

OFFICE OF THE SECRETARY OF STATE
LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

PUC 5-2024
CHAPTER 860
PUBLIC UTILITY COMMISSION

FILED

05/10/2024 2:51 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Resource Adequacy Rulemaking (AR 660)

EFFECTIVE DATE: 05/13/2024

AGENCY APPROVED DATE: 04/16/2024

CONTACT: Diane Davis
971-375-5082
diane.davis@puc.oregon.gov

PO Box 1088
Salem, OR 97308

Filed By:
Diane Davis
Rules Coordinator

RULES:

860-095-0000, 860-095-0010, 860-095-0020, 860-095-0030, 860-095-0040

ADOPT: 860-095-0000

RULE TITLE: Scope and Applicability of Rules

NOTICE FILED DATE: 11/27/2023

RULE SUMMARY: Provides the purpose of the Division 860-095 rules establishing resource adequacy filing requirements and a resource adequacy state-level compliance program administered by the Public Utility Commission of Oregon.

RULE TEXT:

- (1) The rules in this division prescribe the filing requirements for provision of Resource Adequacy information, and the filing requirements and binding elements for the Public Utility Commission of Oregon (Commission) - administered Resource Adequacy program.
- (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 183, ORS 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.649, ORS 757.659

ADOPT: 860-095-0010

RULE TITLE: Definitions for this Division

NOTICE FILED DATE: 11/27/2023

RULE SUMMARY: Establishes definitions for the purposes of these resource adequacy rules.

RULE TEXT:

- (1) "Advisory Forecast" means any modeling outputs created by a Qualified Regional Program that are presented but not used as part of the Qualified Regional Program's binding elements.
- (2) "Binding Forward Showing" means a filing used by a State Participant to show compliance with the State Program.
- (3) "Compliance Resource" means the resource(s) or resource-specific contracts used by a State Participant to meet the load requirements of the Binding Forward Showing.
- (4) "Electric Company" has the same meaning as ORS 757.600(11).
- (5) "Electricity Service Supplier" has the same meaning as ORS 757.600(16).
- (6) "Emissions Planning Report" means a filing made by an Electricity Service Supplier to show compliance with ORS 757.649(1)(f).
- (7) "Informational Filing" means a written explanation of a Load Serving Entity's strategy to address Resource Adequacy.
- (8) "Integrated Resource Plan" means an Electric Company's written plan to satisfy the requirements of OAR 860-027-0400 and Commission Order Nos. 07-002, 07-047, and any future orders impacting filing requirements.
- (9) "Load Serving Entity" means an Electric Company or Electricity Service Supplier.
- (10) "P50 Peak Load Forecast" means a peak load forecast prepared on a basis, such that the actual peak load is statistically expected to be as likely to be above the forecast as it is to be below the forecast.
- (11) "Planning Reserve Margin" means an increment of supply needed to meet conditions of high demand in excess of the applicable peak load forecast and other conditions such as higher resource outages, or lower availability of resources, expressed as a percentage of the applicable peak load forecast.
- (12) "Qualified Capacity Contribution" means the portion of the nameplate capacity of a compliance resource that can be expected to provide capacity to meet customer demand calculated using a Commission or Qualified Regional Program approved methodology.
- (13) "Qualified Parties" means Commission Staff and Oregon Citizens' Utility Board employees who execute a modified protective order.
- (14) "Qualified Regional Program" means a Commission-approved regional reliability planning and compliance program that addresses Resource Adequacy through processes and conditions established in a FERC-approved tariff.
- (15) "Regional Forward Showing" means any data, forecasts, or submittals required by a Qualified Regional Program to support planning program compliance by a Regional Participant.
- (16) "Regional Participant" means a Load Serving Entity that is a participant in or is officially committed to becoming a participant in a Qualified Regional Program at least 30 days prior to the Binding Forward Showing filing date of the State Program.
- (17) "Resource Adequacy" means the expected ability of a Load Serving Entity to supply aggregate electric power and energy to meet the requirements of their consumers with a sufficient degree of reliability and plan to meet future demand with sufficient supply-side and demand side resource.
- (18) "State Participant" means a Load Serving Entity that is not a Regional Participant.
- (19) "State Program" means the Resource Adequacy compliance program administered by the Commission applicable to State Participants.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.649, ORS 757.659

ADOPT: 860-095-0020

RULE TITLE: Electric Company Resource Adequacy Informational Filing Requirements

NOTICE FILED DATE: 11/27/2023

RULE SUMMARY: Establishes resource adequacy filing requirements for Electric Companies regulated by the Public Utility Commission of Oregon.

