

May 4, 2022  
Via Electronic Filing

Public Utility Commission  
Attn: Filing Center P.O. Box 1088 Salem, OR 97308-1088

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

Re: Docket UM 2225  
Comments on Community Lens Questionnaire

The Coalition of Communities of Color, Rogue Climate, Verde, Multnomah County Office of Sustainability, and Sierra Club give thanks to the Oregon Public Utility Commission (PUC) Staff for developing a questionnaire that allows us to explore community resilience, community-based renewable energy, and community benefits as they relate to energy justice, PUC processes, and utility responsibility, specifically focusing on the Clean Energy Plans (CEP). In these answers to Staff's questions, we include thoughts and recommendations that seek to inform HB 2021 implementation rules and guidelines that follow through with the intention and with the energy and environmental justice purpose for which HB 2021 was created and passed.

We also want to acknowledge with great admiration, and agree with, the joint comments that the NW Energy Coalition has submitted with partners, which some of the above organizations have signed on to.

**Question 1:** HB 2021 §4(4)(c) requires the Clean Energy Plan to “Include a risk-based examination of resiliency opportunities that includes costs, consequences, outcomes and benefits based on reasonable and prudent industry resiliency standards and guidelines established by the Public Utility Commission[.]” ***How will a Clean Energy Plan demonstrate having met this requirement?***

***How do you envision the risk-based resiliency analysis, based on Commission adopted standards?***

As our answers to the questions below indicate, demonstrating that a CEP meets the requirement in HB 2021 §4(4)(c) should require utilities to have engaged in a community, human-centered approach,<sup>1</sup> like they have been expected to in distribution system planning, to identify resiliency opportunities and to develop and select resiliency-focused actions.

This includes dedicating staff resources in the near term to do meaningful community engagement and research to explore what resilience means for communities across Oregon. For example, the findings from UM 2114 Brown Hope’s Community Focus Group Feedback Report provided significant recommendations for strengthening customer protections based on the reality that vulnerable groups face everyday, and illustrate the hardships associated with losing access to electricity service.<sup>2</sup> A similar effort for CEPs can shed light on what communities need to thrive, not just survive. Efforts should also include analyzing existing research, such as Brown Hope’s Feedback Report, to extrapolate issues that CEPs can target and mitigate. We were concerned to hear at the April 20, 2022 Workshop that a plan for tribal consultation has not been started and encourage the PUC to prioritize these efforts. We also offer support to the PUC to tap into community resilience research which has already been conducted through community-based organizations and other entities.

**In defining “resiliency opportunities,” we encourage** Staff, the PUC, and utilities to center the perspective of the persons and communities that the electricity system seeks to serve, as well as opportunities to help those communities avoid outages and recover quickly when they face outages. As a result, **we encourage** the PUC and utilities to build on the lessons of the distribution system planning (DSP) process<sup>3</sup> and adopt a human-centered approach to identifying resiliency opportunities. This approach would be responsive to community needs in relation to grid needs identification.<sup>4</sup>

**An examination of resiliency opportunities should** identify utility investments that would help a community be more resilient and better able to avoid, withstand, and/or bounce back from outages. The examination should also recognize that not all communities and community

<sup>1</sup> For more information on the conversations about a human-centered approach in the context of distribution system planning, please see Docket UM 2005, Order 20-485 at 21, 29 (Dec. 23, 2020), <https://apps.puc.state.or.us/orders/2020ords/20-485.pdf>.

<sup>2</sup> <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac114859.pdf>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 28-29.

members experience the same impacts from outages (i.e. communities vulnerable to Public Safety Power Shutoffs or medically vulnerable customers). Consequently, the examination should factor the vulnerability of communities and community members in prioritizing resiliency investments.

Grid resilience is essential, as already recognized by HB 2021 §4(4)(c) in naming “reasonable and prudent industry resiliency standards.” However, defining resiliency opportunities based solely on a traditional focus on metrics related to outage frequency and duration would limit the ability of HB 2021 implementation to lead to a process that addresses community-specific resiliency needs and that recognizes the vulnerability of specific groups within a community. HB 2021 §4(4)(c) allows the PUC and utilities to think about resiliency opportunities more comprehensively and gives the PUC the authority to establish additional guidelines. **The DSP process built a foundation that should help utilities identify community resilience needs and develop solutions to address them and we encourage the PUC to consider that experience when establishing guidelines here.**

Importantly, within the PUC context we are traditionally used to thinking of terms like resiliency and reliability from a technical, system-focused perspective. To best implement the intent and letter of HB 2021 we invite Staff, utilities, and other stakeholders to recognize that the people that the grid serves experience these terms differently. Community members need not just that the electricity be available, but that it is affordable, safe, and accessible. For example, many in our community cannot not use the energy they need during severe weather events (i.e. the heatwaves of summer 2021) because they already experience energy burden and know that the additional cost of heating/cooling their environment adequately will make their bill unaffordable. **Affordability, energy burden, and energy poverty should be central considerations as we discuss HB 2021 implementation, with a focus on investments that address energy burden and energy insecurity for vulnerable communities, the same communities most vulnerable to outages.** These considerations cannot and should not be siloed in HB 2745 implementation spaces.

