BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UE 374

In the Matter of	)
	)
PACIFICORP, dba PACIFIC POWER	)
	)
Request for a General Rate Revision	)

VITESSE LLC OPENING BRIEF

October 12, 2020

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I. INTRODUCTION

Pursuant to the Administrative Law Judge's March 6, 2020, Prehearing Conference Order, Vitesse LLC ("Vitesse") submits this Opening Brief on two issues: 1) the future application of the Schedule 272 tariff that allows cost-of-service customers to purchase unbundled renewable energy certificates ("RECs") from PacifiCorp-specified renewable resources, and 2) the non-contested rate spread and rate design settlement stipulation ("Partial Stipulation").

To begin, Vitesse does not take a position on whether the Oregon Public Utility Commission (the "Commission" or "OPUC") should open a new investigation into Schedule 272. Currently, Staff recommends that the Commission: 1) open a new investigation into Schedule 272; and 2) limit any new Schedule 272 agreements to power purchase agreements ("PPAs"), and not utility-owned resources, while the investigation is pending. PacifiCorp opposes an investigation and any restrictions set on future Schedule 272 transactions involving the sale of RECs from utility-owned resources. PacifiCorp argues that an investigation is unnecessary because it has already committed to meeting and conferring with stakeholders before proceeding with any such transaction. As mentioned in Vitesse's Prehearing Brief, both PacifiCorp's commitment to meet and confer and Staff's recommended investigation, while continuing to allow Schedule 272 transactions, are both reasonable. Therefore, Vitesse defers to the Commission to decide whether opening an additional proceeding is appropriate.

However, if the Commission adopts Staff's recommendation and opens an investigation, Vitesse asks that the Commission carefully consider Staff's questions and recommendations before making a ruling on the continued applicability of Schedule 272, as such a ruling could potentially bias the results of Staff's recommended investigation.

First, Schedule 272 agreements are currently the only renewable energy option available to PacifiCorp's large cost-of-service customers, and Vitesse has had great success with using these agreements to achieve its renewable energy and carbon emissions goals. At this time, no party (including Staff) has recommended any restrictions on the continued use of Schedule 272 in conjunction with PPAs. To the contrary, Staff has specifically recommended that any order opening an investigation should confirm there are no restrictions to new Schedule 272 agreements with PPAs. Vitesse believes Staff's overall recommendation is one reasonable approach because it will allow cost-of-service customers like Vitesse to make business decisions to meet their stated corporate renewable energy goals. Restricting Schedule 272 could harm Vitesse's renewable energy and carbon reduction efforts, which could impact how Vitesse makes future business decisions at its Prineville data center campus. Therefore, if the Commission chooses to investigate the future treatment of Schedule 272, Vitesse requests that the Commission maintain Schedule 272 with at least a PPA option.

Second, Vitesse asks the Commission to not immediately address Staff's argument that "the RECs sold [under Schedule 272] meet the definition of a bundled REC …."[1] While Vitesse takes no position on whether to open an investigation, it does not agree with Staff that Schedule 272 provides a bundled REC product. REC and green power options can be confusing, and it is important to Vitesse that the Commission does not characterize Schedule 272 inconsistently from the standard industry definition of an

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[1] Staff Prehearing Brief at 48.

unbundled REC available for purchase by end use consumers. In addition, there is insufficient evidence and legal briefing for the Commission to resolve this issue in the proceeding, and there is no need to make any conclusions regarding bundled or unbundled RECs before deciding whether to open an investigation.

Lastly, in addition to these investigatory concerns, Vitesse recommends that the Commission approve the Partial Stipulation on rate spread and rate design issues, as it is a reasonable compromise supported by all relevant parties, and it will result in fair, just, and reasonable rates.

II. BACKGROUND

Vitesse is a wholly-owned Facebook subsidiary, and Facebook's sustainability goals include promoting the rapid deployment of renewable energy on the grid.[2] Part of this commitment includes supporting 100% of its operations with renewable energy by the end of 2020, a 75% carbon reduction by the end of 2020, and net carbon zero in its value chain by 2030. Facebook's data centers require a substantial amount of energy, so encouraging new renewable energy projects that provide clean energy on the electrical grids that support its data centers is essential to Facebook's sustainability goals.