RULE TEXT:

(1) Electric Companies must provide an Informational Filing to the Commission as a part of their Integrated Resource Plan. The Electric Company's Informational Filing must be included as a chapter to the Integrated Resource Plan that incorporates the Advisory Forecast from a Qualified Regional Program and contains a discussion about how the overall resource strategy interacts with Resource Adequacy concerns.

(2) The Informational Filing for an Electric Company must include:

(a) Qualified Regional Program data as provided by the Regional Participant that was developed for utilization in the Qualified Regional Program's Advisory Forecast and mirrors the number of years of information provided in the Advisory Forecast.

(b) A high-level discussion, not to include confidential information, of the transmission rights necessary to serve P50 load, the transmission rights currently owned or used, the steps that will be taken to procure transmission rights to fill in any open position, and any expected constraints or difficulties in filling any open positions. The information supplied should cover the time period of the two forthcoming Qualified Regional Program operating seasons.

(c) A description of information supplied to produce the Advisory Forecast and explanation of any differences between that information and comparable inputs to the Electric Company's Integrated Resource Plan analysis and associated action plan.

(d) Commercially and Competitively-sensitive information and data provided in the Informational Filing may be redacted or provided only to Qualified Parties.

(3) All outputs of a Qualified Regional Program's most recent Advisory Forecast must be included with the Informational Filing. These may be included in the Informational Filing or as an Appendix chapter to the Integrated Resource Plan.

(4) A Regional Participant's most recent Regional Forward Showing submission to its Qualified Regional Program must be made available to Qualified Parties upon request pursuant to a Modified Protected Order.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 756.700, ORS 756.105, ORS 757.659

ADOPT: 860-095-0030

RULE TITLE: Electricity Service Supplier Resource Adequacy Informational Filing Requirements

NOTICE FILED DATE: 11/27/2023

RULE SUMMARY: Establishes resource adequacy filing requirements for Electricity Service Suppliers regulated by the Public Utility Commission of Oregon.

RULE TEXT:

(1) Electricity Service Suppliers must submit an Informational Filing with the Commission every other year.

(a) The Informational Filing may be filed as a part of the Emissions Planning Report filing.

(b) The Informational Filing must contain a discussion about how the overall resource strategy interacts with Resource Adequacy concerns.

(2) The Informational Filing for an Electricity Service Supplier must include:

(a) A monthly P50 Peak Load Forecast and Effective Load Carrying Capability curve over a period of the greater of four years or the longest available timeline from a Qualified Regional Program using methods consistent with outputs of the Qualified Regional Program's Advisory Forecast.

(b) A discussion covering at least four years of the transmission rights necessary to serve P50 load, the transmission rights currently owned or used, the steps that will be taken to procure transmission rights to fill in any open position, and any expected constraints or difficulties in filling any open positions.

(3) All publicly available outputs of a Qualified Regional Program's most recent Advisory Forecast must be included with the Informational Filing. These may be included as an appendix chapter.

(4) Availability of Information:

(a) A Regional Participant's most recent Regional Forward Shown submission to its Qualified Regional Program must be made available for review only to Qualified Parties and only upon request pursuant to a Modified Protective Order.

(b) The following information shall be available for review only by Non-market Participants that have executed a Modified Protective Order:

(A) A discussion about how the overall resource strategy interacts with Resource Adequacy concerns, as required by section (1)(b) of this rule;

(B) A monthly P50 Peak Load Forecast and Effective Load Carrying Capability curve, as required by section (2)(a) of this rule; and

(C) A discussion covering at least four years of the transmission rights necessary to serve P50 load, the transmission rights currently owned or used, the steps that will be taken to procure transmission rights to fill in any open position, and any expected constraints or difficulties in filling any open positions, as required by section (2)(b) of this rule.

