

BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON

In the Matter of PACIFICORP,)	UE 374
DBA: PACIFIC POWER,)	
)	CALPINE ENERGY SOLUTIONS,
)	LLC’S RESPONSE TO
Request for a General Rate Revision)	VITESSE’S APPLICATION FOR
)	RECONSIDERATION OR
)	CLARIFICATION
)	

Pursuant to OAR 860-001-0720(4), Calpine Energy Solutions, LLC (“Calpine Solutions”) hereby respectfully submits to the Public Utility Commission of Oregon (“OPUC” or “Commission”) this response to Vitesse LLC’s (“Vitesse”) application for reconsideration or clarification of Order No. 20-473.¹ For the reasons explained herein, Calpine Solutions recommends that the Commission deny Vitesse’s application.

BACKGROUND

Vitesse raises the following issues related to the interim cap created for PacifiCorp’s use of Schedule 272:

- 1) Whether the Pryor Mountain wind project, which is not a “new PPA-based resource,” counts toward the cap on new PPA-based resources to supply Schedule 272 customers?
- 2) Whether the 175 aMW cap applies solely to Oregon’s allocated share of energy resources or broadly to PacifiCorp’s entire system?
- 3) Whether the cap applies to renewable energy certificates (“RECs”) purchases when PacifiCorp is not procuring a new underlying resource?

¹ *In the Matter of PacifiCorp, dba Pacific Power, Request for a General Rate Revision*, Docket No. UE 374, Order No. 20-473, at 133 (Dec. 18, 2020).

4) Whether the cap applies to qualifying facilities (“QFs”) contracted with under the mandatory purchase obligation in the Public Utility Regulatory Policies Act (“PURPA”)?

5) What the process will entail if PacifiCorp seeks to acquire new resources to support Schedule 272 transactions once it has reached the cap?²

Vitesse seeks clarification on each of these issues, and barring a clarification proposed by

Vitesse, seeks reconsideration and the following amendments to the order:

1) Not implementing the cap until 2022 or until PacifiCorp is further along in implementing its Voluntary Renewable Energy Tariff (“VRET”).

2) Excluding the Pryor Mountain wind project from measuring progress toward meeting the cap.

3) Creating an expedited review process for PacifiCorp in cases where a near-term need for additional Schedule 272 transactions exceeds the cap.

4) Amending the order so that the 175 aMW cap applies only to Oregon’s allocated share of PacifiCorp’s system resources.³

Each of the arguments raised by Vitesse’s application were also raised in PacifiCorp’s motion for reconsideration and clarification, and Calpine Solutions filed a response opposing that motion. Likewise, Calpine Solutions now opposes Vitesse’s application for clarification or reconsideration for the same reasons.

ARGUMENT

As explained in Calpine Solutions’ response to PacifiCorp’s motion for reconsideration or clarification, Order No. 20-473 contains no legal flaws or unfair results with respect to Schedule 272. The Commission correctly found that it never intended PacifiCorp’s Schedule 272 – an unbundled REC rider – to be used to acquire specific generation resources to suit a

² *Vitesse’s Application for Clarification or Reconsideration* at 5-6.

³ *Id.* at 6.

particular customer's needs.⁴ If that proposed use had been made known at the time of approval of Schedule 272, the Commission likely would have determined that such use of the REC rider should be treated no different than other specified resource acquisitions for particular customers under the Commission's VRET guidelines. Accordingly, the Commission properly determined that Staff should open an investigation into PacifiCorp's Schedule 272 to determine whether it is appropriately considered a VRET subject to the Commission's VRET guidelines. The Commission also properly placed restrictions on PacifiCorp's use of Schedule 272 until such investigation is completed, including application of the VRET cap to new resource acquisitions under Schedule 272 and a proscription against acquisition of new utility-owned generation resources under Schedule 272. Without such limitations, the Commission would be unable to correct any harm that might occur during the investigation.

As was the case with PacifiCorp's arguments for reconsideration, Vitesse's arguments for clarification or reconsideration are either misplaced or unnecessary and should be denied. Calpine Solutions refers the Commission to its response to PacifiCorp's motion for reconsideration for further background and argument on the substantive issues without repeating those same arguments in full here.

CONCLUSION

The Commission should deny Vitesse's application for reconsideration or clarification of the Commission's decision on use of Schedule 272.

⁴ *In the Matter of PacifiCorp, dba Pacific Power, Request for a General Rate Revision*, Order No. 20-473, at 133 (finding that approval of Schedule 272 "was based on the understanding that specific resources would not be built to meet specific customer preferences.") (citing *In re PacifiCorp dba Pacific Power: Advice No. 16-012 (ADV 386), Changes to Schedule 272 Renewable Energy Rider Optional Bulk Purchase Option*, Docket No. UE 318, Order No. 17-051, at App. A, p. 7 (Feb. 13, 2017)).

DATED: February 26, 2021.

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