

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation into House Bill 2021
Implementation Issues

UM2273

**Joint Opening Brief of Sierra Club, Rogue Climate, Columbia Riverkeeper, and Coalition
of Communities of Color**

July 24, 2023

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Response to Commissioner Phase I(a) Questions (excluding Renewable Energy Credits) 2	
A. Before applying the “public interest” criterion for CEP acknowledgment, should the Commission give guidance on its interpretation of “economic and technical feasibility” or other specified factors in HB 2021 Section 5(2)? Should the Commission pre-determine other relevant factors for purposes of Section 5(2)(f)?.....	2
B. What relevance can and should the statements of policy in HB 2021 Section 2 have to the Commission’s implementation of the operative provisions of the law?.....	7
C. What procedural approach should the Commission take to oversee continual progress and prompt action by utilities, as required by HB 2021 Section 4(6)?	10
III. Conclusion	13

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 2273**

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation into House Bill 2021
Implementation Issues

JOINT OPENING BRIEF OF SIERRA
CLUB, ROGUE CLIMATE, COLUMBIA
RIVERKEEPER, AND COALITION OF
COMMUNITIES OF COLOR

I. Introduction

The Sierra Club, Rogue Climate, Columbia Riverkeeper, and Coalition of Communities of Color respectfully submit this joint Opening Brief in response to the Commissioners’ questions in Order No. 23-194.¹ As discussed below, our organizations recommend that the Commission issue an order in this proceeding with the following findings:

1. That evaluating whether a Clean Energy Plan (“CEP”) is in the “public interest” requires evaluation of the impacts on and benefits to environmental justice and energy burdened communities that will result from the CEP, and that this evaluation must include public health impacts of non-greenhouse gas emissions, public health benefits of energy efficiency measures and household energy storage, community energy resiliency, burdens on natural and Tribal resources, energy accessibility in environmental justice communities, increase of community-owned and operated generation and distribution facilities, and community input in developing the CEP;
2. That in order to evaluate whether a CEP is “economically and technologically feasible,” the utility must include reasonable assumptions regarding the timing needed to bring new resources online and the likelihood that the future technology will come to fruition. In addition, non-commercialized resources should not be “hard-wired” into a utility’s modeling software, forcing the model to select that resource, and the utility’s CEP must evaluate alternatives to non-commercialized resources in order to identify what short-

¹ This brief does not address the Commission’s first question under Phase I(a) pertaining to the required retirement of renewable energy credits (“RECs”). However, Sierra Club and Rogue Climate support the arguments made in the Green Energy Institute at Lewis & Clark School’s Opening Brief. This brief also does not address the Commissioners’ questions listed under Phase I(b). Our organizations take no position on those questions, but reserve the right to respond to other parties’ briefs on reply.

term actions may be necessary to hedge against the likelihood that the non-commercialized resource will not be available in the timeframe contemplated;

3. That HB 2021 Section 2 Policy Statements may and should be read to inform the Commission's interpretation of the operative sections of HB 2021 and inform the Commission's adoption of "other factors" under HB 2021 Section 5 to guide expectations; and
4. That whether a utility is achieving "continual progress" in meeting HB 2021's emission reduction targets will be evaluated through the utility's CEPs, IRPs, and the biennial reports from the Community Benefits and Impacts Advisory Groups; and that the Commission's enforcement authorities to ensure continual progress include non-acknowledgement of a non-compliant CEP, required amendments to a non-compliant CEP (including directives based upon the biennial reports), monetary penalties, and referral to the Oregon Attorney General. In order to effectuate enforcement, the Commission may issue a show-cause order and hold an expedited contested case hearing.

II. Response to Commissioner Phase I(a) Questions (excluding Renewable Energy Credits)

- A. Before applying the "public interest" criterion for CEP acknowledgment, should the Commission give guidance on its interpretation of "economic and technical feasibility" or other specified factors in HB 2021 Section 5(2)? Should the Commission pre-determine other relevant factors for purposes of Section 5(2)(f)?**

The Commission correctly notes that Section 5 lists several general factors for evaluating the "public interest" and provides the Commission "with significant discretion"² that may be relied upon in specific CEP reviews. To be sure, defining the "public interest" can be a challenging endeavor³ within the context of the changing needs of the 21st century, however, it is necessary to guide expectations to navigate that change.

² Order No. 23-194 at 4.