(c) For purposes of this rule, Non-market Participants includes Commission Staff, the Oregon Citizens' Utility Board, and nonprofit organizations engaged in environmental advocacy that do not otherwise participate in electricity markets.

(5) As part of the forecast of monthly P50 Peak Load Forecast and monthly forecast of transmission requirements, an Electricity Service Supplier must use current load levels or provide reasonable substitutes of the load forecast. An Electricity Service Supplier is responsible for demonstrating that the substitute load forecast is reasonable.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 757.649, ORS 757.659

ADOPT: 860-095-0040

RULE TITLE: State Program Requirements

NOTICE FILED DATE: 11/27/2023

RULE SUMMARY: Establishes a resource adequacy compliance program.

RULE TEXT:

- (1) Any Electric Company or Electricity Service Supplier that is not a Regional Participant must comply with the State Program requirements.
- (2) State Participants must file a Binding Forward Showing with the Commission for approval no later than April 1 of every odd-numbered year. A State Participant's initial Binding Forward Showing must be filed no later than April 1, 2025.
- (3) State Participants must use a 1 event-day in 10-year Loss of Load Expectation standard when submitting their Binding Forward Showing.
- (4) State Participants must use a Planning Reserve Margin and Qualified Capacity Contribution consistent with a Qualified Regional Program or other Commission-approved methodology.
- (5) The Commission Staff and Parties should complete its compliance review for each State Participant within 90 days of filing the Binding Forward Showing. A State Participant's Binding Forward Showing submission to the Commission will be available for review only by Qualified Parties and only upon request pursuant to a Modified Protective Order.
- (6) A State Participant shall provide its monthly P50 Peak Load Forecast for the two-year period beginning July 1 of the filing year as part of their Binding Forward Showing.
- (7) A State Participant must demonstrate that its Compliance Resources meet 95 percent of its monthly forecasted P50 load for twelve months beginning July 1 of the filing year and 80 percent of the monthly forecasted P50 load for the following twelve months plus a Planning Reserve Margin each month. A State Participant is not bound to meet its load with its Compliance Resources in actual operations.
- (8) As part of the forecast of monthly P50 Peak Load Forecast and monthly forecast of transmission requirements, an Electricity Service Supplier must use current load levels or provide reasonable substitutes of the load forecast. An Electricity Service Supplier is responsible for demonstrating that the substitute load forecast is reasonable.
- (9) A State Participant must demonstrate that it has NERC Priority 6 or NERC Priority 7 firm point-to-point transmission service or network integration transmission service rights to deliver 75 percent of the Compliance Resources from generation source to load sink. A State Participant may request a waiver of a portion of the transmission requirement if it can demonstrate that at least one of the following conditions applies:
 - (a) The State Participant is experiencing enduring transmission constraints;
 - (b) Future firm Available Transfer Capability is expected;
 - (c) An applicable portion of the State Participant's existing transmission service rights is expected to be derated or out-of-service; or
 - (d) Expected counterflow directly between two balancing authority areas from another entity supports the State Participant's transmission of energy from generation source to load sink. This counterflow cannot already be offsetting transmission of energy for another State Participant or Regional Participant. The State Participant requesting the exception shall include a written acknowledgement from the other entity that it is aware of such an exception request.
- (e) A State Participant cannot use waiver condition (9)(a) or (9)(b) for the same path for consecutive compliance periods if the Qualified Regional Program would preclude use of such waiver.
- (10) If the Commission deems that a State Participant's Binding Forward Showing does not meet the criteria for approval, the Commission shall identify deficiencies and give the State Participant 60 days to remedy their Binding Forward Showing to meet the criteria for approval.
- (11) A State Participant whose plan is not approved 60 days after the Commission identified deficiencies shall be subject to an appropriate penalty as determined by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 756

STATUTES/OTHER IMPLEMENTED: ORS 756.040, ORS 756.070, ORS 756.105, ORS 756.990, ORS 757.649, ORS 757.659