***How should the PUC define resiliency for the purposes of this analysis?***

Consistent with our answer above, the definition of resiliency should be human-centered and prioritize community resiliency. It should not be solely focused on grid resiliency metrics.

Discussions about resiliency should also incorporate considerations about energy resource ownership and distributed resources. For instance, the PUC should study and quantify the benefit of decentralized resource grids that could be more resilient in response to disasters, so the **resiliency value of distributed energy resources can be recognized**. This is especially important for communities that have not experienced the grid as reliable or resilient, and where new realities like Public Safety Power Shutoffs (PSPS) have raised community concerns about the grid. Investing in communities’ independent sources of power that can sustain them when the grid is down is key to actually producing community resiliency.

Additionally, the definition of resiliency should include a consideration for the resource ownership model that impacts the governance of, and direct economic benefit back to communities from, energy resources. Economic investment is generally understood as a long-term intervention to promote community resilience. For example, in Minnesota community-owned solar projects provide \$1.2 billion over 20 years back to subscribers, and work to save money for all-customers<sup>5</sup>. That direct financial benefit for local families and communities, coupled with the ability to directly engage in resource purchase decision-making, encourages local economic development and growth. Economic stability is a key factor in a community's ability to bounce back quickly and safely from disasters, or withstand electrical outages. Resource ownership models directly impact local economic stability, and therefore are a key factor to consider in resiliency standards.

Weather-related events are expected to increase in frequency and severity due to climate change. This heightened risk, along with the risk of a major Cascadia earthquake, wildfires and other risk factors, raise the importance of grid resiliency and reliability. A human-centered approach to resiliency would include in the definition and expectations around resiliency solutions **like community energy hubs** to power medical equipment for people who are medically vulnerable, as well for heating and cooling, cell phone charging, etc.

### ***Which risks should be considered?***

**In addition to cost and performance risks** typically considered in planning and investment decision-making, a risk-based examination of resiliency through a human-centered approach should focus on the **risks that communities face that could lead to electric system disruptions** such as outages due to stress in the system (i.e. weather events), major disasters, wildfires, or risk of wildfires. The PUC should consider including in this risks-based examination **economic and health risks**, such as those associated with continued fossil fuels, as well as impacts from outages to health and health systems that limit a community's ability to respond to crisis.

It is crucial that the PUC's guidelines for implementation of this subsection recognize that lack of resiliency imposes different costs on different people. For example, the February 2021 ice storm caused outages to thousands of customers in the Portland metro area. Many from households with financial means went to hotels or to stay with family or friends. Those options are often unavailable to vulnerable households.

Indeed, households in economic vulnerability face higher burdens and are at greater risk from electric system disruptions (i.e. losing a limited supply of perishable food or having to face dangerous weather at home and without power), as do households with vulnerable populations due to age and health, isolation, non-English speakers, and those whose health depends on medical equipment. **We encourage** the PUC to look at advocates' comments in UM 2114 for a more in depth discussion of regulatory approaches that considers the needs of functional and at

---

<sup>5</sup> "Minnesota Community Solar Saves All Utility Customers Money," John Farrell, *Institute for Local Self-Reliance*, May 2019;

risk populations in the context of disconnections.<sup>6</sup> **We also encourage** the PUC to require that utilities consider the risk to vulnerable community members and communities and prioritize resiliency investments that serve those communities.

***Should opportunities be limited to resource actions (given the focus of Clean Energy Plans) or include system hardening (e.g., undergrounding power lines)?***

Resiliency opportunities should include utility resource actions and possibly also include system hardening. Consistent with the human-centered approach we are advocating for, resiliency opportunities should be considered expansively to go beyond traditional utility infrastructure investments and include developing new programs and improving existing ones. These encompass programs such as distribution of back-up batteries for medically vulnerable folks, supporting and investing in community-owned solar and microgrids, and non-wires solutions (NWS) such as energy efficiency, demand response, and distributed-solar generation and storage. Indeed, community-based energy projects, when paired with storage, present opportunities for community resilience that should be considered in any examination of resiliency opportunities, in addition to measures that reduce demand and stress on the system under certain circumstances (i.e. heatwaves) like energy efficiency.

