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August 1, 2018

Via Electronic Filing

Public Utility Commission of Oregon
Attention: Filing Center
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RE: AR 614 Portland General Electric Company's Comments

In accordance with Administrative Law Judge Moser's Memorandum issued May 29, 2018, Portland General Electric Company (PGE) respectfully submits to the Public Utility Commission of Oregon (OPUC) the following comments in docket AR 614 regarding the two sets of proposed draft rules, from Staff and also the Administrative Hearings Division (AHD), relating to the creation of a new large load direct access (NLDA) program.

If you have any questions, please call me at (503) 464-8718. Please direct all formal correspondence to pge.opuc.filings@pgn.com.

Sincerely,

A handwritten signature in black ink that reads "Karla Wenzel". The signature is written in a cursive, flowing style.

Karla Wenzel
Manager, Pricing and Tariffs

KW: np
Enclosures

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON.**

AR 614

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Rulemaking: New Load Direct Access

**COMMENTS OF PORTLAND
GENERAL ELECTRIC
COMPANY**

In accordance with Administrative Law Judge (ALJ) Moser’s Memorandum issued May 29, 2018, Portland General Electric Company (PGE) respectfully submits to the Public Utility Commission of Oregon (OPUC) the following comments in docket AR 614 regarding the two sets of proposed Draft Rules - from Staff and also the Administrative Hearings Division (AHD) - relating to the creation of a new large load direct access (NLDA) program. We note that we recently submitted joint comments with PacifiCorp d/b/a Pacific Power, clarifying new load direct access transmission service¹ and will not be addressing that issue in these comments.

PGE appreciates Staff’s effort to craft Draft Rules to address legislative, Commissioner, and stakeholder interests, and reconcile divergent positions. The draft rules proposed by Staff and subsequently redlined by AHD are generally balanced and provide a workable framework to implement a NLDA program. As we discuss in our comments, PGE’s top concern regards the sunset provision in OAR 860-038-0750(2), that repeals the NLDA participation cap after five years.

¹ <https://edocs.puc.state.or.us/efdocs/HAC/ar614hac1209.pdf>

A NLDA program is an entirely new program and, as such, PGE has been concerned about the accelerated nature of this rulemaking. In response to concerns raised regarding the perceived rush to adopt rules, PGE appreciates the extension of time for comments, the Commission's early deliberations at its July 17, 2018 regular public meeting, and the July 19 Staff Workshop to continue to discuss issues. It is imperative that the rules are carefully crafted and fully vetted, relationships to existing rules identified and clarified, and that the context for this program offering is fully appreciated. PGE understands the Commission's desire to move expeditiously to adopt rules for this new program but cautions that swiftness should not be substituted for thoughtful consideration of the significant policy issues this new program presents. As PGE has stated in previous comments, in establishing Rules for a NLDA program, it is imperative to balance the development of a competitive market and unwarranted cost shifts to Cost-of-Service (COS) supply customers.²

While there is a robust competitive market for large nonresidential customers seeking third party supply in our service territory, we support this NLDA program to provide another customer choice and advance the state's interest in economic development, though our support has to be tempered by the details of the program. There could be significant drawbacks beyond cost shifting because of allowing significant load to be met by unregulated market suppliers. Those suppliers may avoid important policy directives in Oregon; they not only avoid compliance with the policies, but they also avoid the costs imposed by the directives, which are borne by PGE customers. If the avoidance is permitted at a large scale, the policy objectives may not be met.

² Section 8(1) of SB 1149 Enrolled, states that the provision of direct access to some retail electricity consumers must not cause the unwarranted shifting of costs to other retail electricity consumers of the electric company. See Chapter 865 Oregon Laws 1999 Section 8(1).

PGE supports the AHD eligibility rule (860-038-0730) addition that includes the “no coal by wire” prohibition from SB 1547. PGE also supports the rules that allow the Commission to request the contracts from customers to investigate compliance, and that the ESS must report annually confirming the source of resource supplies for their NLDA customers. OAR 860-038-0730.

