



Direct Access Rulemaking Including HB 2021 Requirements

AR 651

**Madison Bolton
April 4, 2023**

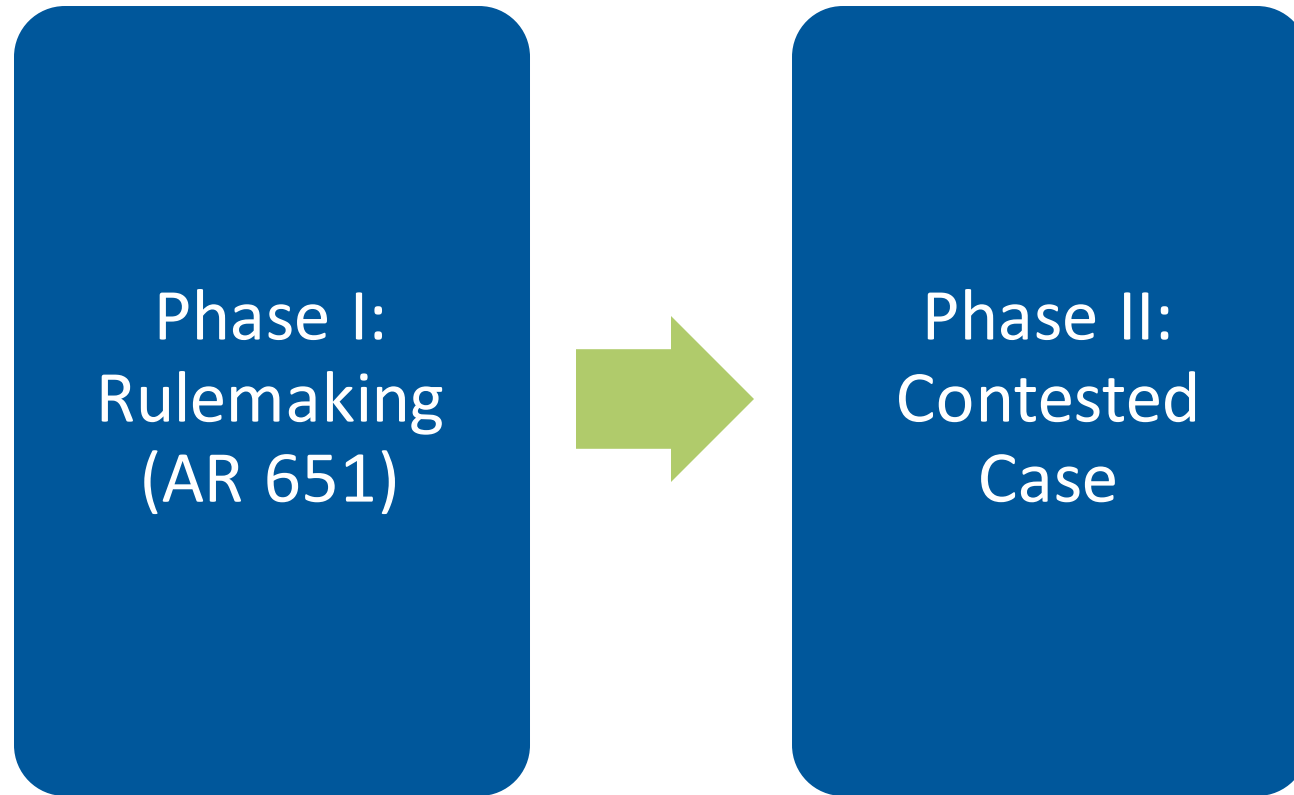
AR 651

OAR Chapter 860, Division 038

Goals for rule development:

- Implement requirements of HB 2021:
 - Non-bypassable charges
 - ESS emission reporting
 - Labeling/disclosure requirements
- Evaluate potential updates to Oregon's Direct Access program.
 - i.e. Provider of Last Resort duties and preferential curtailment.
- Guide contested case arguments in UM 2024

UM 2024: Re-scoped to a Phased Approach



AR 651 Process

- Oct. 2021
 - Open AR 651, informal rulemaking
 - Iterative rule development process including multiple workshops and stakeholder comments
- Oct. 2022
 - Request for formal rulemaking
 - Additional workshops/comments on POLR and preferential Curtailment Issues
- Feb. 2023
 - Notice of Proposed Rulemaking filed with Secretary of State
- Apr. 25, 2023
 - Final date for comment
- May, 2023
 - Final public meeting determination
- Spring, 2023
 - Contested Case pre-hearing/kick-off

HB 2021 Requirements in AR 651

- **Non-bypassable Charges:** Establish criteria to determine what charges cannot be avoided by taking direct access service.
- **ESS Emissions Reporting:** Outline the contents of ESS emission reports beginning in 2027.
- **Labeling Requirements:** Implement requirements for public disclosure of energy mix and emissions summaries.

Provider of Last Resort Issues

- Staff and stakeholders continued to workshop preferential curtailment rules as a risk mitigation and reliability tool after formal rulemaking recommendation.
- The curtailment framework no longer requires a backstop capacity charge for non-curtailable customers. Instead, a cap on non-curtailable load addresses risks posed to cost-of-service.
- y
on standard offer service.

Next Steps

AR 651

- Final day for comment: April 25, 2023
- Public meeting for final determination: Expected in May (date and time TBD).

UM 2024 (Contested Case)

- Scheduling and scoping to take place as AR 651 activities conclude.
- Topics Staff expects to address in UM 2024:
 - Level of caps on direct access program
 - Criteria to be preferentially curtailable
 - Method for estimating and collecting costs of curtailment infrastructure
 - List of non-bypassable charges by direct access
 - ESS emission report template, compliance, evaluation

QUESTIONS?