In Vitesse's case, PacifiCorp's Schedule 272 tariff offered an option to purchase RECs from specified renewable power sources within PacifiCorp's large western footprint. Schedule 272 allows organizations to purchase RECs from renewable energy projects at fixed prices.[3] While not a green tariff, Schedule 272 allows Vitesse to partner

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2 *Advancing Renewable Energy Through Green Tariffs*, FACEBOOK SUSTAINABILITY, https://sustainability.fb.com/wp-content/uploads/2020/09/55456_Facebook_Green-Tariffs_cs_v10-1.pdf (last visited Oct. 12, 2020).

3 *Id.*

with PacifiCorp to fund new projects through REC purchases, which improves the financeability of projects. Thus, tariffs like Schedule 272 encourage the addition of new renewable energy resources that help organizations like Vitesse meet their 100% renewable energy and carbon neutral goals.

Vitesse has entered into several Schedule 272 agreements with PacifiCorp, where it purchased unbundled RECs under Schedule 272 while remaining on PacifiCorp's standard cost of service tariffs for electric service (Schedule 48 – Large General Service 1000kW and Over). Purchasing RECs under Schedule 272 has helped further the development of new renewable resources within PacifiCorp's footprint and provides a means for Vitesse to achieve its goal of supporting its operations with 100% renewable energy.

In Oregon, Vitesse's Schedule 272 agreements include REC purchases from two new Oregon solar projects with a combined nameplate capacity of 100 MW. When these contracts were executed they boosted Oregon's solar capacity by more than 20 percent. Vitesse has also purchased RECs under Schedule 272 from four other new solar projects and the Pryor Mountain Wind project. All of the renewable projects from which Vitesse has contracted to purchase RECs are located within PacifiCorp's footprint.

These transactions were made possible because PacifiCorp worked with its customers and stakeholders to develop Schedule 272 in a way that allowed parties to innovate within Oregon's existing regulatory structures, which are designed to protect all customers. Thus far, Schedule 272 tariff has been a useful tool that has helped Vitesse and other socially responsible organizations protect the environment, tackle the global challenge of climate change, and partner with others to develop and share solutions for a more sustainable world. For these reasons, Vitesse strongly encourages the Commission to maintain Schedule 272 with at least a PPA option.

III. ARGUMENT

A. Schedule 272 Should Continue to Provide an Option for Large Commercial and Industrial Customers to Meet Corporate Sustainability Goals

In this proceeding, PacifiCorp and Vitesse have different legal and factual opinions from Staff on what constitutes a bundled or unbundled REC and whether Schedule 272 is bundled or unbundled REC product. It is unclear how Staff's position in this proceeding aligns with the position Staff took in 2017, which was when the current version of Schedule 272 was adopted. Staff has not yet fully explained the legal and factual basis for its new position.

Vitesse's position is that Schedule 272 is an unbundled REC product for end use consumers under Oregon law, Commission policy, and standard industry practice. All RECs are bundled at the time of generation but become unbundled if they are transferred under separate contracts. An unbundled REC is sold to the end use consumer separately from the energy produced by the renewable energy source. The energy produced from the underlying resources is used to supply all customers on PacifiCorp's system, and once the energy is separated from the REC, it no longer qualifies as "green energy." Accordingly, Vitesse is purchasing RECs under Schedule 272, and its power from PacifiCorp separately under Schedule 48. Thus, the RECs sold to Vitesse under Schedule 272 are not "paired with renewable energy from a specific resource," as Staff claims, as is described in further detail throughout the sections below.

1. Schedule 272 Background

Schedule 272 is part of PacifiCorp's "Blue Sky" green power option for non-residential customers in Oregon. Schedule 272 allows these customers to purchase RECs from PacifiCorp while purchasing energy separately through PacifiCorp's standard commercial and industrial rate schedules. PacifiCorp's Schedule 272 refers to all RECs sold under that schedule as "unbundled" RECs. The RECs sold under the tariff belong to the purchaser for the amount of time indicated in the agreement, and PacifiCorp cannot simultaneously use these RECs to comply with its Renewable Portfolio Standards ("RPS").[4] PacifiCorp can arrange to sell RECs under Schedule 272 without the RECs being generated from a PacifiCorp-owned resource. Third parties can also sell their RECs as a counterparty through PacifiCorp's Schedule 272 tariff Request for Proposals.[5]

Notably, Staff has also previously agreed that PacifiCorp's Schedule 272 is compliant with Oregon's guidelines for bundled and unbundled RECs, concluding that Schedule 272 constituted a tariff for unbundled RECs.[6] Three years ago, PacifiCorp asked the Oregon Commission to approve a revision to the language in its Schedule 272 tariff that would allow customers to specify the resource they purchased their RECs from.[7] In one of its reports, Staff explained that PacifiCorp had been offering customers the option to purchase RECs, and RECs only, under Schedule 272 since November 1,

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4 *See* ORS 469A.135.