In this public policy vein, PGE also supports PacifiCorp’s arguments in support of tying NLDA program to requiring that customers who participate must purchase renewable energy only. Given that the Commission fulfilled the SB 1149 requirement for a resource neutral direct access program upon both electric utilities offering direct access, this NLDA program could be a renewable only program. That approach advances state policy interests and is also consistent with SB 979, the genesis of this docket.

If the Commission accepts the moral imperative of climate change and the need to accelerate the decarbonization of the energy sector, it is more efficient to use the regulated utilities as the vehicles to effectuate change and generally to keep customer loads within the utilities. The regulated utilities have been the vehicle to successfully and affordably meet many of Oregon’s policy objectives because of the utilities’ reach to customers. Thus, how the Commission balances its objective to meet legislative and other expectations with NLDA program development is very important.

Attached to these comments are PGE’s proposed modifications to the draft rules. While the AHD modifications to Staff’s draft rules were not filed with the Secretary of State, they have been the basis of the most recent stakeholder discussions and thus, our redlines are to the AHD

version. In addition, PGE also submits the following comments supporting its proposed changes for Commission consideration.

Phase II

PGE's support for the NLDA program (Phase I) is based on the bright line created at the 10 MWa load for eligibility and reasonable limits on the size of the program to prevent unwarranted cost shifting to nonparticipating customers. When a load does not take supply service from the electric company, there are fewer kWh over which to spread fixed costs and COS supply customers lose the benefit of lowering the average COS. PGE supports the idea that there may be new loads that are large (10 MWa) and discrete enough, at a new site and separately metered (or based on a determination that has comparable accuracy and is acceptable to the company), that PGE does not, in its usual course, plan to meet those loads with supply service.

As was discussed in the investigative docket preceding this rulemaking, UM 1837, electric companies plan for new customer loads based on a variety of planning processes to meet customers' distribution, transmission, capacity and energy needs. This may include information provided by the customer in the context of a request for service or anticipating facility growth, and general service area load forecasts. These forecasts include and account for normal business trends, both increasing load from new and/or existing customers and decreasing load from customers who have reduced operations or closed. As a result, newer smaller loads as well as changes in existing smaller loads are implicitly incorporated into the load forecast. New loads of a sizeable magnitude, 10 MWa and above, could be considered incremental to the load forecast. However, there is no such bright line for loads smaller than 10 MWa and thus, PGE does not support a Phase II process to establish NLDA program rules for loads below 10 MWa

threshold. If, however, the Commission is committed to a Phase II, PGE requests that Phase II commence after we see how we operationalize the larger NLDA program, see how it works, understand customer interest, and capture early lessons to inform a Phase II.

Public Purposes and Public Policy

When the legislature and the Commission impose requirements on electric companies to effectuate public policy objectives but do not impose those same requirements on ESSs or direct access customers, the effectiveness of the public policy objectives (existing and future) are limited. In fact, the avoidance of public policy objectives can be an incentive to choose direct access in the first place, particularly when those public policies have corresponding incremental costs. All suppliers and customers should be subject to the important state and federal policies that are effectuated through utilities and utility customers. Examples of policies avoided by ESSs and customers include compliance requirements regarding the Renewable Portfolio Standard (until 2021) and the Public Utility Regulatory Policies Act (PURPA)³.

In other cases, there are missed opportunities to participate in Commission encouraged programs when customers choose direct access. For example, the Commission has encouraged PGE to achieve more customer demand response and obtain the peak shaving benefits. Given that demand response is a capacity and energy efficiency program, it is offered to customers who have supply service from PGE. Demand response potential is reduced when customers choose

³ Under PURPA, Qualifying Facilities (QF) deliver energy to PGE's system based on prices that are not subject to competitive bidding. Because of state and regulatory policies, PGE customers are paying higher avoided costs for QF energy delivered. These costs are avoided by customers choosing direct access, shifting greater costs onto remaining customers.

another electricity supply option, and to place this in perspective, many of PGE's large industrial customers have selected long-term direct access (LTDA). ESSs could voluntarily offer demand response programs but are not required to do so.

