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October 27, 2026

VIA EMAIL TO

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

Re: Docket No. UE 463 – In the Matter of PacifiCorp d/b/a Pacific Power, Advice No. 25-015, Schedule 401 – Service to New Large Energy Use Facilities.

Attention Filing Center:

Enclosed for filing in the above-captioned docket, please find the Stipulating Parties' Response to Bench Request Nos. 1-3.

Please contact this office with any questions.

Sincerely,

Hanna Campbell
Paralegal
McDowell Rackner Gibson PC

Bench Request 1

Paragraph 33 of the stipulation entered into between PacifiCorp, dba Pacific Power; Staff of the Public Utility Commission of Oregon; the Oregon Citizens' Utility Board; and Community Energy Project, Climate Solutions, Oregon Environmental Council, and Sierra Club filed on September 16, 2026, in this proceeding states:

> LEUF Resource Eligibility: Any resource, including company-owned benchmark resources, that are actively participating in a formal system procurement request, whether the request for proposals (RFP) is for Oregon specifically or another state in PacifiCorp's service territory, would be ineligible to support a LEUF. A resource that chooses to participate in a formal system procurement may become eligible for a LEUF if the resource's participation in the RFP ends, such as in the event the resource does not make a short list or other key milestone.

With respect to this provision, the Stipulating Parties are requested to address the following questions:

Would a resource that participated in the RFP but dropped out of its own volition be eligible to support a LEUF?

Response to Bench Request 1

No.

Despite PacifiCorp's diligent efforts, certain information protected from disclosure by the attorney-client privilege or other applicable privileges or law may have been included in its responses to these data requests. PacifiCorp did not intend to waive any applicable privileges or rights by the inadvertent disclosure of protected information, and PacifiCorp reserves its right to request the return or destruction of any privileged or protected materials that may have been inadvertently disclosed. Please inform PacifiCorp immediately if you become aware of any inadvertently disclosed information.

Bench Request 2

Paragraph 33 of the stipulation entered into between PacifiCorp, dba Pacific Power; Staff of the Public Utility Commission of Oregon; the Oregon Citizens' Utility Board; and Community Energy Project, Climate Solutions, Oregon Environmental Council, and Sierra Club filed on September 16, 2026, in this proceeding states:

> LEUF Resource Eligibility: Any resource, including company-owned benchmark resources, that are actively participating in a formal system procurement request, whether the request for proposals (RFP) is for Oregon specifically or another state in PacifiCorp's service territory, would be ineligible to support a LEUF. A resource that chooses to participate in a formal system procurement may become eligible for a LEUF if the resource's participation in the RFP ends, such as in the event the resource does not make a short list or other key milestone.

With respect to this provision, the Stipulating Parties are requested to address the following questions:

Would a resource actively participating in a PGE RFP be eligible to support a LEUF?

Response to Bench Request 2

No.

Despite PacifiCorp's diligent efforts, certain information protected from disclosure by the attorney-client privilege or other applicable privileges or law may have been included in its responses to these data requests. PacifiCorp did not intend to waive any applicable privileges or rights by the inadvertent disclosure of protected information, and PacifiCorp reserves its right to request the return or destruction of any privileged or protected materials that may have been inadvertently disclosed. Please inform PacifiCorp immediately if you become aware of any inadvertently disclosed information.

Bench Request 3

Paragraph 33 of the stipulation entered into between PacifiCorp, dba Pacific Power; Staff of the Public Utility Commission of Oregon; the Oregon Citizens' Utility Board; and Community Energy Project, Climate Solutions, Oregon Environmental Council, and Sierra Club filed on September 16, 2026, in this proceeding states:

> LEUF Resource Eligibility: Any resource, including company-owned benchmark resources, that are actively participating in a formal system procurement request, whether the request for proposals (RFP) is for Oregon specifically or another state in PacifiCorp's service territory, would be ineligible to support a LEUF. A resource that chooses to participate in a formal system procurement may become eligible for a LEUF if the resource's participation in the RFP ends, such as in the event the resource does not make a short list or other key milestone.

With respect to this provision, the Stipulating Parties are requested to address the following questions:

In its final order in docket UM 2377, unless a resource had participated in a PGE or PacifiCorp RFP and had not been included in the final short list, the Commission required that resource to seek Commission approval to support a LEUF. It stated that this framework "will allow large loads to bring renewable resources and non-emitting capacity to PGE's system without harming other customers."[1] How does the stipulation address the potential harm to customers of fewer resources participating in Oregon RFPs or resources withdrawing from an RFP to serve a LEUF?

Response to Bench Request 3

Because the stipulation prescribes a different framework for serving LEUFs than the one adopted for PGE and brings together different parties with different interests, the Stipulation does not include the exact same restriction related to RFPs that the Commission adopted for PGE. The stipulation was negotiated as an integrated document that balanced concerns of several parties and protects existing customers in numerous ways. To protect existing customers from being required to compete against LEUFs for resources, the stipulation prevents a resource from pursuing both a formal system procurement and LEUF service at the same time.[2] Similar to the framework ordered in docket UM 2377, where the Commission approves resources that support a LEUF, the stipulation requires

[1] Order No. 26-154 at 60.
[2] *See* Stipulating Parties' Response to Bench Request 1.

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explicit Commission approval of all LEUF Agreements, during which the Commission may evaluate the resources that would support the LEUF. There may also be opportunities in the RFP design and approval process to incorporate additional customer protections to address the potential harm described in this bench request. Ultimately, a resource developer can decide whether to pursue participation in a formal resource procurement with the utility or direct engagement to serve a LEUF. The risk that a developer will choose to serve a LEUF instead of engaging with a utility to serve non-LEUF customers exists today and cannot be entirely mitigated by the stipulation.

Despite PacifiCorp's diligent efforts, certain information protected from disclosure by the attorney-client privilege or other applicable privileges or law may have been included in its responses to these data requests. PacifiCorp did not intend to waive any applicable privileges or rights by the inadvertent disclosure of protected information, and PacifiCorp reserves its right to request the return or destruction of any privileged or protected materials that may have been inadvertently disclosed. Please inform PacifiCorp immediately if you become aware of any inadvertently disclosed information.