



November 3, 2022
Via electronic filing

Oregon Public Utility Commission
Attn: Filing Center
puc.filingcenter@puc.oregon.gov

**Re: UM 2225 Investigation into Clean Energy Plans
Comments of Renewable Northwest on Staff Draft Rules of October 11, 2022**

Renewable Northwest (“RNW”) appreciates the opportunity to comment on draft rules filed to docket UM 2225 by Oregon Public Utility Commission (“Commission”) Staff (“Staff”) on October 11, 2022. In these comments, we first offer general comments on the draft rules and provide specific suggestions and thoughts on Staff questions and proposed language. Our specific suggestions are minor, and overall we support the draft rules as a reasonable reflection of the new planning requirements established by HB 2021. RNW continues to appreciate Staff’s work on this docket and the Commission’s consideration of these comments. We look forward to continued engagement in this crucially important docket.

I. COMMENTS

In general, RNW finds that the draft rules presented by Staff are consistent with HB 2021 language and workshop discussions and filed comments to date on this docket. Below we offer minor language suggestions, flag areas that could use more clarification, and provide inputs on questions posed by Staff in its October 11 memo. Throughout, RNW supports rules that facilitate a timeline and process that ensures continual progress towards HB 2021 mandates and allows for robust public comment opportunities. Below we address our comments in order by section of ORS 860-027-0400 on Integrated Resource Plan and Clean Energy Plan Filing, Review, and Update.

A. Section 4

Staff proposes the following language in Section 4 of OAR 860-027-0400 on the filing of Clean Energy Plans (“CEP”) as they relate to Integrated Resource Plans (“IRP”). RNW suggests minor, clarifying edits below:

(4) An electric company that is subject to ORS 469A.415 must file a CEP with the Commission concurrently with an IRP filing required under Section (3) of this rule and in the same docket. If filing the CEP concurrently with the IRP would create an undue burden, the electric company may file a written request to the Commission to extend the filing date for the CEP **up to 180 days after the IRP filing date**. If the Commission grants an extension for filing the CEP it may establish an abbreviated schedule for a utility presentation and comments under Sections (6) and (7) below.

The inclusion of a timeframe for the extended filing date for a CEP not only helps to clarify the rule, but also is consistent with language in HB 2021 and as codified in ORS 469A.415(3)(a). As reflected in comments and docket workshops, the preference is to file the IRP and CEP jointly in order to not create undue process burden for Staff and stakeholders. Allowing for an “if asked” extension offers some flexibility for utilities should unforeseen difficulties arise around preparing a CEP for submission. RNW supports allowing for this “if asked” flexibility with clear deadlines and parameters, but continues to strongly support a concurrent/joint filing of the IRP and CEP. Joint filing not only limits process burden on the Commission and interested parties, but will also be essential in maintaining timelines -- not only for robust review of the filings that are part of ensuring continual progress towards HB 2021 benchmarks and 2040 emissions level mandates, but also for sufficient planning and procurement cycles to actually meet HB 2021’s targets.

B. Section (6)

In order to clarify feedback timelines, RNW suggests additional language in this section to allow for sufficient time for comments after presentation of IRPs and CEPs by utilities. As noted below, we suggest “at least 14 days” prior to the public comment deadline as a reasonable period of time that would allow stakeholders sufficient time to respond to the utility’s presentation.

(6) The energy utility must present the results of its filed IRP, and, when applicable, its CEP, to the Commission at a public meeting **at least 14 days** prior to the deadline for written public comment.

C. Section (7)

Staff suggests the below language for setting deadlines on Staff’s and parties’ responses to utility IRPs and CEPs as follows:

(7) Commission staff and parties must file their IRP, and, when applicable, their CEP comments and recommendations generally within six months of IRP filing.

We would like to raise two questions that may need clarification in this section. Firstly, we question the use of “generally” when referencing timelines and suggest considering more firm and clear language. Given the tight timelines associated with achieving the first 2030 benchmark, clear deadlines will be important for maintaining the pace necessary to achieve these mandates. Second, we would like to suggest consideration of clarifying language around how these deadlines may differ should a utility have a CEP extension granted. Would this impact this timeline, and, if so, in what way? We propose that the rule should make clear, for example, that Staff and parties will not be held to a six-month post-IRP filing comment deadline if the CEP filing date is extended 180 days past the IRP filing. We are not wedded to any particular solution, but one possibility would be pegging the comment deadline to the CEP filing date rather than the IRP filing date.

D. Section (9)

In Section (9) and its subsections, Staff suggests different acknowledgement and revision options for the CEP. Notably, Staff raised the question around (9)(b) on CEP acknowledgement with conditions. RNW sees value in allowing for conditional acknowledgement in rule and will note that it is consistent with Washington UTC’s treatment of Washington utilities’ version of CEPs, the CEIP. In fact, RNW’s understanding is that the adoption of conditional CEP approval in Washington was based in part on positive experiences with the Oregon Commission’s use of conditional acknowledgement in the IRP context.

One area we would flag that could benefit from further clarification is the ability for public comment on any CEP revisions as required by the Commission. Should the Commission require that the utility revise and resubmit its CEP, as outlined in (9)(c), will the 60 day timeline include -- or trigger -- an opportunity for public comment? In general, we see the 60 day timeline as a good balance for allowing utility response without creating undue delays in the process.

E. Section (11)(d)

Section (11)(d) discusses the submission of utilities’ Oregon Department of Environmental Quality (“DEQ”) emissions reports and filing of those reports at the PUC. RNW supports the subsection as drafted, which has the utilities submitting the two most recent annual emissions reports in annual updates. Staff posited an alternative scenario which would require simultaneous submission of reports to the Commission when they are filed with DEQ. At this time, we see this as creating a potential administrative burden at the Commission for receiving and tracking these submissions. Submitting this with an existing report, like the annual updates, simplifies the flow of information.

F. Section (12)

Staff asks if it would be useful to submit an updated CEP if the utility is submitting an updated IRP due to significant deviations from its acknowledged IRP. If those deviations have significant impact on the utilities' ability to meet clean energy mandates or other metrics discussed in the CEP, like Community Benefit Indicators, it is reasonable to require an updated CEP to accompany the updated IRP.

II. CONCLUSION

Again, we appreciate the opportunity to offer these comments on Staff's draft rules for ORS 860-027-0400 on Integrated Resource Plan and Clean Energy Plan Filing, Review, and Update 2021 implementation and the Commission's consideration of these comments. We repeat our appreciation for Staff's work in developing the Straw Proposals and look forward to continued engagement in this docket.

Respectfully submitted this 3rd day of November, 2022,

/s/ Diane Brandt

Oregon Policy Manager
Renewable Northwest
421 SW Sixth Ave. #1400
Portland, OR 97204
(503) 223-4544

/s/ Max Greene

Deputy Director
Renewable Northwest
421 SW Sixth Ave. #1400
Portland, OR 97204
(503) 223-4544