

ITEM NO. RM_1_

**PUBLIC UTILITY COMMISSION OF OREGON
AHD REPORT**

PUBLIC MEETING DATE: September 6, 2022

REGULAR **CONSENT** **RULEMAKING** X **EFFECTIVE DATE** N/A

DATE: August 20, 2022

TO: Public Utility Commission

FROM: Nolan Moser

SIGNED

THROUGH: Diane Davis

SUBJECT: OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE
HEARINGS DIVISION: (Docket No. AR 654) Permanent Rulemaking
Regarding Revisions to Division 87 Rules Governing Transportation
Electrification Planning

AHD RECOMMENDATION:

Adopt the proposed permanent rule changes in the attached draft order.

DISCUSSION:

This rulemaking adopts changes to Division 87 of the Oregon Administrative Rules addressing the transportation electrification (TE) planning process to be consistent with Executive Order 20-04 and HB 2165. The rulemaking: 1) reestablishes the scope of Division 87 rules to be consistent with HB 2165 language; 2) redefines terms or adds terms; 3) revises the objective of a utility's TE Plan; 4) revises the process for the Commission's public review and acceptance of a utility's TE Plan; 5) changes the components of the TE Investment Framework; 6) adds infrastructure measure applications to the TE Plan; 7) clarifies that program and infrastructure measure applications are filed as TE Plan appendices; 8) requires all program and infrastructure measure requirements to be filed with a utility's TE Plan; and 9) establishes annual reporting requirements for a utility's TE Plan and its performance.

The following participants filed comments in the formal rulemaking: Portland General Electric Company (PGE), and the Joint Utility Advocates including PGE, PacifiCorp, dba Pacific Power, the Oregon Citizens' Utility Board, the Oregon Environmental Council,

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VERDE, the NW Energy Coalition, the Green Energy Institute of Lewis & Clark Law School, and Climate Solutions.

PROPOSED COMMISSION MOTION:

Adopt permanent Division 087 rule changes as set forth in Appendix A of the attached draft order.

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 654

In the Matter of

Revisions to Division 087 Administrative
Rules.

ORDER

DISPOSITION: RULE REVISIONS ADOPTED

I. INTRODUCTION

In this order, we adopt permanent changes to Division 87 of the Oregon Administrative Rules (OAR) addressing the transportation electrification (TE) planning process to be consistent with Executive Order 20-04 and 2021 House Bill (HB) 2165.

Pursuant to ORS 756.060, we “may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the [C]ommission***.”

ORS 757.257 gives the Commission the authority to direct electric utility investment and reporting on TE. HB 2165 requires us to direct each electric company to file programs that support TE. We adopted OAR Chapter 860, Division 87 to implement ORS 757.357, and prescribe “the application and reporting requirements for programs to accelerate transportation electrification filed by an electric company.” The Legislature passed HB 2165 in 2021, which amended ORS 757.357. HB 2165 provides a list of factors for our consideration of proposed TE programs and infrastructure measures, as well as the details of a monthly meter charge that electric utilities are required to collect from retail electric customers that must be spent to support and integrate TE.

Executive Order 20-04, issued by Governor Brown on March 18, 2020, establishes new greenhouse gas (GHG) emissions goals for the State of Oregon and directs state agencies to identify and prioritize actions to meet these goals. Section 5.4(8) of Executive Order 20-04 directs us to “[e]ncourage electric companies to support transportation electrification infrastructure that: supports GHG reductions, helps achieve the transportation electrification goals set forth in Senate Bill 1044 (2019), and is reasonably expected to result in long-term benefit to customers.”

On January 28, 2021, we directed Staff to open an investigation to develop an updated TE investment framework.¹ In response, Staff undertook an effort to update the Commission’s approach to TE in Docket UM 2165, reflecting direction from Executive Order 20-04 and House Bill 2165. This effort included a robust public workshop and stakeholder engagement process that concluded with Staff’s presentation, on December 14, 2021, of a proposed TE investment framework.²

On December 7, 2021, we adopted Staff’s recommendation to explore a TE Investment Framework in Oregon and support utility investment in TE. We also convened the informal portion of this rulemaking to revise OAR Division 87.³

