

April 21, 2023

Via Electronic Filing

Oregon Public Utility Commission
Attention: Filing Center
201 High Street, Suite 100
Post Office Box 1088
Salem, OR 97308-1088

Re: UM 2273 – HB 2021 Implementation Final Scoping Comments

Dear Staff, Stakeholders and Commissioners:

NewSun Energy LLC (NewSun) provides the following final scoping comments in response to other comments filed April 11, 2023 and the Commission workshop on April 18, 2023. NewSun looks forward to further engagement in this docket and on these important issues. NewSun reiterates its comments submitted on April 11.

In terms of process, NewSun has concerns with the declaratory ruling process given that the many questions asked in this docket concern broadly applicable policy issues rather than “the applicability to any person, property, or state of facts of any rule or statute.”¹ Further, a declaratory ruling is binding as only between the Commission and petitioner on the state of facts alleged. NewSun is concerned that this limitation would mean that a declaratory ruling petition brought by any group other than the utilities would not be binding on the utilities, and that any petition brought by a utility may be limited to only a specific factual scenario rather than a resolution of a broader policy or implementation question.

On the specific issues to address and sequencing, NewSun is encouraged by the discussion at the recent Commission workshop that this docket will address the important issues raised by stakeholders and in order of importance. Please refer to NewSun’s April 11, 2023 comments for its full recommended issue list and sequencing. NewSun also supports the comments of the Energy Advocates, CRS, 3Degrees, and the Citizens Utility Board.

Notably, many stakeholders recommend resolution of questions surrounding renewable energy certificates (RECs) and emissions tracking, reporting, and transparency. NewSun believes that these questions can be resolved expeditiously in the near term with simple directions from the Commission to report all RECs and emissions from power purchase agreements or ratepayer-funded assets in whole or in part.

Further, many stakeholders recommend resolution in the near-term of issues related to the section 2 policy statements, the public interest, and economic and technical feasibility—issues that require clarity before acknowledgement decisions in the first clean energy plans (CEPs).

¹ ORS 756.450.

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NewSun recommends that these two issue buckets be the first to be resolved concurrently and believes that each can occur over a schedule of a couple to a few months, taking into account stakeholders' competing commitments to review and comment on utility Integrated Resource Plans, and CEPs. NewSun appreciates your thoughtful consideration and looks forward to continued engagement in this important docket.

Sincerely,

A handwritten signature in black ink that reads "Marie Barlow". The signature is written in a cursive, flowing style.

Marie P. Barlow
In-House Counsel
Policy & Regulatory Affairs
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