

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1610

In the Matter of)	
)	
PUBLIC UTILITY COMMISSION OF)	
OREGON)	SMALL BUSINESS UTILITY
)	ADVOCATES
Staff Investigation Into Qualifying Facility)	
Contracting and Pricing.)	PREHEARING BRIEF

Pursuant to the ALJ August 28, 2015 Ruling, Small Business Utility Advocates ("SBUA") submits this Prehearing Brief. SBUA has focused its efforts on resolutions that are just and reasonable, and consistent with transparency and predictability that small business requires.

PURPA requires utilities to purchase power generated by QFs, but also mandates that the rates utilities pay for such power “shall be just and reasonable to the electric consumers of the electric utility and in the public interest.”¹ Oregon’s PURPA regulations contain a parallel provision.²

Regarding load pockets:

PacifiCorp notes accurately that the load pockets have their own individual geographic circumstances which require an addendum to an agreement. A particular QF might exceed the local load. PAC 1000/Griswold 22. However, SBUA agrees with ODOE’s proposal to consider

¹16 U.S.C. §824a-3(b)(1).

² OAR 860-029-0040(1)(a) (“Rates for purchases by public utilities shall [be] just and reasonable to the public utility’s customers and in the public interest....”)

monthly peak and minimum loads as a way to deal with the geographic circumstances. ODOE 1200/Broad 3. ODOE's suggestion allows a common sense approach to QF's with limited resources to negotiating particulars yet enough geographical specificity, particularly with other information required for the interconnection, to enable the company to plan load and transmission needs in load pockets with the transparency and predictability QF's require.

Regarding IRPs:

Using IRPs as a primary forum for establishing avoided cost rates, as noted by CREA, CREA 600/Skeahan 8, the IRP process is not a sufficient forum to vet. As noted even in this preceding load pockets discussion above, input and cross-examination are required to arrive at a just price and IRPs are not evidentiary proceedings. If a purpose of the standard offer contract is to ease transaction costs for smaller qualifying facilities. By utilizing IRPs as a primary vetting ground for pricing assumptions, and as the IRP process occurs far more often than the current Standard offer contract term, the Commission is implicitly requiring a prospective QF to participate in a docket dealing with far more issues than the power generation which is the focus of the QF. This unfairly requires more of the QF than is intended in PURPA, without demonstrating that is just and reasonable to consumers, especially consumers who would like to have more locally available renewable energy options.

RESPECTFULLY SUBMITTED September 2, 2015.



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CERTIFICATE OF FILING SERVICE

I hereby certify that on Sept. 2, 2015, I served a copy of SBUA's Prehearing Brief upon the persons named in the UM 1610 Service list by electronic mail only as all parties have waived service.

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