On April 25, 2022, and April 29, 2022, Staff published a Staff Report and Updated Staff Report respectively, ahead of the May 5, 2022 Public Meeting. At that meeting, we adopted Staff’s recommendation and opened a formal rulemaking to adopt permanent rules addressing a TE planning process consistent with HB 2165.⁴ We filed a Notice of Proposed Rulemaking Hearing with Statement of Need and Fiscal Impact for this rulemaking with the Secretary of State on May 7, 2022, and on May 31, 2022, we provided notice to all interested persons on the service lists established under OAR 860-001-0030(1)(b) and to certain legislators as required by ORS 182.335. Notice of the rulemaking was published in the June 2022 *Oregon Bulletin*, establishing a hearing on June 22, 2022, and a deadline for written comments on June 27, 2022.

The Updated Staff Report set forth a complete set of draft rules. These draft rules included revisions to existing Division 87 language, as well as the introduction of a new planning process to achieve the development of a holistic TE planning process incorporating the requirements of HB 2165 and Staff’s TE investment framework. This framework includes three primary elements working in tandem. These are: 1) an infrastructure budget “guardrail” using the methodology of the Transportation Electrification Infrastructure Needs Analysis (TEINA);⁵ 2) portfolio performance area categories; and 3) benefit/cost analysis.

¹ *In the Matter of Portland General Electric Company Advice No. 20-17 (ADV 1149), Schedule 300 Transportation Electrification (TE) Line Extension Allowance*, Docket No. UE 386, Order No. 21-026 (Jan. 28, 2021).

² *See In the Matter of Public Utility Commission of Oregon, Investigation of Transportation Electrification Investment Framework*, Docket No. UM 2165, Staff Memo, December 14, 2021.

³ *In the Matter of Public Utility Commission of Oregon, Investigation of Transportation Electrification Investment Framework*, Docket No. UM 2165, Order No. 21-484 (Dec 27, 2021).

⁴ *In the Matter of Revisions to Division 087 Administrative Rules*, Docket No. AR 654, Order No. 22-158 (May 10, 2022).

⁵ *See Transportation Electrification Infrastructure Needs Analysis* report, Oregon Department of Transportation, June 28, 2021. <http://www.oregon.gov/odot/Programs/Pages/TEINA.aspx>.

Staff also outlined a holistic TE planning process encompassing all proposed TE investments as a portfolio, and an associated expense and revenue budget that reflects all funding sources.

On June 13, 2022, additional procedural dates were added by an administrative law judge ruling, including the publication, on August 3, 2022, of a Staff guidance document,⁶ which provides detail for the implementation of these rules, and specifies the Commission-approved tool for infrastructure planning and performance metrics. Procedural activities continued with a hearing on August 9, 2022, with the deadline for written comments extended until August 12, 2022.

The hearings were held as scheduled, and the following participants filed comments in the formal rulemaking: Portland General Electric Company (PGE), and the Joint Utility Advocates including PGE, PacifiCorp dba Pacific Power, the Oregon Citizens' Utility Board, the Oregon Environmental Council, VERDE, the NW Energy Coalition (NWEC), the Green Energy Institute of Lewis & Clark Law School, and Climate Solutions.

II. DISCUSSION

Below, we address each of Staff's draft rules.

A. OAR 860-087-0001—Scope and Applicability of Rules

The rule establishes the scope of Division 87. Proposed revisions change the applicability to activities that support TE, consistent with the language in HB 2165, rather than programs to accelerate TE.

We agree that the language of this rule should be revised for consistency with the language in HB 2165 and we adopt Staff's revisions.

B. OAR 860-087-0010: Definitions

This rule defines terms used in Division 87. Staff proposes revisions to the existing definitions, and adds new definitions, for consistency with HB 2165 or to address guidance from stakeholders. Staff revises the definition of "Transportation Electrification Program" for consistency with the definition in Oregon Laws 2021, chapter 95 section 4. Staff adds definitions for the following terms: Infrastructure, Monthly Meter Charge, Underserved communities; Transportation Electrification Budget; Public infrastructure; Private charging infrastructure; and Transportation

⁶ *In the Matter of Public Utility Commission of Oregon, Investigation of Transportation Electrification Investment Framework*, Docket No. UM 2165, Order 22-314, adopting Staff Guidance Document, (Aug. 26, 2022),

Electrification Plan. The changes were responsive to stakeholders' comments and are not controversial.