5 *2018 Oregon Schedule 272 REC RFP*, PACIFICORP, https://www.pacificorp.com/suppliers/rfps/2018-oregon-schedule-272-REC.html (last visited Oct. 12, 2020).

6 *Advice No. 16-012 Changes to Schedule 272 (Adv 386), Changes to Schedule 272 Renewable Energy Rider Optional Bulk Purchase Option*, Docket No. UE 318, Order No. 17-051, Appx A at 5 (Feb. 13, 2017).

7 *Id.* at Appx A at 2.

2004.[8] Staff initially had concerns regarding whether a transaction under Schedule 272 was, in essence, a Voluntary Renewable Energy Tariff ("VRET"), because the proposed changes to Schedule 272 would allow a customer to specify the source of its RECs.[9]

In that proceeding, Staff also advocated for suspending the tariff and starting an investigation to determine whether the revisions to Schedule 272 resulted in a VRET offering.[10] Rather than suspend the proceeding, PacifiCorp offered, and Staff and the Commission ultimately agreed to allow a supplemental filing to address these concerns.[11] The revised filing removed all language that had initially led Staff and stakeholders to raise concerns that both RECs and power could have been collectively sold under Schedule 272.[12] Staff commented that this change "helps clarify to customers that they are not actually receiving a bundled REC from a specified source… the tariff simply allows Schedule 272 customers to contract with PacifiCorp to buy RECs."[13] Staff ultimately concluded that sales under Schedule 272 only constituted an unbundled REC transaction, and the Commission subsequently approved the revisions to Schedule 272.[14] Schedule 272 has not been revised since.

In 2017, Vitesse supported the revised version of Schedule 272. Vitesse then relied upon its understanding of the Commission's order approving Schedule 272 and purchased RECs, but not power, from specific sources through long-term agreements with PacifiCorp under Schedule 272. As mentioned above, Vitesse's Schedule 272

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8 *Id.*
9 *Id.*
10 *Id.* at Appx A at 3.
11 *Id.*
12 *Id.* at Appx A at 3-4.
13 *Id.* at Appx A at 5.
14 *Id.* at 1.

agreements include REC purchases from six solar resources (including the two Oregon projects totaling 100 MW) and the PacifiCorp-owned Pryor Mountain wind facility.

2. Staff's Recommendation in this proceeding: Open an Investigation and Limit Schedule 272 to Only PPA Resources in the Interim

Staff has asked the Commission to: 1) open an investigation into Schedule 272 and the applicability of the VRET conditions in a separate proceeding; 2) prohibit PacifiCorp from entering into new Schedule 272 customer agreements that include supplying RECs from utility-owned resources while the outcome of the investigation is pending;[15] 3) not revisit past Schedule 272 transactions; and 4) find that PacifiCorp's decision to acquire Pryor Mountain under its Schedule 272 tariff was prudent.[16]

In its Prehearing Brief, Staff legally concluded that the RECs sold under Schedule 272 "meet the definition of a bundled REC."[17] The brief did not explain why the transactions met the definition, and this statement only cited to Staff's prior testimony for support, not to any legal authority. Staff's brief mentions that the transactions are bundled "regardless of whether PacifiCorp or a third-party own the underlying resource."[18] As Staff and Vitesse are simultaneously filing Opening Briefs, Vitesse will not have the opportunity to review and respond to any additional legal analysis that Staff may present in its legal briefing.

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15 To be clear, Staff recommends that Schedule 272 continue to be a green power option at this time, as long as PacifiCorp enters into PPAs with non-utility owned facilities that supply the RECs.

16 Staff/800, Storm/4-5 (June 4, 2020) (The Commission should "[f]ind PacifiCorp's decision to invest in the Pryor Mountain new wind project to be prudent…"); Staff/2000, Storm/34:15-23 (July 24, 2020) (Staff does not "seek to 'unwind' PacifiCorp's current contract with Vitesse for RECs from Pryor Mountain.").