***Are resiliency opportunities utility actions?***

Utilities should be accountable for acting to increase resiliency in their systems as well as resiliency to interruptions of service in the communities they serve. In taking these actions, utilities should work collaboratively with the communities they serve to identify appropriate actions as well as potential additional funding sources, and should center those most vulnerable within those communities.

***What is the format and use of the analysis; what is meant by risk-based examination?***

The risk-based examination of resilience opportunities called for in HB 2021 §4(4)(c) should be used to create a path for utilities to identify, prioritize, and act on resiliency opportunities through a human-centered approach. The analysis should not be undertaken for informational purposes only. We are open to discussion on the specific path to deploying resiliency solutions, though some paths (i.e. establishing targets for programmatic budgets and activities) appear more conducive to a model that centers community needs when compared to other models (i.e. RFPs for resiliency-focused projects).

***How are costs to be included?***

The costs to be included in the risk-based examination should go beyond project costs and include costs that inaction imposes on community members and communities, with an eye to

---

<sup>6</sup> UM 2114, *Workshop Series - Advocates' Recommendations* at 10 (Sep. 27, 2021), <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac19146.pdf>.

recognizing that those costs of inaction are often high for vulnerable customers and communities. Cultural costs (i.e. impact to Tribal communities) must be determined through robust engagement of Tribal communities. Importantly, there should be checks and balances to ensure that costs are realistic to ensure that unrealistic cost assumptions do not positively or negatively influence the deployment of resiliency solutions needed for community wellbeing. “Unrealistic” cost assumptions may be based on technology and strategies that do not currently exist whilst overlooking existing, proven options.

### ***How are consequences, outcomes and benefits defined?***

Defining consequences, outcomes and benefits highlights the importance of a human-centered approach to the risk-based examination of resiliency opportunities in HB 2021 §4(4)(c). Consequences, outcomes, and benefits will look differently from different perspectives. For example, an outage that at a system level or from a utility perspective may seem like a potentially minor event could seem especially challenging at a community level and even be life threatening from the perspective of vulnerable families or individuals. For that reason, **we encourage** the PUC to issue guidelines that require including the perspective of community members and communities, with a focus on those particularly vulnerable, when defining consequences, outcomes, and benefits.

**We encourage** Staff and the utilities to consider the work of the Initiative for Energy Justice when considering energy resilience measures and programs in the context of wildfire risk in California.<sup>7</sup> The applicability of the thinking and priorities outlined in this resource varies throughout Oregon, with wildfires being a very prevalent risk in some areas, and other types of disasters and concerns being more prevalent in others. However, the principles of justice in evaluating the different program and policy options embodied in the Initiative for Energy Justice’s recommendations should serve as a model as Staff considers implementation of this section of HB 2021.

---

<sup>7</sup> Maria Sotolongo, Shalanda H. Baker, and Cecelia Bolon, Initiative for Energy Justice, *California’s Wildfire Risk and Growing Energy Insecurity: Policy Recommendations for Energy Resilience in Vulnerable Populations* at 8-10 (Dec. 2020), <https://iejusa.org/wp-content/uploads/2021/01/CA-Shutoffs-Policy-Brief-2-V5.pdf>.

**Question 2:** HB 2021 §4(4)(d) requires the Clean Energy Plan to, “Examine the costs and opportunities of offsetting energy generated from fossil fuels with community-based renewable energy[.]” ***How will a Clean Energy Plan demonstrate having met this requirement?***

***How should opportunities be defined? Which actions are considered CBRE ‘opportunities’? Can CBRE ‘opportunities’ include combined acquisition of energy efficiency and demand response (HB 2021§1(2))? Do CBREs include planned and hypothetical projects?***

Since HB 2021 §4(4)(d) refers to offsetting energy generated from fossil fuels with community-based renewable energy (CBRE), the level of fossil fuel generation that can be offset in the utility’s resource mix would seem like an important factor to consider in defining the level of opportunity for CBRE projects. Consistent with HB 2021§1(2), opportunities should also account for benefits often associated with CBRE, like increased resiliency where applicable, lower energy costs, economic and workforce development opportunities, etc.

Community-ownership and community wealth creation are also important benefits to consider in this examination, which should explore mechanisms to allow for those ownership models. CBRE project development opportunities should be available not only to established developers, but should advance energy justice and energy democracy through realizing community ownership opportunities.

Staff’s questionnaire asks whether CBRE includes planned and hypothetical projects. We believe that planned and hypothetical projects should be considered CBREs for purposes of HB 2021 §4(4)(d). Our thinking is informed by programs like the Oregon Department of Energy’s Community Renewable Energy Project Grant Program that makes funding available for various entities to create CBRE projects.