On June 15, 2022, PGE submitted comments suggesting a number of changes to the rules. All these suggestions are supported by Staff, and no stakeholder has opposed these proposed changes. PGE proposes to modify OAR 860-087-0010(6), the definition for TE Budget, to read "and sources of projected revenue that support transportation electrification" to correct phrasing referencing revenue that *supports* TE as opposed to revenue *from* TE.

We agree that the definitions should be revised for consistency with the language in HB 2165 and that definitions should be added to address new terms used in the revised rules. We support PGE's proposed change to the TE Budget definition. We adopt Staff's revisions.

C. OAR 860-087-0020: Transportation Electrification Plan

As Staff proposes the most comprehensive changes to this rule, we address them individually.

(1) TE Plan Objective

To reflect the holistic nature in the of the TE planning process, Staff changed the objective of the TE Plan to include: 1) approved infrastructure measures, planning, and the expenditure of Monthly Meter Charge; 2) language about analysis of the TE Plan as a portfolio; and 3) clarification about the link between the TE Plan and the TE Budget.

(2) Process for Commission Acceptance

Staff proposes changes to the Commission's process for reviewing and accepting a utility's TE Plan that specify: 1) a TE Plan must be filed every three (instead of two) years; 2) the nature of a material change was delineated; 3) the Commission may accept a TE Plan subject to conditions; and 4) the Commission's acceptance of a TE Plan (with or without conditions) constitutes approval of the utility's program applications, infrastructure measure applications, and TE Budget as filed with the utility's TE Plan. The changes were made to make the TE Plan the umbrella under which TE program applications, infrastructure measure applications, the Monthly Meter Charge budget, and the TE Budget are holistically addressed. Direction from HB 2165 that funds collected under the Monthly Meter Charge must be consistent with the Commission's approved use

of those funds was also addressed by linking the acknowledgement of the TE Plan to approval of the TE Budget containing the Monthly Meter Charge budget.

(3) *Required Components*

Staff proposes the addition of the three elements of the TE Investment Framework: 1) an infrastructure spending “guardrail” that incorporates TEINA as an approved tool in a way that allows for the future flexibility and evolution of estimation of TE infrastructure as necessary to meet the state’s electric vehicle (EV) goals; 2) portfolio performance area categories; and 3) benefit/cost analysis.

(4) *TE Program and Infrastructure Measure Applications*

To clarify that program and infrastructure measure applications are filed as TE Plan appendices, Staff proposes to move the language of the existing rule, OAR 860-087-0030, to this rule. The addition of infrastructure measure applications reflects direction from HB 2165.

(5) *PGE Comments*

In its June 15, 2022 comments PGE notes that subsection (1)(a) of this proposed rule (OAR 860-087-0020) indicates an objective of the TE Plan is integration of utility TE actions into one document, “...including approved applications for program(s) and infrastructure measure (s), planning and expenditure of the Monthly Meter Charge, and other transportation electrification actions such as Clean Fuels programs.” PGE observes program or measure approval, disapproval or modification will take place through Commission Order not in the plan itself. Therefore, PGE recommends striking the word “approved” in this subsection.

PGE proposes a series of other changes associated with section (4) of this rule, which states that “The electric company shall file a tariff for each program and infrastructure measure application in compliance with the acceptance order.” PGE notes that not every program or measure will require a tariff. PGE recommended that the words “if necessary” be added after the word “application” in this phrase.

Paragraph (4)(a)(D) requires “A discussion of how the application meets the performance areas described in Section (3)(c)(A)-(G) in this rule.” PGE recommended that this be amended to read: “A discussion of how the application contributes to relevant performance areas described in Section (3)” PGE explains that this change reflects

that not all programs or infrastructure measures will contribute to every performance area.

Paragraph (4)(a)(I) states that program and infrastructure measure applications must indicate “Whether transportation electrification adoption attributed to the program/infrastructure measure will likely necessitate distribution system upgrades.” PGE argues this language could be read to require specific attribution of EV adoption to certain programs or measures. PGE recommended changing this provision to read “Whether implementation of the program/infrastructure measure is expected to necessitate distribution system upgrades.”

We agree with Staff’s proposed revisions to the content and process for the public review and our acceptance of a utility’s Transportation Electrification, finding them consistent with a holistic TE planning process and direction from HB 2165. We find PGE’s proposals reasonable clarifications, and they are supported by Staff. We adopt both PGE and Staff’s revisions.