Definitions, OAR 860-038-0700

The definition of New Large Load is key to the program. The definition proposed by the AHD, is any load of a new or existing facility, including existing customer expansion, that has never been contracted for or committed to in writing by the customer and the electric company. To be eligible, that customer load must be expected to result in at least a 10 MWa increase in the customer's power requirements during the second and third year after beginning new operations. The 10 MWa should be a hard threshold—either the customer meets it or does not. We note that there appeared to be a consensus among Commissioners that the cap should be a hard number with the option of waiver if there are extenuating circumstances.

While the definition identifies the threshold minimum load for eligibility, OAR 860-038-0730 fleshes out this requirement. PGE recommends the Commission consider matching up the definition of New Large Load with the description in OAR 860-038-0730, New Large Load Eligibility Requirements; the definition speaks to the ramp up period in terms of years and the other rule, in terms of months.

Transition Rates, OAR 860-038-0720

PGE supports AHD's revised NLDA transition adjustment of 20% of the fixed generation costs for five years as a reasonable balance against cost shifting that occurs whenever eligible COS supply load chooses direct access. In addition, PGE agrees that customers participating in

NLDA should pay the reasonable program administration costs. Regarding the Existing Load Shortage Transition Adjustment, PGE understands that the rule is intended to create a rebuttable presumption and allow the customer to rebut that. PGE agrees that the NLDA tariff include provisions that detail how a customer can demonstrate that change in load is not due to improper load shifting activity. In response to Commissioner questions regarding the enforceability of the provision, time and participation will tell.

New Large Load and Eligibility Requirements, OAR 860-038-0730

Metering

PGE supports the allowance of some flexibility regarding the requirement that New Large Loads must be metered unless the customer, working with the electric company, can demonstrate an alternative means to measure the New Large Load with comparable accuracy. We assume that this would be consistent with the existing rule, 860-038-0360 that requires the electric company's meter to be the basis for electric company charges billed to the retail electricity customer. If the flexibility is read to be inconsistent with the 860-038-0360 metering rule, then PGE recommends amending 860-038-0730 (1)(a) by inserting: "notwithstanding OAR 860-038-0360." As noted above, PGE also supports the "no coal by wire," the requirement that customers provide contracts to the Commission upon request, to investigate compliance, and the ESS annual reporting requirement.

Notice

Regarding OAR 860-038-0730 section (c), the customer applying for NLDA should be required to make a binding written declaration of their intent, and this requirement should be included in the OARs. As proposed, the rule states when the notice should be provided—at the

earlier of either a binding written agreement for distribution service or one year prior to the expected start date of the new load. PGE supports the rule with the addition that the notice be in writing. When PGE receives a request for distribution planning for new load, it should come with a notice that the customer is not seeking supply service from the company.

Translating the rule into PGE operations would mean at the time the customer provides load planning information for distribution planning purposes and executes a Minimum Load Agreement⁴ (MLA), the customer would provide notice. This assumes the distribution planning occurs more than a year before the expected start date of the new load. Requiring the customer to commit the earlier of a distribution planning or service agreement or a year from the load coming online, allows PGE to either include or exclude the load from the supply planning process as appropriate.⁵ If the customer waits until one year from the load coming online, to request distribution service and opt out of COS supply, that short time period does not guarantee the electric company will be able to complete any required distribution upgrades necessary to ensure distribution service to the customer. Distribution capacity upgrades to serve loads more than 10 MWa typically require 12 - 18 months for planning, design, and construction. Loads well-in-excess of 10 MWa may require transmission capacity upgrades which can take anywhere from 12 - 120 months, depending on the extent of the upgrade needed.

