

**BEFORE THE
PUBLIC UTILITY COMMISSION OF OREGON**

AR 660

In the Matter of Adoption of Rules
Relating to Resource Adequacy

NORTHWEST & INTERMOUNTAIN
POWER PRODUCERS
COALITION’S MOTION TO
MODIFY SCHEDULE

EXPEDITED CONSIDERATION
REQUESTED

I. INTRODUCTION

Pursuant to OAR 860-001-0420, the Northwest & Intermountain Power Producers Coalition (“NIPPC”) files this Motion to Modify the Procedural Schedule in the above-referenced docket with the Oregon Public Utility Commission (“Commission”). The Commission should grant an extension of the comment deadline and set a procedural schedule that requests comments by specific dates so that all stakeholders have an opportunity to respond to each other and the Commission reviews a full record before making a final decision. NIPPC is seeking expedited consideration in accordance with OAR 860-001-0420(6) of this Motion due to the upcoming comment deadline on January 25, 2024. Expedited consideration of this Motion will give stakeholders enough time to know whether the comment deadline is extended or not and plan comments accordingly. Thus, NIPPC requests responses to the Motion be due on January 22, 2024 and a ruling on the Motion issued on January 23, 2024.

II. CONFERRAL

In accordance with OAR 860-001-0420(2), on January 11, 2024 NIPPC emailed the service lists of Docket Nos. UM 2143 and AR 660 to confer on the proposed schedule. There was discussion on the proposed schedule and stakeholders proposed the schedule included in this Motion. Brookfield Renewable Trading and Marketing LP (“Brookfield”), Calpine Energy Solutions, LLC (“Calpine Energy Solutions”), Citizens’ Utility Board (“CUB”), PacifiCorp, Portland General Electric Company (“PGE”), and Walmart, responded and supported the proposed procedural schedule. Alliance of Western Energy Consumers stated they were neutral on NIPPC’s request and Staff stated they did not oppose the Motion, but supported extending the comment deadline. No other party responded by the time of filing. Idaho Power stated it had no objection to the Motion.

In accordance with OAR 860-001-0420(6)(a), NIPPC emailed the stakeholders on the service lists of Docket Nos. UM 2143 and AR 660 to confer on the request for expedited consideration and sought feedback by 2 pm on January 17, 2024. Brookfield, Calpine Energy Solutions, CUB, PacifiCorp, PGE, and Walmart supported the request for expedited consideration. Staff stated it was not opposed to expedited treatment of the Motion.

III. LEGAL STANDARD

The Commission or the Administrative Law Judge (“ALJ”) has the authority to modify the schedule in this docket, and it is not unusual for the Commission to set a procedural schedule so that participants have an opportunity to review and respond to other participant comments. The Commission’s Internal Operating Guidelines states the

“Commission may request that participants file comments in a structured manner to allow for rounds of comments with opportunities to respond” in the formal rulemaking phase.¹ For example, in AR 631, the Commission adopted a procedural schedule for the rulemaking docket.² Later in AR 631 after the Notice of Proposed Rulemaking Hearing and Rulemaking Hearing was published on November 23, 2022, the ALJ issued a Ruling granting a motion to extend the comment deadline before the comment period deadline closed on February 10, 2023.³ If the record is insufficient, the Commission may also need to reopen the record to solicit additional comments.⁴ Thus, the Commission or the ALJ has the authority to extend the comment deadline and set a procedural schedule with requested initial comment and reply comment dates.

IV. MOTION

NIPPC is proposing an extension of the comment period deadline and the following changes to the procedural schedule for comments in AR 660:

¹ *In re Commission Update of Internal Operating Guidelines*, Docket No. UM 2055, Order No. 20-065, Appendix A at 14 (Mar. 3, 2020). Even when the Commission does not set a formal schedule, the Commission recognizes the value of providing participants an opportunity to review and respond to other comments. *See e.g., In re Rulemaking to Update Division 82 Small Generator Interconnection Rules, and Division 39 Net Metering Rules*, Docket No. AR 659 under schedule tab: “Participants are encouraged to file comments prior to deadline to allow others to respond.”

² *See, e.g., In re Rulemaking to Address Procedures, Terms, and Conditions Associated with Qualifying Facilities (QF) Standard Contracts*, Docket No. AR 631, Ruling: Grouping of Issues and Schedule (Jan. 21, 2022).

³ See Docket No. AR 631, Ruling (Feb. 9, 2023).

⁴ Docket No. AR 659, Ruling: Rulemaking Comment Deadline Extended (Nov. 20, 2023) (“The Commission seeks additional, specific comment regarding the proposed date when interconnection applicants would be required to use inverters compliant with the IEEE 1547-2018 standard in OAR 860-082-0030(1)”).

- February 2 – All party initial comment requested by date⁵
- February 20 – All party reply comment requested by date
- March 4 – Close of comment period

Good cause exists to issue the requested ruling because it will facilitate a complete record and allow stakeholders an opportunity to respond to one another. At the Hearing held on January 11, 2024, there was significant discussion related to NIPPC and Calpine Energy Solutions' recently filed proposals, including who is responsible for resource adequacy for customers on PGE and PacifiCorp's one-year and three-year direct access programs and five-year program customers still paying transition charges, and capacity backstop charge as an alternative for resource adequacy compliance for load responsible entities, especially electric service suppliers. From oral comments at the Hearing, NIPPC's recommendations are controversial among at least some stakeholders. The Commission should ensure the Commission has a full record when it makes its decision on this issue and set a schedule for comments.

V. CONCLUSION

For the foregoing reasons, NIPPC respectfully requests that the Commission grant this Motion and modify the procedural schedule as presented above.

Dated this 18th day of January 2024.

⁵ NIPPC already submitted its initial written comments, which provides all other participants an opportunity to review and respond to them with their initial comments.

Respectfully submitted,

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