



February 14, 2022

Madison Bolton
Oregon Public Utility Commission
Via email to madison.bolton@puc.oregon.gov

Re: Comments on Direct Access Straw Proposal (AR 651)

Climate Solutions thanks OPUC staff for a robust and inclusive stakeholder process in the AR 651 docket. We appreciate the opportunity to provide these comments, which relate to the ESS reporting component of the docket. Climate Solutions is a regional non-profit working to accelerate clean energy solutions to the climate crisis.

First Reporting Year

Section 5(B)(3)(a) of HB 2021 requires that an ESS provide an estimate of annual GHGs associated with electricity sold by the electricity service supplier to retail electricity consumers *for the current year and following three years*. OPUC has proposed 2027 as the first date for reporting. Given that the first of the ambitious targets set out in HB 2021 is *an 80% reduction in GHGs by 2030*, we are concerned that a 2027 report would give neither OPUC nor stakeholders adequate opportunity for review. Of particular concern is the need for continued progress embedded in Section 4 of HB 2021. A three-year window between the prospective first report in 2027 and the second report in 2030 (at which time an 80% reduction in GHGs must be demonstrated) is not sufficient to monitor continued progress.

We recommend that the first report be required as soon as feasible and no later than 2024. This schedule conforms to the three-year cadence prescribed in HB 2021 and would ensure the trajectory to 80% reduction of GHGs is well underway before near the end of the decade.

Timing of Public Review

The 'report review process' section of OPUC staff's straw proposal needs clarification. Our understanding is that OPUC staff and interested persons may file written comments within 45 calendar days of the ESS report filing. The ESS may file a written response to any comments within 30 calendar days thereafter. The OPUC will then decide whether to begin an investigation or proceeding. It is unclear at what point OPUC will formally 'accept' the report. Does OPUC 'accept' the report only after filing, comment periods, and all investigations or proceedings have concluded? Staff propose that an ESS post a non-confidential version of the report on website within 30 days of the Commission decision to accept the report (or not). Is there a reason why a non-confidential version of the report would not be filed in the first instance?

Additionally, staff have not yet identified specific categories of confidential information. We are concerned that public engagement in the ESS reporting process will be hindered without a clear, comprehensive, and specific list of such categories. Thus, we cannot properly ascertain at this time whether staff's review process is adequate given these two outstanding questions regarding timing and confidential information.

Confidential Information

Climate Solutions recognizes the competitive nature of the retail electricity market in Oregon. An ESS is entitled to protect its market position. We are comfortable in theory with OPUC staff keeping market position data confidential or utilizing nondisclosure agreements but there needs to be a clear delineation *early in the process* as to which types of data fall into the confidential category. HB 2021 lays out an extremely ambitious timeline for meeting clean energy targets and creates a data rich environment for assessing progress toward those targets. The public, in addition to OPUC, should be able to assess whether continued progress is being made. We are eager to support OPUC staff in delineating categories of confidential information. We have some initial concerns about transparency and the ability to assess critical elements of ESS reports, such as cost per MW, affordability, total MWs of clean energy coming online that can be counted toward the targets, and types of customers being served by clean energy.

Connection to the UM 2225 Docket

We raise the issue of docketing as a point of information. OPUC is developing this process for ESS reporting through the Direct Access rulemaking docket (AR 651). There is some logic to this, as several other issues in the docket relate to the operation of ESS actors in the electricity market. On the other hand, ESS reports are the counterpart to Clean Energy Plans for utilities, which are being considered in the UM 2225 docket. There may be a benefit to either moving ESS reporting into the UM 2225 docket for consistency or, alternatively, creating an administrative mechanism that ensures consistency between ESS reports and Clean Energy Plans, to the extent that similar categories of information are required for both.

Thank you again for the opportunity to provide these comments.

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