17 Staff's Prehearing Brief at 48.

18 *Id.*

3. PacifiCorp's Recommendation in this proceeding: Meet and Confer Prior to any New Schedule 272 Utility-Owned Resource Transactions

PacifiCorp opposes Staff's recommendation to open an investigation into whether Schedule 272 transactions should meet the guidelines for a VRET, as well as Staff's potential restriction on PacifiCorp's ability to enter into future utility-owned agreements under Schedule 272 (depending on the outcome of the separate investigation).[19] PacifiCorp does not believe that an investigation is necessary or appropriate as it "does not anticipate entering into another Schedule 272 agreement involving a utility-owned facility in the foreseeable future."[20] Furthermore, if the opportunity for a utility-owned Schedule 272 agreement arises again, PacifiCorp has committed to meeting and conferring with stakeholders before proceeding.[21] PacifiCorp's Opening Brief summarized its testimony but did not include any new legal arguments.[22]

4. Vitesse's Recommendation: If An Investigation Is Necessary, Allow Schedule 272 Transactions to Continue Until The Investigation Is Complete

Vitesse does not take a position on either Staff's or PacifiCorp's recommendation regarding whether to pursue an investigation. On the one hand, Vitesse understands Staff's desire to ensure cost-of-service customer protection. On the other, Vitesse also understands why PacifiCorp may not see a need for an investigation, given that Schedule 272 has not been revised since Staff previously supported it and essentially concluded that it was not a VRET. In PacifiCorp's testimony, PacifiCorp did not argue that the RECs were unbundled because of the source of the power (i.e., whether the power source

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19 PAC/3800, Link/29 (Aug. 21, 2020).
20 *Id.*
21 *Id.*
22 PacifiCorp's Opening Brief at 85-86.

was PacifiCorp or a third party owned). Instead, PacifiCorp argued that the RECs were unbundled because the energy from the projects (regardless of who owned them) was being supplied to all customers, and because the RECs were separated from the energy generated and sold to customers.[23]

Regardless, both Staff and PacifiCorp agree (and we understand that no other party opposes) that, at a minimum, Schedule 272 transactions should continue at this time as long as PacifiCorp enters into PPAs with specific resources rather than PacifiCorp owning the facilities.[24] If Schedule 272 is maintained in this manner, then Vitesse can continue to purchase unbundled RECs during any investigation, and Vitesse can use Schedule 272 as an option to meet its renewable energy goals for its Oregon operations.

5. The Differences Between a Schedule 272 Transaction and a Voluntary Renewable Energy Tariff

Vitesse does not believe that Schedule 272 is a VRET. In responding to Staff, this portion of Vitesse's brief explains its understanding of the reasons for Staff's recommendations. However, Staff has only provided a limited description, and Vitesse is not entirely certain of the complete basis for, nor the extent of, Staff's position. That said, Vitesse does not believe that the Commission needs to fully understand or resolve Staff's potential concerns regarding Schedule 272 to decide whether or not to open an investigation into Schedule 272.

The crux of Staff's argument for opening an investigation appears to be a concern that Schedule 272 may actually qualify as a VRET, though it is not subject to the

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23 PAC/2000, Wilding/25:17-20 (June 25, 2020).

24 PacifiCorp opposes any restrictions on Schedule 272 transactions, but if there will be any restrictions, then PacifiCorp prefers Staff's approach to more stringent restrictions.

Commission's VRET guidelines. Staff is concerned this could potentially harm cost-of-service customers and direct access suppliers.[25] Staff also appears to believe that the transactions under PacifiCorp's Schedule 272 constitute a transaction for bundled RECs as opposed to unbundled RECs.

Staff has explained its position that Oregon bundled REC transactions for cost-of-service customers are supposed to occur through Commission-approved VRETs. VRETs were designed to link renewable energy acquisitions to utility customers while balancing large commercial customer needs with protections for other cost-of-service customers.[26] The Commission has specifically laid out nine criteria that a utility must consider in its VRET proposal to receive Commission approval,[27] all of which were designed to protect ratepayers and direct access suppliers.

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25 Staff's Prehearing Brief at 48-49.

26 *PacifiCorp 2019 Integrated Res. Plan (IRP)*, Docket No. LC 70, Comments on PacifiCorp's September 27, 2019 Notice of Exception to the Competitive Bidding Rules at 5 (Sept. 27, 2019).