³ See e.g., *In the Matter of Public Utility Commission of Oregon, Voluntary Renewable Energy Tariffs for Non-Residential Customers*, Dkt. No. UM 1690, Order No. 16-251 (July 5, 2016) (order adopting Staff's recommendation to close UM 1690 after several years wherein the Commission and Staff grappled with whether and how to authorize a voluntary renewable energy tariff for nonresidential customers that would advance the public interest while also incentivizing the utilities to offer such a tariff).

While traditional utility regulation of “least cost, least risk” has often defaulted to an assumption that the lowest cost resource capable of providing continuous service best advances the public interest, this approach fails to take into account externalities, including greenhouse gas emissions as well as pollutants harming public health, particularly for communities located near generating resources. Overtime, the compounded assumption that externalities have zero cost has created a significant burden on the most impacted communities. HB 2021 sets utilities on a new course to not only provide electricity but to also do so in a manner that reduces greenhouse gas emissions through nonemitting generation, efficiency measures and demand response resources,⁴ improves reliability and resiliency,⁵ and works in partnership with and even to specifically benefit the communities being served.⁶ Each of these goals must be taken into account when evaluating the public interest because, as the Commission has previously found, “Commission orders interpreting the meaning of ‘in the public interest’ are specific to the statute at issue in that proceeding.”⁷

The “public interest” standard is intended to delegate broad authority, responsibility and discretion to the Commission because of the complexity of foreseeing all of the situations to be governed by the statute. The standard expresses that the Commission should complete the legislation through its rulemaking power.⁸ While a definitive list of “public interest” factors may not be necessary, many of the stated factors use inexact terms and the “other relevant factors”

⁴ O.R.S. 469A.410; O.R.S. 469.415(4)(b).

⁵ O.R.S. 469A.415(4)(c) (requiring a risk-based examination of resiliency opportunities in CEPs).

⁶ O.R.S. 469A.425; O.R.S. 469A.405(2), (4).

⁷ *In the Matter of Public Utility Commission of Oregon, Voluntary Renewable Energy Tariffs for Non-Residential Customers*, Dkt. No. UM 1690, Order No. 15-258 at 6, n. 1 (Aug. 26, 2015).

⁸ *Coast Security Mortgage Corp. v. Real Estate Agency*, 331 Or. 348, 353–54 (2000) (citing and quoting *Springfield Educ. Ass'n v. Springfield Sch. Dist. No. 19*, 290 Or. 217, 228–29, 230 (1980) (characterizing statutory terms to determine the appropriate scope of judicial review and identifying the limitations of review of agency policy-making to ensure no transgression of the limits of discretionary authority or other law)).

factor is delegative; it is necessary for the Commission to provide guidance, set expectations, and enable deference to its decisions.

The public interest standard is delegative, signaling the intent that the Commission refine and complete the legislative intent. There are four considerations to determine if a statutory term is delegative.⁹ The first consideration is whether the court has determined if the term or one like it is delegative in other contexts.¹⁰ HB 2021’s “public interest” term identical or similar to the Oregon Liquor and Cannabis Commission’s directive to license as “demanded by the public interest or convenience” and it is similar to the Commission’s duty to “protect [] customers, and the public generally, from unjust and unreasonable extractions and practices ...”.¹¹ The second consideration asks if the term is defined by the legislation. HB 2021 provided a list of factors but specifically directed the Commission to consider “other relevant factors,” leaving it partially undefined and incomplete. Moreover, many of the factors use inexact terms —“environmental and health benefits,” “feasibility,” “reliability and resiliency,” “costs and risks”—all of which will require further determination of the legislative intent. The third and fourth considerations also demonstrate that the public interest is delegative, because the term invites policy judgment, particularly given that the whole purpose is to engage in a 20-year planning and implementation process which cannot be legislated. Further, the Commission has historically exercised its extensive authority through rulemaking, demonstrating that delegation to the Commission is a common practice of legislative policy. To ensure the Commission’s determination of other

⁹ *OR-OSHA v. CBI Services Inc.*, 356 Or. 577, 590 (2014) (whether the term has been deemed to be delegative in another context, whether the term is defined or susceptible to other interpretations, whether it invites policy judgment and whether the legislative intent supports a finding that the term be considered delegative.)

¹⁰ *Id.* a 588.

