

May 10, 2022
Via Electronic Filing

Oregon Public Utility Commission
201 High St. SE, Suite 100
Salem, OR 97301-3398

Re: Comments on Clean Energy Plan Planning Framework OPUC Docket UM 2225

The NW Energy Coalition, Climate Solutions, Sierra Club, Oregon Solar + Storage Industries Association, Multnomah County Office of Sustainability, Rogue Climate, Coalition of Communities of Color, Verde, and Renewable Northwest (Joint Advocates) appreciate the opportunity to provide the below comments on the Planning Framework Questionnaire as part of Staff's Work Plan under docket UM 2225, investigating Clean Energy Plans ("CEP") to implement HB 2021 (2021). Below Energy Advocates address some of the questions posed by Staff in the questionnaire for Staff's consideration. We address the questions posed by Staff in the order in which they were presented in the questionnaire.

1. How will the Clean Energy Plan be reviewed if it is filed separately from the IRP?

Clean Energy Plans Should be Filed Alongside Integrated Resource Plans.

We recommend that the Commission adopts Staff's draft recommendation and treats Pathway One as preferential.¹ While we are aware that language in HB 2021 allows for the Pathway Two approach,² we submit that Pathway One is more feasible and streamlined, and as such, helps address limited capacity issues. IRPs have historically been the primary mechanism for resource planning, which will not likely change, and compliance with HB 2021, as staff has stated, will be integrated into the planning process. Thus, the HB 2021 targets are intertwined with IRPs. Embedding compliance into the IRP will be more efficient and prevent the administrative burden of shifting substantive pieces of the IRP into the CEP.

That being said, several stakeholders have expressed concerns that the CEP will take a secondary role if compliance is embedded in the IRP. We recommend that staff make clear in the CEP rulemaking that the CEP must be a comprehensive guidance document that identifies each aspect of HB 2021 compliance within the IRP, including all components set forth in Section 4(3)(a-f) of the statute and a robust assessment of continual and reasonable progress toward the targets. We further recommend that acknowledgement be predicated on the thoroughness of the CEP in this regard and also on how the CEP demonstrates the values laid out in HB 2021

¹ *UM 2225 Investigation into Clean Energy Plans: Work Plan Announcement*, Attachment A at 12 (Apr. 4, 2022) (referring to path 1 as the "preferred path"), <https://edocs.puc.state.or.us/efdocs/HAH/um2225hah91948.pdf>.

² HB 2021 § 5(3)(a) (CEPs can "be based on or included in an integrated resource plan").

Section 2 around maximizing community benefit and minimizing environmental justice burdens and engaging in tribal consultation

2. How will the Clean Energy Plan be meaningful?

Clean Energy Plans Should be Highly Regarded and Binding.

The Clean Energy Plan will be meaningful if it is not treated as a mere compliance document or addendum to the IRP. The CEP should be central to utility planning and must detail utilities' strategies on retiring GHG-emitting resources, scaling-up non-wire solutions, acquiring clean energy resources, maximizing community benefit, and minimizing environmental justice burdens. Additionally, if the CEP is to be meaningful and have an impact on resource acquisition, we must know the consequence of noncompliance. In order to sufficiently model the alternatives, the portfolio optimization runs must reflect the cost of noncompliance. The CEP should be a binding document with its plans and targets reflected in a utility's IRP and one that helps imbue the central values of the CEP into resource planning more broadly.

Clean Energy Plans Must Engage Local Communities

Engaging deeply with local communities, and specifically Tribal and sovereign nations, is essential to achieving this and ensuring the equity goals of HB 2021 are met. It is important to note that the PUC does not yet have a plan to engage Tribal nations in the development of the Clean Energy Plan guidelines/process, so we strongly encourage the Commission to modify its timeline for this rulemaking process to allow for this, and to not adopt any particular Pathway until it has followed its obligations as a State agency – and under HB 2021 – to consult with Tribal governments. Allowing for more time to intentionally and meaningfully engage Tribal communities may also provide the PUC with time to increase its internal staff capacity to do this important work - by hiring a full-time Tribal liaison, for example.

HB 2021 lays out a clear directive to maximize community benefit and to minimize environmental justice burdens through implementation. Consultation with environmental justice communities and community-based organizations is essential to accomplishing these goals. It is also important that the PUC communicate how it intends to make Pathway One accessible to communities who do not often engage with the agency and to ensure that it does not stretch limited capacity but still ensures meaningful engagement is valued and demonstrated. The PUC itself has limited staff capacity in this regard and implementation of HB 2021 may require additional staff positions to support community engagement and environmental justice.

3. Will the Clean Energy Plan focus on meeting different needs than the IRP?

The Clean Energy Plan is a Binding Guidance Document for IRPs to Comply with HB 2021.

The Clean Energy Plan has very specific roles: outline how a utility will meet its emissions reduction requirements put in place by HB 2021, define the investments needed to meet those requirements, and identify resiliency and community-based renewable energy opportunities. The CEP must do this while maximizing community benefit and minimizing environmental justice burdens and engaging in tribal consultation. Additionally, the CEP should show a pathway for continual progress towards meeting the targets. This continual progress requirement means the CEP should be more detailed about the interim and early steps to meeting the requirements, instead of focusing on a “just in time” compliance obligation. The CEP would be more useful if it is enforceable by penalties or some other means.

On the other hand, the IRP has a much broader role, not only to consider the various statutory requirements a utility has, like meeting its renewable portfolio standard obligations or procuring cost-effective energy efficiency but to also plan how a utility is going to meet load over time reliably. The Clean Energy Plan must become a key part of the IRP’s broad focus because it is defining how the utility is moving to an emissions-free future. That information must be used to create a pathway in the IRP for meeting load overall.

