain water and flexibility for periods when its duration, energy, or other operating attributes provide greater system value. Conversely, the hydro system's reservoir storage can provide energy-shifting capability over periods that may extend beyond the four-hour duration of the battery, reducing the need to rely on the battery for every balancing or peak-period requirement. Used together, and within the operating limitations applicable to PRB, hydro storage and battery storage can provide a broader range of flexibility than either resource provides independently.

This portfolio effect can be particularly valuable as PGE adds increasing quantities of variable renewable generation. Batteries are well suited to rapid response, intra-day energy shifting, peak reduction, and other short-duration needs, while flexible hydro can provide longer-duration energy management and additional operational optionality. Coordinating solar, battery storage, and hydro therefore has the potential to improve the timing and usefulness of renewable production, preserve scarce flexible hydro capability for the periods when it is most valuable, and increase the overall reliability value of the combined portfolio. PGE will quantify these benefits through production-cost, energy, and capacity valuation where practicable and will identify additional operational benefits qualitatively where they are real but not captured through a single market-price metric.

This operational value is also relevant to the comparison with recent market offerings. A solar-plus-storage project located elsewhere may provide similar nameplate renewable and battery capacity, but it may not provide the same opportunity for coordinated operation with an existing flexible hydroelectric resource and the broader PGE-CTWS energy platform on the Reservation. PGE believes there are distinguishing characteristics of this project—such as capital cost, energy value, capacity value, battery capability—and incremental portfolio benefits associated with its location and operational relationship to PRB. This framework avoids assigning an unsupported premium to Salmonfly while ensuring that the Commission's evaluation does not overlook customer value simply because that value is not reflected in the bid price of a standalone market alternative.

E. Tax Benefits, Tariffs, and the Customer Value of Timely Development

Salmonfly has taken appropriate actions to position the Project to capture available federal tax credits under applicable qualification requirements and timelines. The Project's development, procurement, and construction plan is structured to preserve those benefits, which are important to Project economics and the value delivered to PGE customers.

The Project's current schedule also creates an opportunity to avoid or materially reduce exposure to recently imposed Section 232 tariffs that will affect solar equipment and related supply chains. It is PGE's understanding that BrightNight has developed a procurement strategy that, if executed within the required time, is expected to allow the Project to secure qualifying equipment under the applicable tariff treatment before the Project would otherwise become exposed to higher

equipment costs. It is PGE's understanding that this opportunity is fleeting and depends upon the Project maintaining its current procurement and contracting schedule.

Accordingly, regulatory timing now has a direct relationship to Project cost. Prompt Commission action on the requested waiver would allow PGE and BrightNight to advance the commercial commitments and contractor and equipment-procurement activities necessary to preserve both the Project's anticipated federal tax-credit value and its current pathway for avoiding or mitigating Section 232 tariff exposure without prejudging or bypassing what PGE understands to be CTWS's separate development review and approval process. Conversely, delay that causes the Project to miss applicable procurement, contracting, or delivery milestones could result in the same equipment becoming subject to materially higher tariff-related costs. Those costs would increase the Project's delivered cost without providing any corresponding incremental energy, capacity, reliability, or other benefit to customers.

The consequences of delay are therefore not limited to the potential loss or reduction of federal tax benefits. Delay could simultaneously reduce available tax-credit value and increase the underlying capital cost of the Project through tariff exposure—a compounding effect that could materially increase the price customers would be asked to bear and could adversely affect the Project's overall commercial viability. These risks are particularly significant because they arise from changes in federal policy and timing requirements rather than from any improvement in the underlying resource being acquired.

Timely Commission action would allow PGE and BrightNight to continue negotiations and execution activities on a schedule designed to preserve the Project economics presently available

to customers. The requested waiver therefore provides the Commission with an opportunity to preserve customer value: acting while the existing procurement window remains available can avoid costs that may become unavoidable if the Project is delayed. PGE will reflect the resulting tax-credit and tariff treatment in its evaluation of Salmonfly.

F. Comparison to the 2023 and 2025 RFPs

PGE has compared Salmonfly with its recent competitive procurements using three complementary measures: levelized cost, capital cost, and cost-benefit ratio. The purpose is not to establish that Salmonfly must be the lowest-cost resource on every standalone metric, but to determine whether its negotiated economics are reasonable when compared with executable market alternatives and whether this presents a least-cost, least-risk project.

The 2023 RFP provides both published market benchmarks and executed ownership transactions. Following the price-refresh process, PGE reported an average final-shortlist price of $122.57/MWh for renewable resources paired with storage. The resulting Biglow Optimization and Wheatridge Expansion transactions also provide relevant capital comparators for solar-plus-storage acquisitions. The 2025 RFP provides a more current comparison, but negotiations and diligence have narrowed the most relevant set of comparable projects because several shortlisted resources have been unable to maintain their proposed COD or pricing as interconnection, permitting, transmission, and other development challenges have become clearer. The most useful 2025 comparison is therefore to the limited number of comparable solar-plus-storage resources that remain executable.