D. OAR 860-087-0030—Transportation Electrification Program Application Requirements

Staff simplified the TE planning process by requiring each utility to submit all program and infrastructure measure requirements with its TE plan. Accordingly, Staff eliminated this rule as a stand-alone rule, moving it to section 2 of OAR 860-087-0020, as discussed above. At the August 9, 2022 rulemaking hearing, NWECA proposed to change the language in section 0030(1)(a)(D) from “the discussion may include” to “the discussion shall include”, in reference to how the utility reports on how the TE Plan met performance metrics. In its June 15 Comments, PGE noted that this section of the rules begins with the phrase “An electric company must file an application with the Commission for each program to accelerate transportation electrification.” PGE states that this language appears to be the result of an editing error remaining from the prior version of the rules, because this phrasing has otherwise been removed.

We agree with moving this rule’s requirements for the purpose of streamlining the TE planning process. We adopt Staff’s revision, NWECA’s suggested change, and PGE’s suggestion to remove language.

E. OAR 860-087-0040—Transportation Electrification Program Reporting Requirements

This rule establishes annual reporting requirements for a utility’s TE Plan and its performance, and is revised to reflect the holistic planning process, as well as direction from HB 2165 to prescribe a schedule and manner for a utility to report Monthly Meter Charge revenues and expenditures.

In its June 15, 2022 comments PGE noted that subsections (1)(a), (b), (e) and (f) of this proposed rule (OAR 860-087-0030) indicates that TE Plan Reports will be filed every three calendar years. PGE suggests changing this language instead to clearly focus the period of the TE Plan Report to be the period of the applicable TE Plan.

On July 22, 2022, the Joint Utility Advocates filed a document reviewing broad agreement with PGE and PacifiCorp regarding performance metrics for the implementation of plans on these rules. This document does not recommend any changes to the proposed rules and is reflective of broad stakeholder agreement on the performance metrics to be utilized in the review of plan implementation. We support the collaborative effort of stakeholders to come to agreement on appropriate metrics.

We agree with Staff’s changes to require a utility to annually report on its TE Plan and its performance, in accordance with the holistic planning process and direction from HB 2165, and PGE’s suggested changes. We adopt Staff and PGE revisions.

III. ORDER

IT IS ORDERED that:

1. The proposed rule amendments are adopted as set forth in Appendix A to this order.

2. The rule changes become effective upon filing with the Secretary of State.

Made, entered, and effective _____.

Megan W. Decker
Chair

Letha Tawney
Commissioner

Mark R. Thompson
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

ENTERED

AMEND: 860-087-0001

RULE TITLE: Scope and Applicability of Rules

RULE SUMMARY: This rule establishes the scope of Division 87.

RULE TEXT:

(1) The rules in this division prescribe the application and reporting requirements for electric company activities that support transportation electrification (TE) as required by ORS 757.7357.

(2) Upon request or its own motion, the Commission may waive any of the rules in this division for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060, OL 2016 ch. 028
sect. 20 & 29 (SB 1547)

STATUTES/OTHER IMPLEMENTED: OL 2016 ch. 083, sect. 20 & 29 (SB 1547)

AMEND: 860-087-0010

RULE TITLE: Definitions

RULE SUMMARY: This rule defines terms used in Division 87.

RULE TEXT:

For the purpose of this division:

- (1) "Electric company" means an electric company as defined in ORS 757.600.
- (2) "Transportation Electrification Program" means a program proposed as defined in Oregon Laws 2021, chapter 95 Section 4.
- (3) "Infrastructure measures" means infrastructure measures as defined in Oregon Laws 2021, chapter 95 Section 4.
- (4) "Monthly Meter Charge" means the funds collected by an electric company to support and integrate transportation electrification under Oregon Laws 2021, chapter 95 Section 2.
- (5) "Underserved communities" means underserved communities as defined in Oregon Laws 2021, chapter 95 Section 2.
- (6) "Transportation Electrification Budget" means all the planned expenditures on and sources of projected revenue that support transportation electrification in the first three years of the TE Plan.
- (7) "Public charging infrastructure" means charging infrastructure intended for public use.
- (8) "Private charging infrastructure" means charging infrastructure not intended for public use.
- (9) "Transportation Electrification Plan" means the description and analysis of all activities an electric company takes to support transportation electrification and the funding of the TE Budget.

STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060, OL 2016 ch. 028 sect. 20 (SB 1547)

STATUTES/OTHER IMPLEMENTED: OL 2016 ch. 028 sect. 20 (SB 1547)

AMEND: 860-087-0020

RULE TITLE: Transportation Electrification Plan

RULE SUMMARY: This rule prescribes the content and process of public review for the Transportation Electrification Plan.

RULE TEXT:

(1) This rule prescribes the required elements of an electric company's Transportation Electrification Plan (TE Plan). The objective of the TE Plan is to:

(a) Integrate the electric company's transportation electrification actions into one document. The Plan shall include, but is not limited to, the electric company's portfolio of near-term and long-term transportation electrification actions, including applications for program(s), and infrastructure measure(s), planning and expenditure of the Monthly Meter Charge, and other transportation electrification actions such as Clean Fuels programs.

(b) Act as a summary of the electric company's investments and activities, which may include investments and infrastructure for electric vehicles of various sizes, rate design, programs, and services, reasonably expected to achieve the objectives of Oregon Laws 2021, chapter 95. The TE Plan shall seek to address areas most affected by market barriers in the electric company's service territory, prioritize load management, and to provide benefits for underserved communities.

(2) An electric company must file for Commission acceptance of a TE Plan.

(a) As used in this rule, "acceptance" means the Commission finds that the TE Plan meets the criteria and requirements of this rule and does not constitute a determination on the prudence of the individual actions discussed in the TE Plan. The Commission may accept the TE Plan subject to conditions. Acceptance, or acceptance subject to conditions, shall constitute approval of the electric company's program applications and TE Budget as filed in the TE Plan and its appendices. Non-acceptance means that the TE Plan does not meet the criteria or requirements of this rule.

(b) An electric company must present a draft TE Plan to Commission staff and stakeholders for review and comment on or before May 1, every three years starting in the year 2025, or as otherwise directed by the Commission. The TE Plan shall include the three calendar years after the year the TE Plan is presented.

(c) The electric companies will work with Commission staff to propose a schedule to parties for draft TE Plan review, comment, and workshops.

(d) After public review of the draft TE Plan, the electric company must file a final TE Plan with the Commission, noting how the electric company responded to parties' comments.

(e) Commission staff will present its recommendation on the electric company's TE plan at a public meeting. The Commission shall also consider party and electric company comments and recommendations on a TE Plan at the public meeting before issuing an order of acceptance. The Commission may provide direction to an electric company regarding any additional analyses or actions that the electric company should undertake in its next TE Plan.

(f) An electric company may propose TE Plan updates at any time between scheduled TE Plan filings. An electric company is required to file a TE Plan update for material changes to its TE Plan. Material changes are new TE program or infrastructure measure applications, or program or infrastructure measure changes that require new incremental ratepayer dollars. Commission staff will work with parties to propose a schedule for public review of TE Plan updates.

(3) The TE Plan must include:

(a) The current condition of the transportation electrification market in the electric company's Oregon service territory, including, but not limited to:

(A) A discussion of new state policies and programs since the last TE Plan filing;

(B) Market barriers that the electric company can address and other barriers that are beyond the electric company's control, including any identified emerging challenges to transportation electrification, charging, and vehicle technology updates;

(C) Existing data reasonably accessible to the electric company on the availability, reliability, and usage patterns of charging stations;

(D) Number of electric vehicles of various sizes in the utility service territory and projected number of vehicles in the next ten years;

(E) Other transportation electrification infrastructure, if applicable; and

(F) A forecast of public and private charging infrastructure needed in the company's service territory to support transportation electrification. The forecast should utilize a Commission-approved tool to estimate needed public charging infrastructure over the next ten years and include type, location and timing of needed infrastructure.