Finally, we encourage Staff to address how this process and CEPs more generally should incorporate the findings of the Small-Scale Renewable Energy Project study that ODOE is working on. That workgroup is also thinking about “opportunities,” so, where possible, we hope to see some synergy between that study, the implementation of HB 2021 §4(4)(d), and the development of CEPs and eventual deployment of CBRE projects.

***Does ‘opportunities’ include all the benefits associated with community-based renewable energy? If so, which benefits and to whom? Are CBREs utility actions?***

The definition of “opportunities” in the context of HB 2021 §4(4)(d) should include the benefits associated with CBRE projects, including those outlined in HB 2021 §1(2). With regards to the question of “to whom” should the benefits considered accrue, we suggest a more comprehensive approach compared to prior efforts to quantify the benefits and value of resources like this PUC’s resource value of solar investigation.

The definition of CBRE in HB 2021 §1(2) is comprehensive with regards to the community benefits that must be associated with CBRE. It considers benefits to local communities, like jobs and enhanced resilience, and other project-dependent benefits, like bill savings or economic development. At a minimum, those benefits listed in HB 2021 §1(2) should be considered in this examination of costs and opportunities. CBREs can help fill community needs, like improved housing for CBREs that involve energy efficiency, so any project-specific evaluation should consider how a project is meeting community needs and any additional benefits beyond what is listed in HB 2021 §1(2).

Finally, the definition of “opportunities” should also include an exploration of potential additional funding sources and resources that can be leveraged to realize CBRE projects. That said, like with the resiliency examination in HB 2021 §4(4)(c), utilities should be accountable for ensuring that this examination leads to CBRE projects and to offsetting fossil fuel generation.

***What is the format and use of the analysis; what is meant by examine?***

The examination of costs and opportunities of offsetting energy generated from fossil fuels with community-based renewable energy in HB 2021 §4(4)(d) should result in utility actions and in additional CBRE projects. Like with the resiliency analysis, this examination should not be used for informational or policy discussion purposes only.

We appreciate Staff including in its questionnaire a number of alternative ways to use the information in this examination, including several that would result in additional CBRE projects. Some of those alternatives, like an RFP for CBREs (or a CBRE target carve-out in an RFP), may result in limited opportunities for benefits like community ownership, as they seem to be better suited for selecting projects by established developers with the resources to bring projects far along in the project development process. For that reason, we look forward to more conversation on how this examination and the language in HB 2021 §4(4)(d) can result in community-based renewable energy resources that help realize the environmental and energy justice goals in HB 2021.

***How are costs to be included?***

As we discuss in our responses to Question #1, costs should not only consider project costs, like in other utility decision making spaces - for, in this case, community-based renewable energy projects - but the cost of inaction as well. The cost of inaction includes the cost of delaying or minimizing the transition away from utility-scale fossil fuels to localized, community-based clean and renewable energy. This cost is often borne by environmental justice communities who are disproportionately impacted by the consequences of climate change and by more localized impacts like the health cost of air pollution. Any cost analysis must also include costs (including any increase or decrease in energy costs) to communities and customers, especially low-income households and those facing high energy cost burden.

Importantly, costs in the context of this examination should consider the cost of electricity generated with fossil fuels, with careful scrutiny of cost assumptions.

***This information should be presented in the Clean Energy Plan, but where is the analysis performed and incorporated into the utility resource strategy i.e., IRP, DSP, CEP?***

This analysis would have to be grounded in the IRP, DSP, and CEP. For example, it is important to consider this analysis in the DSP to account for opportunities for distribution-level CBREs. But the IRP must also account for these community-based resources, and possibly also reflect them in any associated avoided costs.

**Question 3:** HB 2021 §5(2)(a) requires the Commission to consider in acknowledgement, “(a) Any reduction of greenhouse gas emissions that is expected through the plan, and any related environmental or health benefits...(e) Costs and risks to the customers; and (f) Any other relevant factors as determined by the commission.” ***How will a Clean Energy Plan reflect these considerations through incorporation of community benefits into planning?***

***Which community benefits should be considered in utility planning? How might these benefits be used in planning analysis and reflected in the CEP? How do you envision incorporating community benefits into planning?***

We would like to further explore this question with Staff and other stakeholders. One potential way to incorporate some community benefits into planning is through setting resiliency and CBRE targets informed by the HB 2021 §4(4)(d) and (c) examinations, and to account for those targets across the different utility planning processes and documents (CEP, IRP, DSP).

