

June 8, 2022

Caroline Moore
Oregon Public Utility Commission
Via email to Caroline.F.Moore@puc.oregon.gov

Re: Comments on Preliminary Utility Engagement Strategies (UM 2225)

The Joint Advocates (Climate Solutions, NW Energy Coalition, Green Energy Institute, Sierra Club, Spark Northwest, Oregon Solar + Storage Industries Association, Oregon Citizens' Utility Board, Renewable Northwest, Community Energy Project, and Metro Climate Action Team) thank the PUC for a robust and inclusive planning process in the UM 2225 docket. We are particularly appreciative of the significant time and resources staff have devoted to this important endeavor, and of staff's staunch commitment to the success of HB 2021. The Joint Advocates have submitted feedback to PGE and PacifiCorp on their preliminary strategies. We are grateful for the additional opportunity to submit these comments directly to the PUC.

Introduction

The importance of community engagement in implementing HB 2021 cannot be overstated. As Representative Pham, who serves on the House Energy and Environment Committee, said at the end of the 2021 legislative session, "The impacts of climate change are felt most by low-income and BIPOC communities - legislation we passed this year recognizes that we need to protect and support those communities as we shift away from fossil fuels." Community engagement is at the heart of HB 2021. The statute's community engagement directive does not focus simply on education and dialogue with communities, but rather on concrete equity outcomes. This work will be challenging. The process we devise now will need to be robust and flexible enough to see the strategies through.

The PUC is in a unique position to oversee the development and execution of these engagement plans. As the lead agency tasked with implementing HB 2021, the PUC will manage all aspects of resource planning through the IRPs and CEPs. Outputs from the iterative public engagement process will ultimately flow into the IRPs and CEPs. Thus, the standards developed by the PUC for acknowledgement of IRPs and CEPs, together with its review of the UCBIAG Biennial Reports, puts the agency in a position to oversee public engagement plans and ensure they are successful throughout their implementation.

Key Feedback on Preliminary Utility Engagement Strategies

Our feedback to PGE and PacifiCorp (included herein as Appendices A and B respectively) was intended to assist the utilities in developing engagement strategies that are robust, equitable, transparent, and ultimately positioned to succeed. We commend both utilities for quickly developing these plans in what has been a condensed process, and for giving stakeholders several opportunities to provide feedback. Representatives of both PGE and PacifiCorp presented to our group, and we appreciated the open and candid discussions that followed.

We include below an abridged list of key points from our feedback to PGE and PacifiCorp on their preliminary engagement strategies.

1. **Standing Up the UCBIAGs** - We support PGE's decision to stand up its UCBIAG this year to inform its 2023 CEP. We understand PacifiCorp's decision to form a Community Inputs Group ("CIG") in lieu of a formal UCBIAG this year due to the condensed timeline, but we request clarification about the long-term relationship between the CIG and prospective UCBIAG.
2. **Recruitment** - It is necessary to undertake consultation with stakeholders, with possibly the formation of an external advisory group, that could assist the utilities in identifying and recruiting UCBIAG members, in order to mitigate bias. We also recommend creating an option to join UCBIAGs that is open to the public through self-certification and unsolicited applications. UCBIAG membership should be determined by an open, accessible, and transparent process. Details about compensation, time commitment, and specific roles and responsibilities should be made available at the onset of recruitment.
3. **Transparency** - It is necessary that details of engagement plans, outreach, and UCBIAG outputs be provided to stakeholders. We also recommend that UCBIAG committee members be involved in developing meeting agendas and that recordings, notes, and attendee lists of all UCBIAG related meetings and workshops be made publicly available after each UCBIAG meeting.
4. **Role of the UCBIAGs** - Community benefits identified through the stakeholder engagement process should be incorporated into IRPs and CEPs along with the traditional cost-effectiveness methodology. If community feedback is not able to be incorporated, the utilities should provide stakeholders with an explanation as to why.
5. **Accessibility** - The utilities should consider hosting workshops and meetings with language interpretation, to ensure non-English speaking communities can participate. Partnering with community-based organizations to host community workshops for stakeholders on the IRP, CEP, and DSP processes should be considered.
6. **Compensation** - We urge the utilities to recognize the significant constraints on time and resources experienced by stakeholders, and to offer adequate compensation that recognizes the time, skills, lived experience, and unique perspectives offered by UCBIAG members.
7. **Tribal Engagement** - In recognition of the unique concerns and perspectives held by Tribal Communities, we recommend robust consultation with these communities by reserving seats on the UCBIAGs for them, pursuing additional avenues for consultation, and bearing in mind that Tribal Communities are not monolithic and have individual cultures, histories, traditions, and perspectives.
8. **Multi-modal Communications** - We recommend, particularly in relation to communications with Tribal Communities, that several modes of communication be employed, including but not limited to phone, email, postal mail, attendance at tribal council meetings, and social media. Multiple modes of communication will increase the likelihood that Tribal Communities will be aware of and able to actively participate in these processes.

