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November 10, 2025

**VIA E-MAIL TO**

Public Utility Commission of Oregon  
Filing Center  
201 High Street SE, Suite 100  
Salem, Oregon 97301-3398

**Re: Docket No. ADV 1790—PacifiCorp's Advice No. 25-015, Schedule 401 – Service to  
New Large Energy Use Facilities.**

Attention Filing Center:

Attached for filing in the above-referenced docket, please find PacifiCorp d/b/a Pacific Power's Response to Amazon Data Services, Inc.'s Petition to Suspend Tariff Filing and Initiate Investigation and Contested Case Hearing.

Please contact this office with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Cole Albee".

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Cole Albee  
Paralegal  
McDowell Rackner Gibson PC

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**ADV 1790**

In the Matter of

PacifiCorp’s Advice No. 25-015, Schedule 401  
– Service to New Large Energy Use Facilities.

**PACIFICORP D/B/A PACIFIC POWER’S  
RESPONSE TO AMAZON DATA  
SERVICES, INC.’S PETITION TO  
SUSPEND TARIFF FILING AND  
INITIATE INVESTIGATION AND  
CONTESTED CASE HEARING**

**I. INTRODUCTION**

PacifiCorp d/b/a Pacific Power (PacifiCorp or the Company) provides this response to Amazon Data Services, Inc.’s (ADS) Petition to Suspend Tariff Filing and Initiate Investigation and Contested Case Hearing, filed on October 31, 2025 (Petition). PacifiCorp understands that ADS is entitled to request a hearing, but PacifiCorp urges the Public Utility Commission of Oregon (Commission) to approve Schedule 401 on an interim basis subject to investigation and revision, expedite the investigation process, and provide final approval of the proposed tariff as soon as reasonably possible. Implementing the new tariff promptly is consistent with House Bill (HB) 3546 and benefits the Company, its non-data-center customers, and current and prospective data center customers by providing clarity regarding service to these unique large loads. An expedited schedule is reasonable here because the tariff is simple and largely mirrors HB 3546’s language. PacifiCorp provides a proposed expedited contested case schedule for speedy resolution of this matter.

**II. BACKGROUND**

HB 3546 governs terms of electric service to data centers and service classifications for data centers and requires the Commission to “provide for a classification of service under

1 ORS 757.230 for retail electricity consumers” that are data centers.<sup>1</sup> HB 3546 also requires that  
2 the data center class receive service under its own, separate tariff schedule and provides several  
3 requirements for such schedules.<sup>2</sup> The new law took effect upon its passage on June 16, 2025,  
4 pursuant to an emergency declaration.<sup>3</sup>

5 On October 2, 2025, PacifiCorp filed its proposed Schedule 401 – Service to New Large  
6 Energy Use Facilities to effectuate HB 3546’s requirement that data centers have their own  
7 service class and receive electricity service through a separate tariff schedule.<sup>4</sup> As explained in  
8 PacifiCorp’s advice filing, proposed Schedule 401 takes a direct and efficient approach to  
9 implementing HB 3546’s requirements and closely adheres to HB 3546’s language.<sup>5</sup>

10 On October 31, 2025, ADS filed its Petition, requesting the Commission to suspend  
11 proposed Schedule 401 “and initiate an investigation and contested case hearing into the Tariff  
12 Filing’s propriety and reasonableness.”<sup>6</sup>

### 13 III. RESPONSE

#### 14 A. **The Commission should expeditiously adopt the proposed tariff to provide clarity.**

15 PacifiCorp does not agree that a hearing and contested case process are necessary for the  
16 Commission to thoroughly evaluate the Company’s proposed Schedule 401 filing, but PacifiCorp  
17 understands that ADS’s request likely entitles ADS to a hearing.<sup>7</sup> If the Commission initiates a  
18 contested case process, PacifiCorp requests that the Commission adopt an expedited procedural  
19 schedule so that Schedule 401 may go into effect as soon as possible. Quickly resolving this  
20 proceeding will provide regulatory certainty to the Company and data centers that are already

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<sup>1</sup> H.B. 3546, 83<sup>rd</sup> Leg. Assemb., 2025 Reg. Sess. § 2(2) (Or 2025).

