



April 11, 2023

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

**RE: Docket UM 2273: Comments of Center for Resource Solutions in Response to Scoping Questions for Investigation into HB2021 Implementation Issues**

Dear Commissioners,

CRS appreciates this opportunity to submit written comments on the scoping questions included in Chief Administrative Law Judge (ALJ) Nolan Moser's memorandum issued on March 16, 2023.

*1. What open questions or issues need to be addressed or resolved by the Commission?*

Consistent with Staff's recommendation<sup>1</sup> and for the reasons that we provided in our January 11, 2022 comments<sup>2</sup> under docket UM 2225 (as well as our September 30, 2022 and June 10, 2022 written comments under that docket<sup>3</sup>), we support including the following question among those that need to be addressed by the Commission under this docket: "How should renewable energy certificates (RECs) associated with generation attributed to the utility under HB 2021 be treated under the law?" A clear determination is needed regarding whether HB 2021 creates targets and compliance for greenhouse gas (GHG) emissions associated with electricity delivered to retail consumers in Oregon, and whether retirement of the RECs associated with generation from renewable resources used for compliance with HB 2021 on behalf of Oregon retail consumers is required to prevent double counting.

*2. What should be the sequence of issues to be addressed?*

We recommend that the issue of whether REC retirement is required for HB 2021 compliance be among the first addressed. As we have stated previously, actual or perceived double counting could have a number of profound effects before 2030, including legal challenges to power contracts and REC

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<sup>1</sup> See the February 9, 2023 Staff Report for the February 21, 2023 Public Meeting, pg. 4. Available at: <https://edocs.puc.state.or.us/efdocs/HAU/um2273hau91036.pdf>.

<sup>2</sup> Available at: <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac16462.pdf>.

<sup>3</sup> Available at <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac144239.pdf> and <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac93431.pdf>, respectively.

purchases; eligibility and market limitations for Oregon RECs in other states, voluntary programs, and/or for federal purchasing; and integrity issues for Oregon's other programs, including the Renewable Portfolio Standard (RPS) program and Clean Fuels Program (CFP).<sup>4</sup>

*3. What process or processes should be used to address issues?*

To address the issue of whether REC retirement is required for HB 2021 compliance, the Commission should have access to and consider relevant technical, accounting, and retail claims expertise, and expertise related to interactions between different clean energy and greenhouse gas emissions programs and markets more generally. Therefore, we recommend that the process used to address this issue be as open as possible. To the extent possible, interested persons, such as CRS, should be allowed to provide expertise, offer perspectives, and issue comment on this issue without formal intervention or representation by an attorney.

Please let me know if we can provide any further information or answer any other questions.

Sincerely,

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Todd Jones

Director, Policy

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<sup>4</sup> These potential impacts are described in more detail in our January 11, 2023 and September 30, 2022 comments submitted under docket UM 2225. Available at <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac16462.pdf> and <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac144239.pdf>, respectively.