(b) A summary of the electric company's transportation electrification portfolio of program(s) and future transportation electrification concepts and actions in its Oregon service territory for the next three years. The summary should include the company's long-term vision for its TE portfolio and strategy to support transportation electrification in its service territory. The TE Plan must incorporate project learnings and any other relevant information gathered from other transportation electrification infrastructure investments, programs, and actions to ensure that lessons learned are carried forward to the next TE Plan;

(c) A discussion of how programs and infrastructure measures in the TE Plan holistically advance performance area categories that include, but are not limited to:

(A) Environmental benefits including greenhouse gas emissions impacts;

(B) Electric vehicle adoption;

(C) Underserved community inclusion and engagement;

(D) Equity of program offerings to meet underserved communities;

(E) Distribution system impacts and grid integration benefits;

(F) Program participation and adoption;

(G) Infrastructure performance including charging adequacy which considers, but is not limited to reliability, affordability, and accessibility;

(d) Supporting data and analysis used to develop the TE Plan, which may be derived from elements such as review of costs and benefits, rate design, energy use and consumption, overlap with other electric company programs, and customer and electric vehicle user engagement;

(e) A discussion of the electric company's potential impact on the competitive electric vehicle supply equipment market, including consideration of alternative infrastructure

ownership and business models, and identification of a sustainable role for the electric company in the transportation electrification market;

(f) Analysis of the estimated ratepayer impact of the TE Plan over the next three calendar years; and

(g) The electric company's TE Budget. The TE Budget must include: (A) Annual budgets for the TE Plan for the three calendar years after the year the TE Plan is presented to Commission Staff and stakeholders. The annual budgets should include a discussion of the context of anticipated long-term expenditures for the next ten years, including but not limited to benefit-cost analysis "cost tests;"

(A) A forecast of all expenditures to support transportation electrification grouped by program and/or infrastructure measure, and further divided into:

(i) Capital expenditures; and

(ii) Expenses, separating administrative costs, O&M on investments, incentives paid to program participants, and any other unique category as relevant;

(B) A forecast of all funding sources to be utilized, including but not limited to, the Monthly Meter Charge, grants, Clean Fuels Program credits, base rates, and deferrals based on a reasonable estimate, including a discussion of how actual revenue might vary from the estimate;

(C) A forecast of all spending on underserved communities, grouped by program and/or infrastructure measure and further divided into:

(i) Expenditures of funds collected through the Monthly Meter Charge as required by Oregon Laws 2021, chapter 95 Section 2;

(ii) Spending from revenues other than the Monthly Meter Charge, including but not limited to grants, Clean Fuels Program credits, base rates, and deferrals;

(D) The Commission's acceptance of the electric company's TE Plan will constitute approval of the TE Budget, which includes the Monthly Meter Charge budget as required by Oregon Laws 2021, chapter 95 Section 2.

(4) An electric company shall file new program and infrastructure measure applications, if any, as appendices to its TE Plan. The applications shall cover all new programs and

infrastructure measures planned by the electric company for the TE Plan cycle. Commission acceptance of the TE Plan shall constitute approval of each program and infrastructure measure application included in the TE Plan. The electric company shall file a tariff for each program and infrastructure measure application, if necessary, in compliance with the acceptance order. Applications for a program or infrastructure measure must include:

(a) A description of the program/infrastructure measure that includes, but is not limited to, a description of:

(A) Program/infrastructure measure elements, objectives, timelines, and expected outcomes;

(B) Market baseline assumptions;

(C) Major performance milestones;

(D) Where applicable, a description of program/infrastructure measure phases;

(E) Expected utilization, participation eligibility, and incentive structures;

(F) Identification of market barriers, implementation barriers, and program strategies to overcome the identified barriers;

(G) A discussion of how the application contributes to relevant performance areas described in Section (3)(c)(A)-(E) in this rule;

(H) A description of the electric company's role and, if applicable, a discussion of how the electric company proposes to own or support charging infrastructure, billing services, metering, or customer information;

(I) Whether implementation of the program/infrastructure measure is expected to necessitate distribution system upgrades;

(J) Where applicable, a discussion of ownership structure;

(K) Where applicable, a discussion addressing technical requirements that will be imposed on participating technology or customers, interoperability of invested equipment, and any national standards for measurement and communication; and