¹¹ *Springfield Educ. Ass’n*, 290 Or. at 230.

relevant factors will receive deference on review, the Commission should complete the legislation and further define inexact terms.¹²

To that end, the Commission should establish a non-exclusive list of “other factors” it will consider and weigh in determining the public interest and should make clear, specifically, that it will consider impacts and benefits to environmental justice and energy burdened communities when weighing whether a CEP is in the public interest. HB 2021 clearly intends for the Commission to make such an evaluation. Specifically, Section 5(2) directs the Commission to consider environmental and health benefits from the reduction of GHG emissions when weighing the public interest, and Section 6 requires utilities to convene and consult with Community Benefits and Impacts Advisory Groups (“CBIAGs”) and produce a biennial report detailing efforts made to reduce energy burdens and improve resiliency. These requirements are reinforced through Section 2, which sets a policy of implementing HB 2021 in such a way as to minimize the impacts on environmental justice communities.¹³

Recognizing that impacts and benefits to environmental justice and energy burdened communities are within the scope of the “public interest” as contemplated by HB 2021, many groups have recommended that the Commission consider how CEPs will impact communities, including communities outside of Oregon. For instance, parties, including the Community Advocates Cohort,¹⁴ have recommended that the Commission consider in review of a CEP the following factors, among others: 1) the public health impacts of non-greenhouse gas emissions,

¹² See *id.* at 649; see also *Trebesch v. Emp. Div.*, 300 Or. 264, 269 (1985) and *PacifiCorp v. Department of Revenue*, 2023 WL 4571446,*3 (Or. T.C. July 1, 2023).

¹³ O.R.S. 469A.405(4).

¹⁴ The Community Advocates Cohort (“Cohort”) was convened starting in October 2022 and has been co-facilitated by Verde, Oregon Just Transition Alliance (OJTA), Coalition of Communities of Color (CCC), Northwest Energy Coalition, Rogue Climate and Multnomah County Office of Sustainability. The factors proposed here are informed by the Cohort and its co-facilitators as set out in the contemporaneously filed comments of Multnomah County Office of Sustainability, which we support.

particularly from thermal resources that remain online or are developed (like nuclear resources) outside Oregon or are in Oregon which serve energy requirements outside of Oregon;¹⁵ 2) the public health benefits of energy efficiency measures and household energy storage; 3) impacts on or a failure to maximize community energy resiliency, including fostering social cohesion, networks and disaster preparedness;¹⁶ 4) the burdens on natural and Tribal resources, including burdens of mining, production and disposal of materials, and to communities directly impacted by those activities; 5) the public health benefits of unhindered accessibility to electricity, and the cost and accessibility burdens to environmental justice communities; 6) the failure to allow for or support reasonable opportunities to increase community-owned and operated generation and distribution facilities, including in Tribal communities; and 7) what and how community input was developed and implemented in the CEP.¹⁷ The Commission should take up these recommendations and, via an order in this proceeding (even if it is a temporary order pending further investigation or rulemaking), identify these and other factors to make clear to the utilities that their CEPs will be evaluated, in part, on these bases.

Ensuring that a CEP advances the public interest also requires ensuring that the plan is economically and technologically feasible. This is particularly important as the energy market

¹⁵ *In the Matter of Public Utility Commission of Oregon, House Bill 2021 Investigation into Clean Energy Plans*, Dkt. No. UM 2225, Columbia Riverkeeper Comment on Straw Proposal for Treatment of Fossil Fuel Resources, Docket UM 2225 (Oct. 5, 2022), available at <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac17435.pdf>;

¹⁶ *In the Matter of Public Utility Commission of Oregon, House Bill 2021 Investigation into Clean Energy Plans*, Dkt. No. UM 2225, Energy Advocates Comments on Resiliency Planning Standards and Practices (Oct. 14, 2022), available at <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac164730.pdf>. See also the findings in Considerations for Resilience Guidelines for Clean Energy Plans report prepared for the Commission by the Department of Energy Grid Modernization Lab Consortium.

¹⁷ *In the Matter of Public Utility Commission of Oregon, House Bill 2021 Investigation into Clean Energy Plans*, Dkt. No. UM 2225, Staff Work Plan Update and Straw Proposals (Aug. 9, 2022), available at <https://edocs.puc.state.or.us/efdocs/HAH/um2225hah11736.pdf>; *In the Matter of Public Utility Commission of Oregon, House Bill 2021 Investigation into Clean Energy Plans*, Dkt. No. UM 2225, Energy Advocates Comments on Staff's Roadmap Acknowledgment and Community Lens Proposal (Sept. 8, 2022), available at <https://edocs.puc.state.or.us/efdocs/HAC/um2225hac15528.pdf>.