Once the customer applying for NLDA notifies PGE of their intent to opt out of COS supply, they should be subject to the same return provisions as the current LTDA program,

⁴ A Minimum Load Agreement is a binding agreement between PGE and a customer which, obligates the customer to pay the greater of a measured peak demand or at a minimum demand level that is specified in the Minimum Load Agreement. These measurements are currently determined by actual meter readings.

⁵ A key assumption is that this New Load will be load that has not come to PGE's attention and is not included in any IRP process. A new IRP process occurs approximately every two years and our action plan is a five-year period.

which is currently three years notice to PGE. The return provisions should be included in the electric company tariff, not the OAR.

Ramping up to 10 MWa

The Staff and AHD proposed rules regarding ramp up to a 10 MWa hard load measurement are reasonable. As PGE reads the rule, the customer must reach 10 MWa in a 12-consecutive month period during the first 36 months of receiving service. PGE recommends that, while the customer may demonstrate extenuating circumstances if load does not meet 10 MWa, in no event shall the customer's load be less than 9 MWa to qualify for NLDA.

If the customer does not reach 10 MWa over the identified period, and the customer does not have good cause as listed in the rule, then the customer is unenrolled from NLDA and placed into the direct access program of the customer's choice. While not stated in the rule, the customer would have to meet the requirements for the chosen direct access program, would be enrolled during the next scheduled election window, and would commence transition adjustments in that new program.

PGE does not support the provision requiring the company to petition the Commission to unenroll the customer from NLDA. Rather PGE prefers to provide notice to the Commission and customer when a customer has not reached the threshold, and is therefore not eligible. PGE would then await the Commission's determination regarding the customer's continuing eligibility for NLDA or enrollment in an alternative program. The determination of whether equipment failure, energy efficiency, or load control/curtailment, in fact, caused the customer to not meet the minimum load amount is a difficult one, and the information is entirely in the customer's hands. This determination is more appropriate for the Commission.

Nonresidential Standard Offer, Default Supply, and Return to Cost of Service, OAR 860-038-0740

The proposed rule is designed to address situations in which NLDA customers leave NLDA for other direct access programs, standard offer service or default supply resulting in a significant cost shift to COS supply customers. Section (3) of the AHD's proposed rule requires an electric company to request approval of a forward-looking rate adder that would be developed prospectively and apply when NLDA customers returning to COS supply or standard offer, direct access or default supply, cause a significant increase to existing COS rates. PGE appreciates the proposed rule's intent to avoid cost shifting. In the Commission's discussion of this proposed rule, Commissioners expressed an interest that the rate adder be known in advance so that NLDA customers could factor that in their decision making. PGE is exploring approaches to calculating this rate adder and supports the intent of the rule.

New Large Load Direct Access Program Caps, OAR 860-038-0750

NLDA Cap and a Single Combined Cap

PGE appreciates the responsiveness to its concerns about a large cap, cost shifting to nonparticipating customers, and provider of last resort responsibilities. We support the AHD modified program cap for NLDA of 6% of the company's weather normalized annual load in 2017—for PGE, that is about 119 MWa. In addition, PGE supports ALJ Moser's recommendation to the Commission that, in its Order adopting these rules, the Commission direct the electric companies to have one combined cap that would include both NLDA and long term direct access (LTDA). As PGE has mentioned, managing one cap makes it easier for the company and customers to know that if they are participating in NLDA and do not meet the minimum threshold of load, they can move to LTDA and there would be no question about room under the cap. If there were two separate participation caps, the NLDA customer who becomes ineligible, would be provided the LTDA program option only if there were room under that participation cap.