27 *In re Pub. Util. Comm'n of Or. Voluntary Renewable Energy Tariffs for Non-Residential Customers*, Docket No. UM 1690, Order No. 15-405 (Dec. 15, 2015) ((1) Certain Renewable Portfolio Standards definitions (resource type, location, and bundled renewable energy certificates) must apply to VRET products; 2) Any RECs associated with serving participants must be retired by or on behalf of the participants, unless they give consent to do otherwise; 3) VRET-eligible projects must not have been operational earlier than 2015; 4) The VRET program size is limited to 300 aMW for PGE; 5) VRET program design should be sufficiently differentiated from the existing direct access programs; 6) VRET product offering terms and conditions, including the timing and frequency of offerings, as well as transition costs (i.e. the costs assignable to participants to avoid stranded costs at the utility), must mirror those for direct access; 7) The utility may own a VRET resource, but may not include it in its general rate base; 8) All direct and indirect costs and risks are borne by the participating VRET customers, shareholders of the utility or third-party developers; and 9) All VRET offerings must be made publicly available and subject to review by the Commission to ensure they are fair, just, and reasonable.).

Staff's role is to ensure that utility programs like Schedule 272 protect ratepayers, and it has asked the Commission to investigate whether Schedule 272 should also be subject to the same guidelines as a VRET to protect customers.[28] Staff bases its concerns on the similarities between a VRET and a Schedule 272 transaction - mainly that customers in both VRET and Schedule 272 transactions can purchase both RECs and power from the utility. Staff argues that selling both RECs and energy from a specified source meets the definition of the bundled REC transaction, which must be subject to VRET guidelines.[29]

PacifiCorp has explained that Schedule 272 transactions do not meet the definition of a bundled REC transaction, in short, because the power sold—again, under separate tariffs—is not from a specified source. Specifically, PacifiCorp has explained that Schedule 272 transactions "are not VRETs because the energy from such projects is being supplied to all customers, and the [RECs] are separated from the energy generated and sold to customers under Schedule 272."[30] PacifiCorp used its Schedule 272 agreement with Vitesse to illustrate this process.

> Vitesse is a customer that takes service under Schedule 48, Large General Service 1,000 kilowatts and over delivery service. Schedule 48 provides that all customers taking service under Schedule 48 shall pay applicable rates in Schedule 200, Base Supply Service. Schedule 48 specifically states that that "[i]f a customer elects to receive Supply Service from an [Electric Service Supplier or ESS], Delivery Service shall be provided under Schedule 748, Direct Access Delivery Service." In defining ESS, PacifiCorp's Rule 1 provides that an ESS does not include the Company selling electricity to customers in its own service territory. As a result, Vitesse is not a direct access customer that cannot specify generation resources from which it receives electric service.[31]

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28 Prehearing Brief at 49.
29 *Id* at 48.
30 PAC/2000, Wilding/25:17-20 (June 25, 2020).
31 PAC/2000, Wilding/26:1-9.

Staff's definition of bundled RECs are RECs sold specifically with the renewable energy from a specific resource.[32] PacifiCorp's testimony explains that it uses Schedule 272 for the sale of unbundled RECs, and that these sales are actually consistent with Staff's distinction unbundled RECs. PacifiCorp explains that the RECs created and sold from its Schedule 272 projects are separated from the project's energy, and that the energy from that project is considered a system resource that serves all PacifiCorp customers.[33] Furthermore, PacifiCorp pointed out that as a Schedule 48 customer, Vitesse could not specify that it wanted to receive energy from a project it had also purchased RECs from.[34] Therefore, the RECs sold to Vitesse under the Schedule 272 transaction are unbundled.

Vitesse is not substantively addressing the legal arguments but notes that Vitesse generally agrees with PacifiCorp's conclusions. If the Commission elects to address the issue of what is a bundled or unbundled REC, Vitesse recommends that the Commission only do so after a record is fully developed in a separate proceeding so its final order does not create unintended consequences or conflict with federal or state law and policy. For example, the Federal Trade Commission's Green Guides provides: 1) general principles that apply to all environmental marketing claims; 2) how consumers are likely to interpret particular claims and how marketers can substantiate these claims; and 3) how marketers can qualify their claims to avoid deceiving consumers.[35] Vitesse cautions the

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32 Docket No. UE 318, Order No. 17-051, Appx A at 3.
33 PAC/2000, Wilding/26:11-16.
34 PAC/2000, Wilding/26:14-16.
35 *Environmentally Friendly Products: FTC's Green Guides*, FED. TRADE COMM'N (2012), https://www.ftc.gov/news-events/media-resources/truth-advertising/green-guides (last visited Oct. 12, 2020).