9. **Unique Status of the UCBIAGs** - We support the development of multiple conduits for engagement, including through DSP and IRP roundtables and workshops, but we ask that the utilities recognize HB 2021's particular emphasis on equity and the UCBIAG as the primary vehicle for ensuring equitable outcomes in HB 2021 implementation.

PUC Oversight of the Public Engagement Process

We will respond to staff's questionnaire on acknowledgement more fully in a separate filing, but it is important to reference acknowledgement here, specifically in relation to the public engagement strategies. The PUC has historically applied a reasonableness standard to IRP acknowledgement. CEPs must now be acknowledged as well. In light of HB 2021's focus on equity, a reasonable CEP will detail the various public engagement processes, the feedback provided and community benefits identified, and the rationale for whether to incorporate this into planning decisions. Therefore, we suggest that the thoroughness of the public engagement aspects of CEPs should be an additional consideration for acknowledgement.

Furthermore, the UCBIAG Biennial Reports, in addition to their role in assessing the utility's benefits and impacts, provide an excellent opportunity to take stock of the UCBIAGs themselves, and to assess their success against a set of concrete metrics. We see significant value in a process that allows the PUC and stakeholders to provide feedback on these reports, continually assess the progress of the UCBIAGs, and offer suggestions for areas of improvement.

Thank you again for the opportunity to provide these comments. As always, feel free to reach out should you have any questions.

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APPENDIX A

Advocate Comments on PGE's Conceptual Framework for Engagement

The signed organizations thank Portland General Electric (PGE) for the opportunity to submit comments on its Conceptual Framework for Engagement. We also appreciate the utility's willingness to collaborate with advocates and community-based organizations to strengthen its approach to community engagement and look forward to continuing to work with PGE to develop and implement this framework.

HB 2021 is the product of the Oregon Clean Energy Opportunity campaign, a broad statewide coalition of advocates led by environmental justice communities and driven by a vision of a just, equitable, clean energy grid that provides benefits to Oregonians without causing harm to the communities most harmed by energy decision-making. We believe accessible and transparent engagement with Tribal and environmental justice communities is critical to the implementation of the vision.

To this end, we offer the following recommendations and notes on PGE's Community Engagement Framework:

Utility Community Benefits and Impacts Advisory Group (UCBIAG)

Recruitment

UCBIAG membership should be determined by an open, accessible, and transparent process wherein interested parties may apply and application information is available to the public in PGE's service territory. The formation of this advisory group presents an opportunity to engage new stakeholders in utility planning processes, so this opportunity should be circulated widely and with particular consideration to outreach to Tribal and sovereign nations.

Details about compensation, time commitment, and specific roles and responsibilities should be made available to those interested in participating at the start of any application or recruitment process. Additionally, the groups who led the Oregon Clean Energy Opportunity campaign have access to community networks that PGE may want to leverage when conducting outreach about the UCBIAG membership opportunities.

Role and Function

While HB 2021 names the UCBIAG as an important tool for incorporating community input into the IRPs and DSPs, it is important that this group is not the only venue for community feedback, but also helps shape and guide engagement. The UCBIAG's work will be most valuable if it integrates the input PGE gains from engaging with community members and advocates across issue areas and dockets. Further, the UCBIAG must be viewed as a critical structure, as essential to PGE's planning and decision-making as other traditional analytical tools. Community benefits identified through the stakeholder engagement process should be incorporated along with the traditional cost-effectiveness methodology. Under this method, the community benefits would be appropriately valued. Additionally, the UCBIAG's work can

highlight the benefits to specific actions the utility takes as it relates to community resiliency, especially on the survivability aspect described in previous comments.