Project Cost:

Comparison	Technology	COD	Levelized Cost ($/MWh)
Salmonfly	Solar + storage	2029	[BEGIN HIGHLY CONFIDENTIAL] [redacted]
Biglow Optimization I	Solar + storage	2027	[redacted]
Wheatridge Expansion	Solar + storage	2027	[redacted]
[BEGIN HIGHLY CONFIDENTIAL] [redacted]	Solar + storage	2028	[redacted]
[redacted] [END HIGHLY CONFIDENTIAL]	Solar + storage	2029	[redacted] [END HIGHLY CONFIDENTIAL]

Project Value:

Comparison	Nameplate (MW)	Energy (MWa)	ELCC (MW)	Cost-Benefit Ratio
Salmonfly	398	38	100	[BEGIN HIGHLY CONFIDENTIAL] [redacted]
Biglow Optimization I	250	54	132	[redacted]
Wheatridge Expansion	365	23	116	[redacted]
[BEGIN HIGHLY CONFIDENTIAL] [redacted]	450	41	112	[redacted]

[redacted] [END HIGHLY CONFIDENTIAL]	400	38	103	[redacted] [END HIGHLY CONFIDENTIAL]

The cost-benefit comparison is particularly important. A simple levelized-cost or capital-cost comparison does not capture differences in when and how a resource can deliver value to customers. As described in Section V.C, Salmonfly can be operated in conjunction with PRB's highly flexible hydroelectric capability, allowing the battery to address rapid-response and shorter-duration needs while preserving hydro energy and flexibility for periods when those attributes are more valuable. The Project also benefits from its surplus interconnection and the ability to optimize existing PRB transmission arrangements. Those attributes increase the modeled and operational benefits attributable to Salmonfly and therefore can support a lower cost-benefit ratio than a similarly priced standalone solar-plus-storage resource that lacks comparable deliverability and portfolio flexibility.

PGE therefore presents the Commission with both the unadjusted economic comparators and the resulting cost-benefit ratios using a consistent valuation methodology. The comparison should normalize, as appropriate, for configuration, tax treatment, COD, interconnection and transmission costs, expected energy and capacity value, development and execution risk, and the incremental operational value described in Section V.C. This allows the Commission to see separately whether Salmonfly's acquisition cost is market-supported and whether its total delivered value compares favorably to recent competitive alternatives.

Taken together, the 2023 and 2025 RFPs provide a strong market-validation framework analyzing the costs and benefits when determining the least-cost, least-risk option for customers. Salmonfly would be required to demonstrate competitive, risk-adjusted economics against those

recent market alternatives while also recognizing deliverability and operational benefits that are specific to its integration with PRB. The result is a disciplined extension of PGE's competitive procurement framework, not a departure from it.

VI. COMPETITIVE BENCHMARKING, CUSTOMER PROTECTIONS, AND THE PUBLIC INTEREST

A. Preserving Market Discipline and Unique Project Benefits

This waiver is part of PGE's multi-pronged procurement strategy to seek resources for customers. This procurement strategy includes multiple RFPs, all-call for PPAs, and bilateral efforts, including both short- and long-term resources. This filing is the result of ongoing bilateral negotiations for a project that would not likely be available through these other procurement processes and which may not be able to recreate the combination of Tribal origination, development on the Reservation, alignment with CTWS's sovereign energy strategy, the existing CTWS-PGE ownership and operating relationship, and the opportunity to build an integrated long-term platform encompassing hydro, solar, storage, and transmission. Those attributes arise from the identity of the parties, the location of the Project, and decades of existing relationships and investments.

PGE can nevertheless use competition to answer the question it is best suited to answer: whether Salmonfly provides reasonable energy and capacity value relative to market alternatives. PGE will review the negotiated Project economics against its recent competitive solicitations and other contemporaneous market information, considering energy and capacity value, capital and operating costs, tax benefits, interconnection and transmission, development and execution risk,

and other material quantitative factors. This approach preserves market discipline without requiring CTWS to subject a sovereignly initiated project to a solicitation that cannot reproduce or meaningfully price its defining attributes.

The resulting framework benefits customers while preserving substantial public benefits. Salmonfly provides a low-risk opportunity for Oregon utility investment to advance the long-term energy and economic objectives of a federally recognized sovereign Tribal nation while also providing PGE customers with clean energy, flexible capacity, and potentially valuable integration with existing hydroelectric and transmission infrastructure. It is PGE's understanding that neither the waiver nor continued negotiations would alter CTWS's authority to determine whether and how Reservation resources should be developed, with whom the Tribes wish to partner, and how energy development can advance Tribal priorities. PGE would remain committed to demonstrate that the transaction is reasonable for customers.