However, resiliency and the community benefits that HB 2021 identifies for CBRE are not the only benefits that should be considered in planning for HB 2021 compliance or in utility planning more generally. Our comments in response to questions one and two identify a number of community benefits that should be considered in utility planning, and highlight the importance of centering and prioritizing environmental justice and other vulnerable communities in identifying utility actions and investments.

The Commission should adopt a requirement that utilities account for and include those benefits in their analysis as one of the relevant factors to acknowledgement that the Commission has the authority to adopt under HB 2021 §5(2)(f). We welcome continued discussion on how to best incorporate community benefits beyond resiliency and those directly associated with CBRE, and believe that identifying and planning for community benefits needs to be informed by Tribal consultation and engagement with environmental justice communities (including rural, coastal, low-income, communities of color).

***What are the community benefits of resilience? How might these community benefits be used in the CEP analysis?***

We encourage Staff to also consider our answers to question one as they reflect our perspective regarding the community benefits of resilience. At a high level, those benefits can be better understood when thinking about the losses, burdens, and impacts associated with lack of grid and community resilience. At an individual level, these can include economic loss associated with, for example, losing perishable food as a result of outages, being unable to work, or experiencing the health impacts or even loss of life due to having to withstand weather events without access to cooling or heating. At a community level, these can include the inability to respond to crises in the community, as well as economic and other impacts that advocates have highlighted across several proceedings, including those focused on disconnections and

wildfires. As we highlight in our answers to question one, some communities and community members are significantly more vulnerable to the impacts of lack of resilience. The analysis for CEP must account for that enhanced vulnerability.

One potential way to use community benefits in the CEP analysis is to include them as part of the examination called for in section 4, and to develop targets or other expectations based on that examination. Utilities would then consider those targets in the CEP and across their different planning processes, as relevant, and implement resiliency projects, solutions, and investments based on a human-centered approach to identifying and prioritizing those actions.

***Which “related environmental or health benefits” should be considered? How will these benefits be measured? How should the commission include consideration of these benefits when evaluating CEPs for acknowledgement?***

At a high-level, the environmental and health benefits related to greenhouse gas emissions reductions include mitigating climate change-related risk, reducing any air and water pollution associated with electricity generation, and addressing the health risk of air pollution associated with electricity generation. There may be other less direct benefits like the decreased indoor and outdoor air pollution associated with the electrification of fossil end uses in transportation and buildings. The improvement of housing stock through energy efficiency and other energy-related upgrades also results in potential benefits to the health, comfort, and well-being of those living in these homes.

However, determining what environmental and health factors should be considered and prioritized in HB 2021 implementation requires greater community engagement beyond the traditional PUC engagement with stakeholders like us. We encourage the PUC to consider how to engage the community more broadly as it works to answer these crucial questions.

With regards to measuring these benefits and considering them in CEP acknowledgement, we encourage Staff to look at existing work and research on quantifying the benefits associated with clean energy. However, the PUC should not limit its consideration to benefits that can be quantified. Where quantifying a benefit is not possible, we encourage the PUC to require that the utilities still consider these and that the CEPs describe the benefits qualitatively, as well as how they factored in utility decision making. The PUC should look at a robust consideration of health and environmental benefits in selecting utility actions when considering whether a utility has complied with HB 2021 §5(2)(a).

***What other relevant factors should the commission include when evaluating whether a plan is in the public interest?***

In evaluating whether a CEP is in the public interest, the Commission should consider whether it advances procedural and substantive equity. The Commission can signal its expectation on procedural equity by requiring as a condition for acknowledgement, under HB 2021 §5(2)(f), that utilities show robust and meaningful engagement of their advisory groups and other

environmental and energy justice stakeholders in determining the actions to be pursued under the CEP. Additional requirements on that front can include expectations regarding inclusive and accessible planning processes when decisions made in those processes will impact the outcomes of the CEP.

The Commission can signal its expectation on substantive equity by requiring as a condition of acknowledgement, under HB 2021 §5(2)(f), that the examinations about resiliency and CBRE in section 4 result in meaningful community benefits and investments. It can also require utilities to show that their HB 2021 compliance actions are advancing other community benefits and just outcomes.

Respectfully submitted this 4th of May, 2022,

Alessandra de la Torre  
Advocacy and Programs Director  
Rogue Climate

Nikita Daryanani  
Climate and Energy Policy Manager  
Coalition of Communities of Color

Silvia Tanner  
Senior Energy Policy and Legal Analyst  
Multnomah County Office of Sustainability

Oriana Magnera  
Energy, Climate, and Transportation Program Manager  
Verde

Lindsay Beebe  
Sr. Campaign Representative  
Sierra Club