Compensation

HB 2021 directs utilities to provide compensation to UCBIAG members for their time and travel expenses. It is crucial for participants' time, expertise, lived experience, and input to be valued, especially for environmental justice communities. Compensating members fairly helps build groups' capacity to engage in this work and strengthen PGE's operations and progress towards achieving the goals of HB 2021.

We ask that PGE include in its Community Engagement Strategy more specific details about the compensation structure, including amount and process to access funds. As previously mentioned, this information must be made available during the recruitment and application process so that groups and individuals can adequately assess their capacities.

Engagement Processes and Accessibility

We appreciate PGE acknowledging the importance of being "transparent about how feedback was considered and incorporated into" the utility's processes. We'd like to add that if community feedback is not able to be incorporated, PGE should provide stakeholders with an explanation as to why. Often, it is unclear how or if stakeholder input provided verbally (during workshops or meetings) is recorded, so PGE should illustrate how the suggestions/feedback/questions/concerns received were considered by the utility. Such transparency helps establish a continuous feedback loop between the utility and its stakeholders, and may also be useful in the development of the biennial energy reports. Recordings, notes, and attendee lists should be made publicly available after each UCBIAG meeting.

In addition to being transparent, meaningful community engagement must be accessible. PGE's partnership with community-based organizations to host community workshops for stakeholders on the DSP process has been helpful, and should be considered for other dockets and processes, such as IRP. Additionally, the utility should consider hosting workshops and meetings with language interpretation, to ensure non-English speaking communities can participate.

We also believe PGE should develop a concrete plan to conduct outreach to and engage Tribal communities in their processes. This should be a high priority for the utility. As Section 2 of HB 2021 requires "meaningful consultation with federally recognized Indian tribes," PGE's Community Engagement Framework should include in-depth strategies for Tribal engagement.

Thank you for your consideration of these comments.

APPENDIX B

Comments on PacifiCorp's Oregon Clean Energy Plan Initial Engagement Strategy

The Joint Advocates (Climate Solutions, Rogue Climate, Oregon Citizens' Utility Board, NW Energy Coalition, Verde, The Sierra Club, Coalition of Communities of Color, Renewable Northwest, Oregon Solar + Storage Industries Association, Community Energy Project, Green Energy Institute at Lewis & Clark Law School, and Oregon Environmental Council) thank PacifiCorp for the opportunity to submit comments on its Clean Energy Plan Initial Engagement Strategy ("The Strategy").

Introduction

Passage of HB 2021 was the result of a consensus reached by a broad group of Oregon stakeholders, including utilities, direct access providers, Community-Based Organizations, labor, and environmental groups. Collectively, we envisioned a just and equitable clean energy transition in Oregon - one that not only puts the state on a path to 100% clean energy, but in the process engages communities that have been historically marginalized in decisions regarding energy infrastructure. We sought to give voice to these communities in order that everyone would realize the economic, environmental, and public health benefits of a clean energy transition.

HB 2021 enshrined those values and principles into law. The legislature stated in Section 2 of the Act that, as a matter of policy, implementation of HB 2021 be done in a manner that minimizes burdens for Environmental Justice Communities. We are now in the implementation phase, and it is our duty to carry out these principles.

The primary mechanism in HB 2021 for inclusion of Environmental Justice Communities is through the Utility Community Benefits and Impacts Advisory Groups ("UCBIAGs"). By conceiving of these groups in Section 6 of the Act, the legislature created a framework not simply for dialogue with Environmental Justice Communities, but for incorporating their *active participation* in the process, utilizing their lived experience, and benefiting from their expertise, all of which are necessary components for HB 2021 implementation.

With this context in mind, we offer the following points as feedback on The Strategy.

Development of the CIG and UCBIAG

The Strategy identifies a Community Inputs Group ("CIG") as the primary mechanism for community engagement in lieu of forming the UCBIAG prior to submission of the 2023 IRP:

PacifiCorp will look to representatives of environmental justice communities, low-income customers, tribes, and vulnerable customer groups to co-create CIG membership for developing the CEP, and continuing input on the Distribution System Plan (DSP).