- (L) Any other information requested by the Commission;
- (b) Data used to support the descriptions provided in Section (4)(a)(A-H) of this rule;
- (c) A description of program/infrastructure measure coordination that includes a description of:
 - (A) Stakeholder involvement in program/infrastructure measure development;
 - (B) Efforts to coordinate with related state programs;
 - (C) Coordination, if any, of delivery with other market actors and activities, and how the market and other market actors can leverage the underlying program/infrastructure measure or projects within the program/infrastructure measure;
 - (d) A description of how the proposed program/infrastructure measure fits within the electric company's long-term strategy to support TE;
 - (e) A description of program/infrastructure measure costs; that includes, but is not limited to:
 - (A) Estimated total program costs, including incentives, program delivery, evaluation, marketing, and administration costs; and
 - (B) Estimated participant costs;
 - (f) A description of learning objectives and how the electric company will evaluate the effectiveness of the program/infrastructure measure, including data collection methods;
 - (g) For infrastructure measures, a description of how the measure addresses the requirements of Oregon Laws 2021, chapter 95 Section 4(b); and
 - (h) For programs, a description of how the program addresses the considerations in Oregon Laws 2016, chapter 028, section 20(4)(a)-(f);
 - (i) A description of technical requirements that will be imposed on participating technology or customers.
- (5) The Commission may direct an electric company to incorporate the TE Plan into other electric company planning documents.

STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060, ORS 757.357
STATUTES/OTHER IMPLEMENTED: ORS 757.357

AMEND: 860-087-0030

RULE TITLE: Transportation Electrification Plan Report

RULE SUMMARY: This rule establishes the reporting requirements for the Transportation Electrification Plan.

RULE TEXT:

An electric company must file an application with the Commission for each program to accelerate transportation electrification.

(1) Electric companies must file a TE Plan Report (Report) on or before May 1 of each year. The Commission reserves discretion to take any action on the Report, but Commission action is not required. The Report must include:

(a) All spending in the three-year period of the applicable TE Plan in the format of the approved TE Budget;

(b) All sources of funding for the TE Plan in the three-year period of the applicable TE Plan;

(c) An evaluation of each program or infrastructure measure in the company's portfolio of existing programs, conducted in accordance with third-party evaluation timelines as necessary;

(d) A discussion of how the TE Plan met the performance area categories described in OAR 860-087-0020(3)(c)(A)-(H) and key lessons learned. This discussion shall include, as appropriate, performance metrics consistent with performance areas that are developed with stakeholder and electric company input;

(e) A benefit-cost analysis of the TE Plan over the three-year period of the applicable TE Plan in the form of "cost tests";

(f) Analysis of the estimated ratepayer impact of the TE Plan over the three-year period of the applicable TE Plan; and

(g) Analysis of how TE Plan has impacted innovation, competition and customer choice in Oregon.

(2) The Commission may request additional TE Plan updates at any time to assess whether to continue, discontinue, or modify approved programs and infrastructure measures.

STATUTORY/OTHER AUTHORITY: ORS 756.040, ORS 756.060, OL 2016, ch. 028, sect. 20 & 29 (SB 1547)

STATUTES/OTHER IMPLEMENTED: OL 2016, ch. 028, sect. 20 & 29 (SB 1547)

REPEAL: 860-087-0040

RULE TITLE: Transportation Electrification Program Reporting Requirements

RULE SUMMARY: This rule is repealed (information moved to OAR 860-087-0030).

RULE TEXT:

(1) An electric company must report the results of its evaluation for each Transportation Electrification Program approved by the Commission. A program evaluation must include, but is not limited to:

(a) The information required under OAR 860-087-0030(1)(g)(A)-(F);

(b) An assessment of program costs and benefits realized by ratepayers and the electric company;

(c) A tracking of program costs over the life of the program;

(d) Progress against identified market barriers and implementation barriers;

(e) Current risk that investment will result in stranded costs;

(f) Whether any program modifications are recommended to help meet expected outcomes;

(g) Updated market data, including a description of changes in the condition of the transportation electrification market within the electric company's service territory; and

(h) An evaluation of whether and how the program has:

(A) Accelerated transportation electrification;

(B) Stimulated innovation, competition, and customer choice; and

(C) Supported system efficiency and operational flexibility, including the ability to integrate variable resources.

(2) The Commission may request additional program updates, including milestones and progress against success indicators, to assess whether to continue, discontinue, or modify approved Transportation Electrification Programs.

STATUTORY/OTHER AUTHORITY: ORS 756.040, 756.060, Oregon Laws 2016, ch. 028, sect. 20 (SB 1547)

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2016, ch. 028, sect. 20 (SB 1547)