rapidly evolves and utilities must determine which resources to invest limited time and money into developing. While CEPs and IRPs should continue to include forward looking generating resources, utilities should also clearly define assumptions regarding the timing needed to bring these resources online (including the permitting required for related transmission), the potential costs (including a reasonable range of costs), and the likelihood that the future technology will come to fruition. Speculative resources should not be hard-wired or forced into the utilities' planning models and sensitivities should be conducted that exclude non-commercialized resources altogether in order to evaluate what short-term alternative steps may need to be taken in the event that the non-commercialized resource fails to materialize. To that end, the Commission should adopt the following non-exclusive factors to further define whether a CEP may be deemed economically and technologically feasible: 1) whether the CEP assumes adequate time for non-commercialized resources included in the plan to become available, taking into consideration permitting requirements, necessary build out of related transmission, availability of required supply chain resources, and construction timelines; 2) whether the CEP assumes a reasonable range of costs for non-commercialized resources included within the plan; and 3) whether the modeling supporting the CEP forced-in the non-commercialized resource or allowed it to be selected based on economics.

B. What relevance can and should the statements of policy in HB 2021 Section 2 have to the Commission's implementation of the operative provisions of the law?

As the Commission is aware, policy statements provided in statute are not binding and impose "no requirement that the agency do anything."¹⁸ Nevertheless, "[t]he goal of statutory

¹⁸ *Pharma v. Oregon Dep't of Hum. Servs. ex rel. Off. of Med. Assistance Programs*, 199 Or. App. 199, 208 (2005).

interpretation is to discern the intent of the legislature that enacted the statute[,]”¹⁹ which is necessarily derived from the “text and context” of the statute itself.²⁰ Policy statements “are considered useful context for interpreting a statute.”²¹ Accordingly, the policy statements included in HB 2021 Section 2 may not be simply disregarded but must guide the Commission in its interpretation of the operative provisions of the law.

The policy statements in Section 2 establish four distinct policies for the State of Oregon:

1. That retail electricity providers rely on non-emitting electricity and eliminate greenhouse gas emissions associated with serving Oregon retail electricity consumers by 2040;
2. That electricity generation should not only produce zero greenhouse gas emissions but also provide additional direct benefits to communities in the form of creating and sustaining living wage jobs, promoting workforce equity and increasing energy security and resiliency;
3. That the state engage in meaningful consultation with federally recognized Indian tribes; and
4. That implementation of HB2021 be done in a manner that minimizes the burdens for environmental justice communities.²²

While Oregon courts have found that policy statements “should not provide an excuse for delineating specific policies not articulated in the statutes . . .”²³ the Commission may, and should, look to these policy statements when interpreting “the meaning of the provision that is being construed,” if the policy statement is applicable.²⁴ This is particularly true when reviewing ambiguous, inexact or delegative statutory provisions, where additional context is important for further interpretation or to complete the legislative intent and for judicial review. In summary,

¹⁹ *Sundermier v. State ex rel. Pub. Emps. Ret. Sys.*, 269 Or. App. 586, 595 (2015) (citing *State v. Gaines*, 346 Or. 160, 171 (2009)).

²⁰ *Id.*

²¹ *Fenimore v. Blachly-Lane Cnty. C.E.A.*, 297 Or. App. 47, 57 (2019).

²² O.R.S. 469A.405.

²³ *Warburton v. Harney Cnty.*, 174 Or. App. 322, 329 (2001).

²⁴ *Dep’t of Land Conservation & Dev. v. Jackson Cnty.* 151 Or. App. 210, 218 (1997).

when the legislative directive is delegative or inexact, the policy statements which express legislative intent and provide context to the terms will inform the agency's completion of the legislation, will inform its further refinement of the terms through rule making and interpretive decisionmaking, and will inform the review of its decisions applying the statute or the rule.²⁵

The Section 2 policy statements are designed to be relevant to determining whether a CEP is “in the public interest” pursuant to Section 5(2). As noted above, the legislature provided the Commission with a delegative “public interest” factor and sub-factors which are broad and inexact.²⁶ This provides the Commission with wide latitude but also calls on the Commission to determine what factors are relevant to its “public interest” determination. The Section 2 policy statements clearly indicate that the legislature intended for the Commission to consider tribal consultation, impacts on environmental justice communities, and whether planned electricity generation provides direct benefits to communities as factors to weigh in its decisionmaking. All of these reinforce the recommendation above that the Commission should clearly state that it will consider impacts on and benefits to environmental justice and energy burdened communities when evaluating whether a CEP is “in the public interest.” In addition, Section 2 also directs, or at least provides authority, to the Commission to adopt specific “other factors” which explain what is expected for Tribal consultation and what is valued in or how the creation of sustainable living wage jobs and workforce equity may be assessed and weighed. To that end, the Commission should adopt non-exclusive factors including: bilateral engagement with Tribal nations; utility engagement with impacted communities and its CBIAGs; increase access to

²⁵ *Coast Security Mortgage Corp*, 331 Or. at 353-54 (the task of the agency and reviewing court is to determine what the legislature intended by inexact terms; regarding delegative terms, the task of the agency is to complete the general legislative policy and the reviewing court will determine if that completion is within the range of discretion allowed by the general policy of the statute.)