A reasonable participation cap is important as PGE considers its provider of last resort responsibility and potential cost shifting that could occur should there be a significant market event or a supplier default and a wave of direct access load were to return to PGE for service. If this event were to occur, it would occur with little notice so managing to a reasonable direct access cap lowers overall risk to nonparticipating customers. PGE has a duty to provide nondiscriminatory service and if curtailments are necessary, cannot discriminate against returning direct access loads in favor of its cost of service supply customers; an unanticipated return event could result in a higher curtailment risk to the COS supply customers.

If the amount of emergency default capacity that PGE is required to provide grows significantly, PGE is uncertain that it will be able to meet the emergency need, as PGE would not have previously secured the generation or transmission capacity necessary to serve the NLDA/LTDA customers. Hence, as noted above, PGE is supportive of AHD's recommendation of a combined LTDA and NLDA cap, which would be about 419 MWa for PGE.

Sunset of the Cap

In discussions with Staff, PGE understands that the intent was to trigger a program review and consider changes, and not necessarily to allow no limits on load seeking NLDA. A no limits NLDA greatly exacerbates the risk of cost shifting PGE has discussed in these and other comments.

Rather than eliminate the cap in rule, PGE recommends replacing the sunset provision in OAR 860-038-0750(2) with a required program check-in after five years at which point, stakeholders could submit ideas to modify the program, including the participation cap. In the same vein, PGE supports the electric company reporting requirements in subsection (3).

If the sunset provision were to apply, and the LTDA and NLDA caps are combined into one cap, it is unclear how the sunset provision would work. There is no sunset on the LTDA cap so what would happen to the combined cap? Avoiding this confusion is another reason to convert the sunset into a more formal program check-in.

Conclusion

While we are encouraged by the progress made in developing these rules to date, careful consideration of the issues described in these comments is necessary to ensure this new program can attract new large load to Oregon without unwarranted cost-shifts and other adverse impacts. PGE appreciates the opportunity to provide these comments and proposed edits to the draft rules. In summary, PGE supports the following:

- Consider public policies advanced through the electric companies to ensure that NLDA participants do not bypass important public policy objectives.
- Establish the NLDA as a renewable NLDA program, supplementing the resource neutral long term direct access program option.
- Include a “no coal by wire” provision as proposed by AHD.
- Include transition rates as proposed by AHD.
- Measure New Large Load with a meter or an alternative means with comparable accuracy, so long as it is acceptable to the electric company.
- Require binding written notice from the customer at the earlier of arranging for distribution service or one year from the New Load’s start up.
- Rather than a petition to unenroll an ineligible NLDA customer, have the utility provide notice of customer ineligibility to the Commission and await a Commission determination regarding the customer’s options.
- Make clear there is a permanent combined participation cap that includes both the NLDA and LTDA programs.
- Delete the participation sunset cap and replacing it with a program check-in.

- Make explicit that OAR 860-038-0590(3)(a), does not apply to NLDA customers. See earlier comments submitted jointly with PacifiCorp.

DATED this August 1, 2018.