<sup>2</sup> H.B. 3546, 83<sup>rd</sup> Leg. Assemb., 2025 Reg. Sess. § 2, 5 (Or 2025).

<sup>3</sup> H.B. 3546, 83<sup>rd</sup> Leg. Assemb., 2025 Reg. Sess. § 9 (Or 2025).

<sup>4</sup> Advice No. 25-015, Schedule 401-Service to New Large Energy Use Facilities (Oct. 2, 2025).

<sup>5</sup> Advice No. 25-015, Schedule 401-Service to New Large Energy Use Facilities at 3-5.

<sup>6</sup> Petition to Suspend Tariff Filing and Initiate Investigation and Contested Case Hearing at 1 (Oct. 31, 2025).

<sup>7</sup> ORS 757.210(1)(a).

1 taking service from the Company or may wish to locate in the Company’s service territory.  
2 Adopting the proposed tariff promptly will also help protect the Company’s retail electricity  
3 customers from any shifting of costs the Company must incur to serve data centers. Customer  
4 protection was the key purpose of HB 3546, which contained an emergency declaration and took  
5 effect on its passage, and the Commission should promptly approve Schedule 401 to effectuate  
6 the new law’s important policy goals.

7 **B. An expedited review is reasonable because Schedule 401 is straightforward.**

8 An expedited procedural schedule is appropriate and reasonable here because of  
9 Schedule 401’s simplicity. As discussed in detail in the Company’s Schedule 401 advice filing,  
10 proposed Schedule 401 closely adheres to the text of HB 3546—in fact, many portions of the  
11 schedule adopt requirements from HB 3546 verbatim.<sup>8</sup>

12 While PacifiCorp disagrees with ADS’s critiques of the tariff previewed in ADS’s filing  
13 and will respond in accordance with the Commission-established process, none of the issues  
14 ADS raised necessitates a lengthy investigation. To the extent ADS is concerned with HB 3546’s  
15 application to its own facilities, such concerns are presented and more appropriately addressed in  
16 the complaint proceeding ADS initiated, docket UM 2410.

17 Expeditious resolution of Schedule 401 is consistent with a recent Commission  
18 proceeding involving PacifiCorp’s tariff in which ADS participated and which involved  
19 significantly more complicated tariff revisions.<sup>9</sup> PacifiCorp revised its line extension policy in  
20 Rule 13 to reduce the extension allowance for customers requiring more than 25,000 kilowatts,

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<sup>8</sup> Advice No. 25-015, Schedule 401-Service to New Large Energy Use Facilities at 3; *compare id.*, proposed Original Sheet Nos. 401-1 and 401-2, with H.B. 3546, 83<sup>rd</sup> Leg. Assemb., 2025 Reg. Sess. §§ 2, 5, 6 (Or 2025).

<sup>9</sup> ADS actively participated in docket UE 424 as an intervenor and as an interested party in the underlying tariff filing docket, ADV 1534. *See In the Matter of PacifiCorp, dba Pacific Power, Revision of Rule 13 Line Extension Policy*, Docket No. UE 424, Petition to Intervene of Amazon Data Services, Inc. (Nov. 1, 2023).

1 and the Commission approved PacifiCorp’s proposed revisions less than four months after the  
2 Company’s initial advice filing.<sup>10</sup> In that proceeding, Staff stated that it was “imperative for the  
3 Commission to make these protections effective on an expedited basis” due to the risks  
4 PacifiCorp’s other cost-of-service customers faced from “large infrastructure improvements for  
5 single large loads.”<sup>11</sup> If four months was sufficient to fully evaluate issues related to PacifiCorp’s  
6 line extension structure and related cost-allocation issues for large customers, four months  
7 should be more than sufficient to thoroughly evaluate proposed Schedule 401.