The waiver therefore preserves the core customer protections of the CBRs while allowing PGE and CTWS to capture Tribal, economic, operational, and partnership benefits that a conventional solicitation cannot replicate.

B. The Commission Should Consider This Waiver Separately from UM 2417

PGE recognizes that the Commission is considering implementation of Governor Kotek's Executive Orders 25-25 and 25-29 in UM 2417 and UM 2463. Those proceedings appropriately address broader policies and regulatory tools to accelerate clean-energy development and infrastructure across Oregon. Salmonfly instead presents the narrower question of whether the unique facts of a specific Tribe initiated project establish good cause for a waiver under the

Commission's existing authority in OAR 860-089-0010(2). Resolution of this request does not require the Commission to first resolve the broader policy questions on those broader dockets.

Deferring Salmonfly could also frustrate the objectives of the Executive Orders by adding procedural delay to an advanced-stage project that could advance 199 MW of Oregon solar generation paired with 199 MW of four-hour battery storage, preserve time-sensitive federal tax benefits, support reliability and clean-energy objectives, and create substantial value in partnership with a sovereign Tribal nation subject to its final review and approval. Acting on the waiver independently would demonstrate how existing Commission authority can accelerate executable projects while maintaining customer protection through competitive review, commercial and technical diligence, and subsequent prudence review.

The requested waiver would not itself establish an applicable procurement policy or prejudge the outcomes of the policy dockets. It would apply the existing good-cause standard to the specific circumstances of Salmonfly. PGE therefore respectfully requests that the Commission consider the waiver on its own record and timeline, consistent with the Executive Orders' emphasis on timely action, affordability, reliability, and efficient use of existing agency authority.

VII. GOOD CAUSE EXISTS FOR THE REQUESTED WAIVER

Taken together, the circumstances surrounding Salmonfly establish good cause under OAR 860-089-0010(2). The Project is a distinct fleeting bilateral opportunity that complements PGE's other procurement processes and combines customer, Tribal, operational, and economic attributes that could not be replicated through a new solicitation.

Salmonfly is a Tribe initiated and tribally co-led proposed development. If approved and developed, it would advance what PGE understands to be CTWS's sovereign objectives; build upon a unique, decades-long CTWS-PGE energy partnership; provide what PGE understands to be the potential for durable economic, resource management, workforce, and institutional prosperity to the Tribes; and create a foundation for expanded Tribal participation in generation, storage, transmission, and the regional energy economy. The Project's location and relationship to the existing CTWS-PGE partnership also create opportunities for integration with the jointly owned PRB hydroelectric project, associated transmission arrangements, and PGE's operation of those facilities. These attributes arise from the Project's particular location, development history, ownership relationships, and Tribal partnership and therefore are not attributes PGE could reproduce simply by issuing an RFP.

At the same time, Salmonfly can provide meaningful energy, capacity, reliability, and operational value to PGE customers at a time when PGE continues to have substantial resource needs and the pool of developmentally mature, deliverable resources capable of meeting those needs has become increasingly constrained. Importantly, PGE can evaluate those customer benefits against recent competitive procurement results and other market information, preserving the central customer-protection function of competitive bidding without sacrificing attributes that cannot be replicated through competition.

The timing of the opportunity provides an additional and independently important basis for good cause. The Project's current development and procurement schedule creates an opportunity to preserve anticipated federal tax credit value and avoid or materially mitigate exposure to

recently imposed Section 232 tariffs. PGE has therefore requested Commission action no later than November 15, 2026. Delays beyond that date could impact the ability to execute the commercial, contractor, and equipment procurement activities necessary to preserve those benefits, potentially increasing the Project's cost without providing any corresponding additional energy, capacity, reliability, or other benefit to customers.

The requested waiver provides a more tailored approach: preserving the unique Tribal and partnership value of Salmonfly, reviewing the transaction against competitive alternatives, maintaining rigorous commercial diligence, and preserving the Commission's ultimate authority to evaluate prudence and cost recovery.

Good cause therefore arises not from any one characteristic of Salmonfly, but from the totality of the circumstances: the Project presents unique and non-replicable Tribal and site-specific attributes; advances Oregon's stated policy of purposefully including Oregon Tribes in the clean-energy transition, can help meet demonstrated customer resource needs; can be evaluated against recent competitive market information without another solicitation; presents a time-sensitive opportunity to preserve federal tax benefits and avoid incremental Section 232 tariff costs. For these reasons, PGE submits that good cause exists under OAR 860-089-0010(2) and respectfully requests that the Commission to grant this waiver by November 15, 2026.