As an initial matter, we request clarification of this statement and raise the following questions:

1. Is PacifiCorp's intent to utilize the CIG in place of the UCBIAG, or is the CIG an interim group that will be replaced by the UCBIAG at a later time?
2. During the recruitment process, will PacifiCorp identify a long list of groups and individuals being considered for seats on the CIG/UCBIAG? Which groups and individuals has PacifiCorp sought advice from on recruitment efforts?
3. What lessons have been gleaned from the recruitment, formation, and facilitation of the EAG in Washington that are being integrated into development of the CIG/UCBIAG?

Best practices for recruitment should include:

1. Making the EAG membership list and CIG/UCBIAG recruitment process fully transparent.
2. Informing stakeholders as to the details of engagement plans, outreach, and educational outputs of the groups as they evolve.
3. An option to join the CIG that is open to the public to self-certify and apply in addition to the recruitment process.
4. Formation of an advisory group including both PacifiCorp staff and stakeholders that, in order to mitigate bias, jointly reviews applications and votes on CIG/UCBIAG membership.

Tribal Engagement

Tribes are included in the definition of Environmental Justice Communities under HB 2021, but Section 2 of the Act also identifies the importance of tribal consultation:

That, under existing federal and state law, the state engages in meaningful consultation with federally recognized Indian tribes. This includes consultation on the siting, permitting and construction of new energy facilities...

Tribes are in a unique position as major landowners in the state and may have concerns about impacts to sites with significant traditional, cultural, and religious importance. For these reasons, we encourage PacifiCorp to include in The Strategy a description of its efforts to implement robust engagement with Tribes. We also recognize that there are several federally recognized and non-federally recognized Tribes calling Oregon home. They are not monolithic. Therefore, it is appropriate to include a broad cross-section of Tribal Communities in the CIG/UCBIAG in order to cultivate diverse perspectives.

We suggest that PacifiCorp include multi-modal communications in its outreach efforts to tribes, including phone, email, postal mail, social media, and other communications. Multiple follow ups will likely be necessary as well.

In order to respect the capacity of tribal governments and community members to engage, both inside and outside of a CIG/UCBIAG group, we ask that PacifiCorp develop a framework for

meaningful tribal consultation. What are PacifiCorp's current plans for meaningful tribal engagement? We suggest the company explore a variety of avenues, both formal and informal, for receiving feedback and input, and provide leadership opportunities to Tribal Communities to engage in and inform the IRP/CEP process.

Compensation

We ask that PacifiCorp recognize the significant constraints on time and resources experienced by stakeholders, particularly Environmental Justice Communities and Community-Based Organizations. Compensation will help alleviate those constraints. HB 2021 allows for compensation for time and travel. We encourage PacifiCorp to outline a compensation framework in The Strategy. A framework for compensation is mutually beneficial. It facilitates active and continuous participation of these groups and ultimately makes the CIG/UCBIAG stronger and more effective, which helps PacifiCorp fully discharge its obligations under HB 2021.

Relationship of the CIG/UCBIAG to IRP and DSP Engagement

We agree with the predicate in The Strategy that multiple routes for public engagement are necessary in developing the IRP/CEP. However, the CIG/UCBIAG must be given space to act independently and autonomously. The input provided by the CIG/UCBIAG should be considered an essential value along with the traditional cost-effectiveness model. The CIG/UCBIAG is not simply a venue where members can be educated or ask questions. HB 2021 lays out a set of specific issues within the group's purview, as well as any other issues to be determined.

The Strategy lacks an articulation of how feedback, ideas, concerns, priorities, needs, and other outputs from the CIG/UCBIAG will be incorporated into the planning process, including the IRP/CEP. Stakeholder time is valuable and scarce. A schematic illustrating the flow of outputs from the CIG/UCBIAG into the planning process will help build confidence among members and ensure their work is being fully utilized. It will also help PacifiCorp and members in developing the Biennial Energy Reports, which must assess community benefits and impacts.

Thank you again for the opportunity to provide these comments.