Respectfully Submitted,



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860-038-0700

Definitions for New Large Load Direct Access Program

- (1) Unless otherwise defined in section (2), the definitions set forth in OAR 860-038-0005 are applicable to New Large Load Direct Access Programs.
- (2) As used in the New Large Load Direct Access Program rules:
 - (a) “Affiliated Consumer” means a consumer, 50 percent or more of the voting shares of which are held by another consumer, engaged in the same line of business as the 50 percent or greater shareholder.
 - (b) “Average Historic Cost-of-Service Load” means the average monthly Cost-of-Service Eligible Load during the 60 month period beginning five years prior to the date a consumer gives binding notice of participation in the New Large Load Direct Access Program.
 - (c) “Cost-of-Service Eligible Load” means the load of a consumer that is eligible for a cost-of-service rate.
 - (d) “Existing Consumer” means a consumer that is or has been a cost-of-service consumer of an electric company within the prior five calendar years.
 - (f) “Existing Site” means a site that receives or has received energy in the last five years that is eligible for a cost-of-service rate.
 - (g) “Existing Load Shortage” means the larger of zero or a consumer’s Average Historic Cost-of-Service Load plus Incremental Demand Side Management less the average Cost-of-Service Eligible Load during the previous 60 months.
 - (h) “Existing Load Shortage Transition Adjustment” means a charge or credit equal to:
 - (A) 75percent of fixed generation costs plus net variable power cost transition adjustments during the first five years after enrollment in the New Large Load Direct Access Program; and
 - (B) 100 percent of fixed generation costs plus net variable power cost transition adjustments after the first five years of enrollment in the New Large Load Direct Access program.
 - (i) “Incremental Demand Side Management” means the effective net impact of energy efficiency measures and demand response implemented at a facility after a consumer gives binding notice of participation in the New Large Load Direct Access Program.
 - (j) “Load Shifting” means the relocation of facilities, equipment, processes, manufacturing, employees or any economic activity for the deliberate purpose of increasing load at locations participating in the New Load Direct Access Program from locations not subject to the New Load Direct Access Program.
 - (k) “New Large Load” means any load associated with a new facility, an existing facility, or an expansion of an existing facility, which:
 - (A) Has never been contracted for or committed to in writing by a cost-of-service consumer with an electric company; and

- (B) Is expected to result in a 10 average megawatt or more increase in the consumer's power requirements during the second and third years after new operations begin.
- (l) "New Large Load Direct Access Program" means a direct access program offering by an electric utility that meets the requirements set forth in the New Large Load Direct Access Program section of the Division 38 rules.
- (m) "New Large Load Direct Access Service Transition Rate" means a rate that is applied to load served under the New Large Load Direct Access Program.

860-038-0710

Requirement to Enable a New Load Direct Access Program

An electric company that enables direct access service must enable a New Load Direct Access Program for New Large Load consumers, subject to the requirements set forth in this New Large Load Direct Access Program section of the Division 38 rules.

860-038-0720

Transition Rates

- (1) In addition to all other charges applicable to a New Large Load, an electric company must charge New Large Load Direct Access consumers a New Large Load Direct Access Service Transition Rate that recovers the following:
 - (a) 20 percent of the fixed generation costs for five years; and
 - (b) All reasonable costs of administering the New Load Direct Access Program.
- (2) Consumers receiving service under the New Large Load Direct Access program must also pay an Existing Load Shortage Transition Adjustment on the sum of the Existing Load Shortage for the consumer and the Existing Load Shortage of all of the consumer's Affiliated Consumers. While there is a rebuttable presumption that the Existing Load Shortage Transition Adjustment applies, a consumer may be exempted from charges made under this section if the consumer can demonstrate that the change in load in question is not due to load shifting activity. The electric company tariff must include provisions detailing procedures and requirements for the demonstration.

860-038-0730

New Large Load Eligibility Requirements

- (1) Only New Large Loads that meet the following requirements are eligible to participate in the New Large Load Direct Access Program:
 - (a) The New Large Load must be separately metered unless the consumer and electric company agree that ~~can demonstrate~~ an alternative means of measuring the New Large Load with comparable accuracy.

(b) New Large Load Direct Access Program is only available for consumers contracting for energy resources that do not include any allocation of coal-fired resources as defined in ORS 757.518 (1)(b)(B) after January 1, 2030.

(c) New Large Load Direct Access consumers that are found in violation of the provisions of this section ~~may not be enrolled~~ in the general cost-of-service opt out program in the following direct access enrollment window, provided that the consumer otherwise meets eligibility requirements for that general cost-of-service opt out program.

~~(dA)~~ A New Large Load Direct Access consumer must provide to the Commission upon request contracts or other materials necessary to investigate compliance with this section.

~~(eB)~~ An Electric Service Supplier that contracts for or supplies resources in the New Load Direct Access Program must provide an annual report to the Commission confirming the source of resource supplies for customers participating in the New Load Direct Access Program.