8 **C. The Commission should approve Schedule 401 subject to investigation and revision.**

9 If it initiates a contested case proceeding to review Schedule 401, the Commission should  
10 approve Schedule 401 subject to investigation and revision and reject ADS’s request to suspend  
11 Schedule 401 during the pendency of the proceeding. ORS 757.215(4) provides that when the  
12 Commission conducts a hearing on a rate schedule pursuant to ORS 757.210 but does not order a  
13 suspension of the rate schedule, the rates collected by the utility are subject to refund if the  
14 schedule ultimately adopted by the Commission is for a lesser rate increase than the rates put into  
15 effect on an interim basis. Here, instead of setting forth specific rates that could be subject to  
16 refund, Schedule 401 requires data centers to enter contracts with the Company for electric  
17 service. If the Commission orders any changes to Schedule 401 following its investigation, the  
18 Company can revise any contracts it executes with customers during the investigation, consistent  
19 with ORS 757.215(4). Interim approval subject to revision is necessary to protect PacifiCorp’s  
20 cost-of-service customers from cost-shifting resulting from PacifiCorp’s service to data center  
21 customers while the Commission investigates PacifiCorp’s proposed implementation of HB  
22 3546.

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<sup>10</sup> Docket No. UE 424, Order No. 23-472 (Dec. 13, 2023).

<sup>11</sup> Docket No. UE 424, Staff Report for September 25, 2023, Special Public Meeting at 3 (Sept. 25, 2023).

1           The Commission previously approved proposed tariff changes subject to investigation and  
2   refund in the large-customer line-extension proceeding discussed above.<sup>12</sup> In that case, Staff noted  
3   that this approach was appropriate because “the urgency and scale of cost shifting risk” from new  
4   large loads necessitated “put[ting] the proposed customer protections into place on an expedited  
5   basis.”<sup>13</sup> In the time since that proceeding, the need for customer protections from cost-shifting  
6   has only intensified, as evidenced by the passage of HB 3546. Thus, the rationale supporting the  
7   Commission’s decision to adopt PacifiCorp’s Rule 13 revisions for large customers subject to  
8   investigation and refund or revision applies with equal or greater force here. Approving Schedule  
9   401 subject to investigation would also be consistent with the Commission’s approach in Portland  
10   General Electric Company’s (PGE) new large load investigation, where the Commission permitted  
11   PGE’s tariff changes for new large load customers to go into effect, subject to revision based on  
12   the Commission’s final orders.<sup>14</sup>

13   **D.   PacifiCorp’s proposed procedural schedule should be adopted.**

14           If the Commission initiates an investigation, PacifiCorp proposes the following  
15   procedural schedule. The schedule provides for Staff and Intervenor Opening Testimony and  
16   Company Reply Testimony to identify and narrow the issues, followed by a Cross-Examination  
17   Hearing and legal briefing or argument as the Commission determines to be necessary. This  
18   process is sufficient for the development of a robust factual record and for any legal disputes to  
19   be fully addressed.

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<sup>12</sup> Docket No. UE 424, Order No. 23-472, App. A at 3.

<sup>13</sup> *Id.*

<sup>14</sup> *In the Matter of Portland General Electric Company, Investigation into New Load Connection Costs*, Docket No. UE 430, Allowed (Approved) Utility Filing, App. A at 5 (Apr. 15, 2025).

| Event                                                      | Date              |
|------------------------------------------------------------|-------------------|
| PacifiCorp's Advice Filing                                 | October 2, 2025   |
| ADS's Petition Filing                                      | October 31, 2025  |
| Staff and Intervenor Opening Testimony                     | December 15, 2025 |
| PacifiCorp Reply Testimony                                 | January 14, 2026  |
| Cross-examination Statements and Exhibits                  | January 28, 2026  |
| Cross-examination Hearing                                  | February 3, 2026  |
| Legal Briefing or Argument (to be determined as necessary) |                   |
| Target Date for Commission Order                           | February 24, 2026 |
| Effective Date                                             | March 3, 2026     |

#### IV. CONCLUSION

PacifiCorp respectfully requests that if the Commission initiates a contested case proceeding, the Commission adopt PacifiCorp's proposed expedited procedural schedule to provide clarity and promptly implement HB 3546's important customer protections. The Commission should also make Schedule 401 effective on an interim basis during the pendency of any investigation.

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Respectfully submitted this 10<sup>th</sup> day of November 2025.

**MCDOWELL RACKNER GIBSON PC**



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