- **Where will resource actions be vetted and acknowledged?**

Resource Actions Should be Vetted and Acknowledged Through the IRP Process.

The assumptions and proposed investments in the Clean Energy Plan will be considered in the IRP process. If those assumptions and proposals prove to be problematic within the broader scope of the IRP, new evaluations may be needed to meet the needs identified in the IRP while still meeting the statutory requirement of reducing emissions on the timeline prescribed in the law.

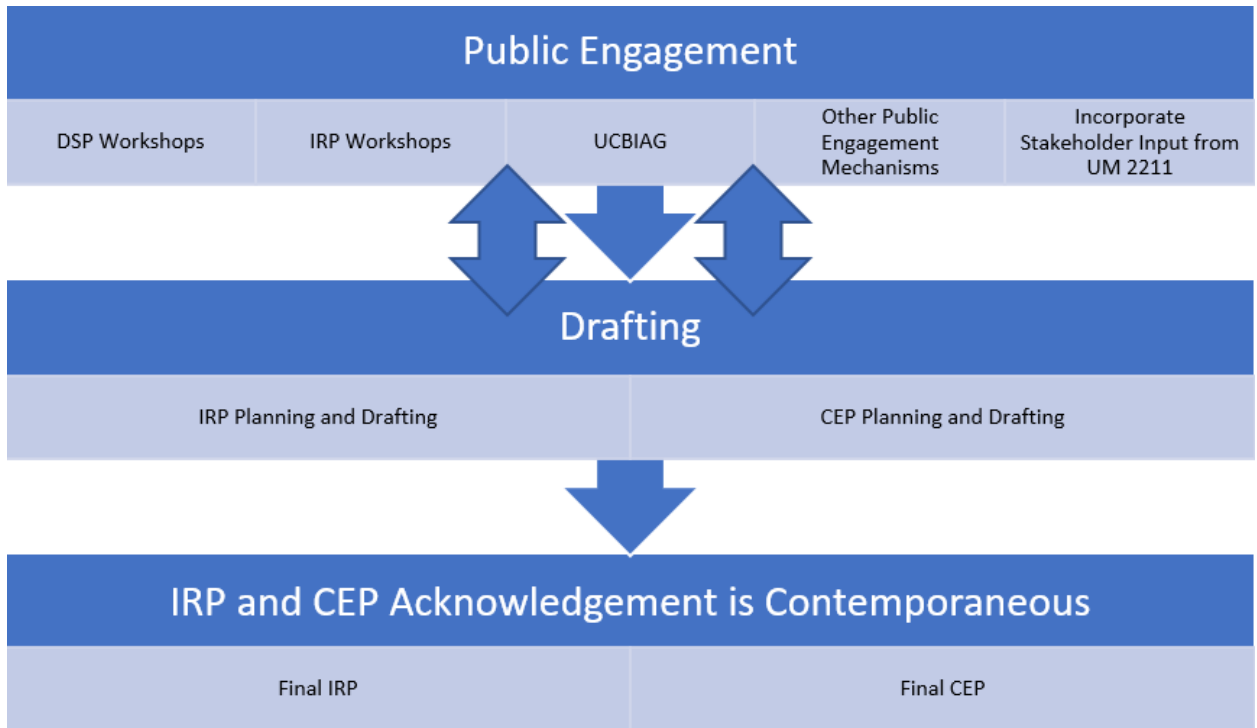
4. What degree of consistency is expected between the IRP, DSP, and Clean Energy Plan for the first filing?

The IRP, DSP, and CEP Should be Synergized to the Greatest Extent Possible.

Considering lessons learned from the Washington Clean Energy Transformation Act (CETA) process, the IRP, DSP, and CEP should work in synergy to the greatest extent possible. IRPs or parts of the IRP should not be acknowledged if it is not in line with utility CEPs, has potential to compromise the emission reduction timeline as outlined in HB 2021, or does not clearly name how associated actions will maximize community benefit and minimize environmental justice burdens.

If a utility is pursuing Path 2, we appreciate Staff's proposal to have action acknowledgement occur in the CEP and have the CEP process meet the guidelines of the IRP and rely on assumptions, forecasts, and assessments from the IRP. It would seem important for any IRP inputs to be acknowledged and validated before they can be used in the CEP.

5. How will information, including stakeholder input, flow between IRP, DSP, and Clean Energy Plans?



Stakeholder and community input on utility planning, climate action, energy justice, and resilience should not be confined to their individual dockets. Community priorities and feedback should be considered and incorporated across dockets and decision-/rulemaking spaces at the PUC. In addition to the IRP, DSP, and CEPs, there are other related processes that the PUC may consider coordinating stakeholder feedback—including, for example, utility Wildfire Protection Plans. Additionally, the utilities and PUC must articulate how the community advisory bodies created through HB 2021 contribute to resource plan development and create accountability for the associated actions and their intended benefits. The biennial reports required to be developed in consultation with the CBIAGs are a logical place for progress on the range of anticipated community benefits to be assessed, reviewed, and improved. These reports should be filed in conjunction with the CEP and available to the public.

6. How will planning update cycles work in the new planning landscape e.g., IRP Updates?

Planning Update Cycles Should Coincide with CEP Updates

Existing planning update cycles should remain consistent and coincide with CEP updates. For example, HB 2021 tasks DEQ with the responsibility to verify the projected GHG emissions reductions forecasted in the CEP and provide an assessment report to OPUC, which is then

tasked with determining if the CEP is consistent with the targets detailed in HB2021. Planning updates for the CEP should include an updated assessment report, based on recent resource acquisitions or planned deviations from existing IRPs or DSPs so that reasonable progress on achieving GHG reduction can be determined.

Thank you for your time and consideration.

Respectfully submitted this 10th day of May 2022,

/s/

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