VIII. REQUEST FOR RELIEF

PGE respectfully requests that the Commission, pursuant to OAR 860-089-0010(2), waive the requirements of OAR 860-089-0100 through OAR 860-089-0500 as necessary to permit PGE to continue bilateral negotiations and, if those negotiations produce an agreement that PGE

determines is reasonable and in the interests of customers, execute a BTA for the Salmonfly Project, provided that the CTWS separately approves the Project through its own process.

PGE is seeking a waiver, rather than relying on an exception to the CBRs, because a waiver provides the more appropriate and transparent regulatory pathway for the circumstances presented by Salmonfly. The Project's value does not depend upon a single attribute that can readily be evaluated under a categorical exception. Rather, the opportunity arises from a unique combination of project-specific circumstances, including its location on the Warm Springs Reservation; its initiation through WSPWE and ongoing review through CTWS's review process; its potential integration with the jointly owned Pelton Round Butte hydroelectric project and associated transmission arrangements; its solar and storage configuration; its potential community, economic, and energy-sovereignty benefits for CTWS; and the time-sensitive opportunity to preserve federal tax benefits and avoid or materially mitigate recently imposed Section 232 tariffs. Taken together, these circumstances support consideration of Salmonfly outside a conventional competitive solicitation, but they also warrant Commission review rather than PGE unilaterally determining that the transaction qualifies for an exception.

The waiver process provides important customer protection. It allows Staff, the Commission, and interested stakeholders to evaluate the specific facts supporting PGE's request, including whether Salmonfly presents sufficiently differentiated value to justify acquisition outside a separate competitive solicitation and whether recent competitive and market information provides an adequate basis for assessing the Project's economics. This approach preserves regulatory oversight while recognizing that conducting another solicitation would not recreate the

combination of the proposed Tribal partnership site and access to Tribal assets, operational integration, transmission and interconnection attributes, and timing associated with this Project. The waiver is therefore not intended to avoid competition where meaningful competition is available; it is intended to provide a transparent mechanism for the Commission to determine whether good cause exists to depart from competitive bidding requirements for this specific opportunity.

PGE respectfully requests that the Commission issue an order approving the requested waiver no later than November 15, 2026. The requested decision date is driven by a specific and time-sensitive opportunity to preserve customer value. Approval by November 15 would provide PGE and BrightNight with the ability to complete the commercial, contractor, and equipment-procurement activities necessary to maintain the Project's current sourcing strategy and avoid or materially mitigate exposure to recently imposed Section 232 tariffs. Delaying beyond that date could cause equipment that can presently be procured under the Project's existing strategy to become subject to materially higher tariff-related costs, increasing the delivered cost of the Project without providing any corresponding incremental benefit to customers. Timely action is also important to maintaining the Project's schedule and preserving anticipated federal tax-credit value.

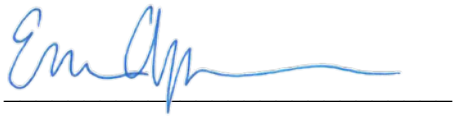
PGE's waiver request allows for an important process for Staff, the Commission, and interested stakeholders to review this proposed transaction and for PGE to demonstrate that there is good cause for the Commission to waive its CBRs so that PGE may acquire this project. PGE will continue to evaluate the Project against relevant competitive and market information and will remain responsible for demonstrating the reasonableness of its actions in applicable future

Commission proceedings only if negotiations produce terms that PGE determines are reasonable and in the interests of customers and if the CTWS approves the Project through its separate process.

Granting the waiver on the requested timeline will allow PGE to preserve a unique opportunity to support CTWS's stated long-term energy sovereignty and economic objectives, deepen a proven Tribal-utility partnership, and secure a potentially cost-effective and strategically valuable clean-energy resource for customers. It would also allow PGE to act while currently available federal tax benefits and tariff-avoidance opportunities can still be preserved, rather than allowing regulatory timing itself to result in a more expensive resource for customers. For these reasons, PGE believes a Commission-approved waiver based upon a developed good-cause record provides greater transparency and regulatory accountability than reliance on an exception and is the appropriate mechanism for the Salmonfly opportunity. Accordingly, PGE respectfully requests that the Commission find good cause, grant the requested waiver, and issue its order no later than November 15, 2026.

DATED this 30th day of September 2026.

Respectfully Submitted By,



Erin E. Apperson, OSB No. 175771
Managing Corporate Counsel
Portland General Electric Company
121 SW Salmon Street, 1WTC1301
Portland, Oregon 97204
Phone: 503-464-8544
Email: erin.apperson@pgn.com