~~(f)~~ Each New Large Load consumer must notify the electric company of its intent to enroll in the New Large Load Direct Access Program and opt out of cost-of-service rates, in writing, at the earlier of either:

(A) A binding written agreement with the utility to receive distribution service for eligible new load, or

(B) One year prior to the expected starting date of the incremental load.

(2) Subsection (1)~~(f)~~ is waived for the eligible New Large Load consumer that has entered into a written agreement with an electric company prior to September 30, 2018, indicating its intent to receive distribution service from an electric company and for which the electric company has not planned to provide generation supply service.

(3) If the actual load of a facility served under the New Large Load Direct Access Program does not meet or exceed 10 average megawatts in any 12 month period during the first 36 months of receiving service, and the shortfall in load is not attributable to equipment failure, energy efficiency, load curtailment or load control, or other causes outside the control of the New Large Load Direct Access Program consumer, the consumer must be enrolled in a direct access program of the consumer's choice. In no event shall the consumer be eligible if the consumer's New Load is less than nine average megawatts.

(a) The electric company must provide written notification to ~~petition the~~ Commission and consumer that the consumer does not meet the 10 Mwa threshold, for Commission determination of eligibility, ~~to de-enroll the consumer under this provision,~~ and

(b) The Commission shall provide the consumer ~~will be provided~~ an opportunity to respond to the electric company notice and demonstrate to the Commission that its reduction in load to less than 10 average megawatts was the result of equipment failure, energy efficiency, load curtailment or load control, or other causes outside the control of the New Large Load Direct Access Program consumer.

(c) The consumer's response shall be filed within 60 days after receipt of the electric company notice.

860-038-0740

Nonresidential Standard Offer, Default Supply and Return to Cost of Service

- (1) New Large Load Direct Access Program consumers are subject to the requirements set forth in OAR 860-038-0250 and OAR 860-038-0280, except as set forth in section (3) of this rule.
- (2) A New Large Load Direct Access Program consumer may return to cost-of-service rates under the same rates and terms of service as the electric company's current cost-of-service opt-out offers for direct service consumers, except as set forth in section (3).
- (3) To mitigate the rate impact to existing cost-of service consumers, an electric company must request Commission approval of a forward-looking rate adder applicable to New Large Load Direct Access Program consumers returning to cost-of-service rates or rates under OAR 860-038-0250 and 860-038-0280 when the electric company forecasts that:
 - (a) The return to rates under OAR 860-038-0250 and 860-038-0280 for an individual or group of New Large Load Direct Access Program consumers will result in a significant increase to existing cost-of-service rate; or
 - (b) The return to a cost-of-service rate for an individual or group of New Large Load Direct Access Program consumers will result in a significant increase to existing cost of service rate.
- (4) The Commission will consider the rate adder under Section (3) of this rule as part of a tariff filing.
- (5) The electric company must file annual updates that justify any rate adder developed according to this rule or any updates to the approved rate adder.

860-038-0750

New Large Load Direct Access Program Caps

- (1) Each electric company must make 6 percent of the electric company's weather normalized annual load in calendar year 2017 available to New Large Load and Affiliated New Large Single Load.
- (2) ~~Section (1) of this rule sunsets following the Fiveth calendar years following the creation of that the New Large Load Direct Access Program, the Commission shall initiate a program review to consider modifications to the program. ~~has been in place.~~~~
- (3) Each electric company must file a status report to the Commission within two months of total enrollment in New Large Load Direct Access Programs reaching 25 MWa, 50 MWa, 100 MWa and 80 percent of the enrollment limit.

New Rule 860-038-0750

New Large Load Direct Access Transmission Service

- (1) Each electric company shall provide New Large Load Direct Access program consumers nondiscriminatory access to transmission and ancillary services in accordance with federal requirements.
- (2) An ESS serving New Large Load Direct Access must request transmission and ancillary services under standard FERC approved tariffs.