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May 10, 2022

Via Electronic Filing

Public Utility Commission of Oregon

Attn: Filing Center

201 High St. SE, Suite 100

Salem OR 97301

Re: In the Matter of PUBLIC UTILITY COMMISSION OF OREGON,
House Bill 2021 Investigation into Clean Energy Plans.
Docket No. UM 2225

Dear Filing Center:

Please find enclosed the Alliance of Western Energy Consumers' Comments in the above-referenced docket.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

/s/ Jesse O. Gorsuch

Jesse O. Gorsuch

Enclosure

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2225

In the Matter of)	
)	COMMENTS OF THE ALLIANCE OF
PUBLIC UTILITY COMMISSION OF)	WESTERN ENERGY CONSUMERS
OREGON,)	
)	
House Bill 2021 Investigation into Clean Energy)	
<u>Plans.</u>)	

I. INTRODUCTION

The Alliance of Western Energy Consumers (“AWEC”) submits the following comments in the above-referenced docket regarding Oregon Public Utility Commission (“Commission”) Staff’s Planning Framework Straw Proposal (“Proposal”), filed April 4, 2022. Staff’s Proposal set forth two pathways to answer questions “about how the first Clean Energy Plans (“CEP”) fit into the planning landscape among Integrated Resource Plans (“IRP”) and Distribution System Plans (“DSP”).”¹ While AWEC understands that Staff is not proposing the Commission decide that only one pathway should be used for the first CEP, barring a demonstration that it is unduly burdensome for a utility to utilize Path 1, utilities should be required to utilize Path 1 for their first CEPs.

¹ Docket No. UM 2225, Staff’s Scope Announcement, at 11 (April 4, 2022).

II. COMMENTS

Under Path 1, a utility would file a CEP alongside an IRP that is consistent with both House Bill (“HB”) 2021’s Clean Energy Plan requirements and the utility’s least-cost, least-risk resource plan. The IRP would remain the utility’s primary Oregon planning vehicle, with the IRP Action Plan setting forth utility actions to meet Clean Energy Plan requirements. As such, Path 1 results in a single Commission process wherein the CEP is akin to an appendix to the IRP. Regarding timing, Staff states that “[t]he CEP does not need to be filed as a part of the IRP for this to work, however that will increase the ease of review and help stakeholders with limited resources to dedicate to OPUC processes.”² For the first CEP, Staff indicates that it is open to the utility “filing the first CEP later than the IRP (within 180 days) so that the CEP can propose additional/modified actions related to community and resiliency analysis.”³

Under Path 2, a utility’s CEP would be separate from the IRP because “the IRP is not sufficiently consistent with HB 2021 and the Clean Energy Plan requirements.”⁴ Under Path 2, there would be two separate Commission processes - one for the CEP and one for the IRP. Unlike Path 1, under Path 2, the CEP would meet “all of the resource planning needs and becomes the utility’s primary Oregon resource planning vehicle,”⁵ and be subject to IRP Guidelines.⁶ Barring a utility’s demonstration that it would be unduly burdensome to include its

² *Id.* at 13.

³ *Id.* Staff also indicates that it may request to extend the IRP schedule if the CEP materially impacts the action plan. *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 13.

CEP within its IRP, Path 1 should be required for several reasons.

First, Path 1 is preferable because a single Commission process is streamlined and supports judicial and administrative efficiency not only for the Commission, but for stakeholders as well. Staff is correct that filing the CEP as part of the IRP “will increase the ease of review and help stakeholders with limited resources to dedicate to [Commission] processes.”⁷ Two separate Commission processes for the CEP and IRP does not resolve – and may in fact heighten – issues of stakeholder accessibility.

While there may be stakeholders who are solely interested in the CEP process, and not the IRP process, as Staff’s straw proposals demonstrate, they are inextricably linked. Rather than creating two processes – which is more administratively burdensome for the stakeholders that are interested in both the IRP and CEP – there are likely other ways to ensure that the IRP process remains efficient for stakeholders only interested in a utility’s CEP. For example, the utility could commit or be required to hold specific sessions during the IRP stakeholder process that are designated for CEP issues and stakeholder engagement. These sessions would be clearly established from the outset of the IRP process so that stakeholders with limited interests and resources could plan accordingly. To the extent there are stakeholder concerns about the CEP process being utility-led, it may be appropriate to include stakeholder-led workshops focused on CEP issues within the IRP process. Similar to AWEC’s suggestion above, these sessions would be clearly established from the outset of the IRP process and allow

⁷ *Id.* at 11.

for transparency between the utility and its customers.

Second, at least on a going-forward basis, it is unclear why a utility would produce an IRP that does not meet the requirements of HB 2021. Staff questions whether this could result from “timing constraints or the complexities of multi-state analysis and planning.”⁸ Regarding timing constraints, these would be limited in nature and for the reasons stated above, should not be considered a basis for two separate processes barring a utility’s demonstration that a combined IRP and first CEP is unduly burdensome. Regarding multi-state analysis and planning, a multi-state utility must comply with HB 2021 regardless of whether it does so in an IRP or a separate CEP. The analysis and standards for compliance are the same regardless of forum. As such, it is unclear what practical issues may be addressed through Path 2 – PacifiCorp will still need to address HB 2021 comprehensively from a planning and resource perspective, regardless of its multi-state nature. Moreover, individual state policies are specifically contemplated as part of its Multi-State Process⁹ and already considered as part of its IRP.¹⁰

Finally, with potentially three separate processes – the IRP, CEP and DSP – AWEC is concerned that there could be the potential for conflicting or differing analysis and assumptions depending on the issue, which could have cascading effects for other Commission

⁸ *Id.*

⁹ *See, e.g.,* UM 1050 – PAC/100, Lockey/7 (stating that PacifiCorp’s guiding principles established that a new cost-allocation protocol should enable compliance with state policies.); PAC/100, Lockey/25 (“The 2020 Protocol recognizes the need for a new long-term resource planning process for the post-Interim Period that will need to address how to continue least-cost, least-risk planning for the entirety of PacifiCorp’s integrated system, while also identifying individual state load and resource balances and accommodating individual state policies.”).

¹⁰ *See* PacifiCorp’s 2021 IRP – Chapter 8: Modeling and Portfolio Evaluation Approach.

processes. Given the unknowns and potential consequences of Path 2, AWEC supports Staff's preferred Path 1 for the first CEPs.

III. CONCLUSION

AWEC appreciates the opportunity to provide comments on Staff's Proposal and looks forward to working with the Commission and stakeholders to this docket.

Dated this 10th day of May, 2022.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Corinne O. Milinovich

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