Commission not to issue an order that could be inconsistent with federal guidance, such as the Green Guides mentioned above, or with other previously established federal and state laws and policies.

Vitesse also notes that PacifiCorp's position is generally consistent with the common industry understanding of bundled RECs sold to end use consumers. To provide a brief background, Facebook is a founding member of the Renewable Energy Buyer's Alliance ("REBA"). REBA describes unbundled RECs as RECs bought and sold via a signed contract with an energy supplier, where the RECs are sold separately from the associated power generated.[36] This industry standard focuses on the sale of the REC to the end use consumer as opposed to the generation of the REC. This is the process that Vitesse uses with PacifiCorp via Schedule 272. Thus, PacifiCorp and REBA have a similar understanding of bundled and unbundled RECs that is different than Staff's. The Commission should take into account these industry standards prior to the Commission issuing any orders substantively addressing what is a bundled or unbundled REC.[37]

6. Schedule 272 Is Currently the Only Green Power Cost-of-Service Option Offered by PacifiCorp that Can Help Vitesse Meet Its Goals

PacifiCorp's Schedule 272 tariff is currently the only green power option for cost-of-service customers. PacifiCorp does not offer a VRET, which would allow Vitesse to purchase a bundled REC product from PacifiCorp. Vitesse recognizes that Oregon offers

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36 *Renewable Energy Procurement*, REBA, https://rebuyers.org/programs/education-engagement/renewable-energy-procurement/ (last visited Oct. 12, 2020).

37 *E.g.*, *Green-e Glossary*, GREENE-E, https://www.green-e.org/glossary (last visited Oct. 12, 2020); *Guidelines for Renewable Energy Claims*, CTR. FOR RES. SOLUTIONS (Feb. 26, 2015), http://resource-solutions.org/wp-content/uploads/2015/07/Guidelines-for-Renewable-Energy-Claims.pdf (last visited Oct. 12, 2020).

a Community Solar Program and Direct Access, both of which provide limited options for customers to purchase bundled renewable energy associated with a specific renewable resource. Vitesse has closely evaluated these options and has yet to find a workable solution under either program. For this reason, Vitesse strongly supports the Commission maintaining Schedule 272 with a PPA option, at least during the pendency of any investigation into the tariff.

B. The Commission Should Approve the Partial Stipulation

The Partial Stipulation will result in fair, just, and reasonable rates. The Partial Stipulation is essentially an all-party settlement,[38] and the Commission has a well-supported evidentiary record to evaluate the compromise agreement.[39] Vitesse did not submit testimony, but it reviewed PacifiCorp's filing and testimony, and the rate spread and rate design testimony of the other parties. Vitesse also participated in all relevant rate spread and rate design settlement meetings. Based on Vitesse's review of parties' testimony and participation in the settlement conferences, Vitesse believes that the Partial Stipulation is a reasonable compromise of the rate spread and rate design issues raised in this case.

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[38] All parties, except Sierra Club, have executed the Partial Stipulation. Sierra Club is not opposed to the Partial Stipulation and did not submit testimony on rate spread or rate design issues.

[39] Rate spread and rate design direct, opening, reply and/or rebuttal testimony was submitted by PacifiCorp, Staff, the Oregon Citizens' Utility Board, the Alliance of Western Energy Consumers, ChargePoint, Inc., Tesla, Inc., Fred Meyer Stores, Inc., Small Business Utility Advocates, Walmart Inc., and Klamath Water Users Association.

IV. CONCLUSION

Vitesse appreciates this opportunity to address the remaining issues in this Opening Brief. First, Vitesse does not take a position on whether the Commission should open an investigation into Schedule 272. However, if the Commission opens an investigation, it should continue to allow Schedule 272 transactions with PPA options and not make any factual or legal conclusions regarding what is a bundled or unbundled REC. Second, the Commission should approve the partial rate spread and rate design Partial Stipulation.

Dated this 12th day of October 2020.

Respectfully submitted,

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