²⁶ *See, e.g.*, O.R.S. 469A.420(2)(e) (instructing the Commission to consider the “costs and risks to the customers” of a utility’s CEP without defining “costs” or “risks.”)

renewable energy, storage, energy efficiency, and demand-side resources in environmental justice, energy burdened, and Tribal communities; and increased representation of environmental justice communities in the renewable energy workforce.

Additionally, the Commission may look to Section 2 when determining how utilities must report “annual greenhouse gas emissions associated with electricity sold . . . to retail electricity consumers . . .”.²⁷ Because Section 2 also speaks of “eliminat[ing] greenhouse gas emissions associated with serving Oregon retail electricity consumers . . .” (as do other sections in HB 2021),²⁸ the law, as a whole, suggests that there must be some accounting of greenhouse gas emissions specifically associated with retail electricity consumers’ usage.

C. What procedural approach should the Commission take to oversee continual progress and prompt action by utilities, as required by HB 2021 Section 4(6)?

HB 2021 references “continual progress” in three separate sections,²⁹ demonstrating the importance that the legislature placed on the term; and it references that the plans should state goals that “make progress” toward the targets, “including acquisition of nonemitting generation resources, energy efficiency measures and demand response resources.”³⁰ While undefined by the statute, the Webster-Merriam dictionary defines “continual” as “continuing indefinitely in time without interruption” or “recurring in steady usually rapid succession.”³¹ “Progress,” in relevant part, is defined as “a forward or onward movement (as to an objective or to a goal)” or “gradual betterment.”³² Additionally, HB2021 Section 4(4)(e) requires utilities to demonstrate in their CEPs that they are “making continual progress *within the planning period* towards meeting

²⁷ O.R.S. 469A.420(3)(a).

²⁸ See, e.g., O.R.S. 469A.400(1) (defining baseline emissions).

²⁹ See O.R.S. 469A.400; 469A.415; 469A.420.

³⁰ O.R.S. 469A.415(4)(b).

³¹ Merriam-Webster, Continual, available at <https://www.merriam-webster.com/dictionary/continual>.

³² Merriam-Webster, Progress, available at <https://www.merriam-webster.com/dictionary/progress>.

the clean energy targets,” indicating that emission reductions must occur in each year. Taken together, it is clear that the legislature intended for electric utilities to quickly reduce greenhouse gas emissions, without interruption, until the 2040 target of 100% reduction is met.

In order to ensure that utilities comply with HB 2021’s “continual progress” mandate, the Commission should first rely on the utilities’ CEPs. As HB 2021 contemplates, CEPs should be evaluated, in part, on projected reductions of greenhouse gas emissions as well as the Commission’s review of the actual “annual greenhouse gas emissions associated with the electricity sold to retail electricity consumers” as reported to the Department of Environmental Quality.³³ In other words, when evaluating continual progress, the Commission must ensure not only that emissions are *projected* to decline in line with accomplishing HB2021’s emission reduction targets but also that *actual* emissions are falling. The Commission should adopt non-exclusive factors to help it assess whether progress will occur both during the planning period and has occurred during the prior planning period to reduce actual emissions. This would require that the Commission’s review of “continual progress” is both forward and backward looking to ensure that not only are utilities planning for further emission reductions but also that emission reductions have been achieved.

Further, to ensure and foster “progress,” the Commission should also use the biennial reports of the Community Benefits and Impacts Advisory Groups to determine if progress is being achieved in the actual reduction of emissions and the acquisition of non-emitting generation resources, energy efficiency measures and demand response resources. Those biennial reports are required to identify, among other things, the utilities’ actions to facilitate investments in the non-emitting distribution system,³⁴ distribution upgrades in environmental justice

³³ O.R.S. 469A.420(4)(a)-(b)

³⁴ O.R.S. 469A.425(2)(a)(C).

communities,³⁵ and the social, economic and environmental justice co-benefits resulting from the investments, contracts and internal practices.³⁶ Those reports will, therefore, inform the progress of the acquisition of the resources benefiting communities and the Commission should use those reports to assess progress and indicate its intention to exercise its authority to issue directives based upon those reports to ensure appropriate progress.

Perhaps most importantly, the Commission must carefully consider what enforcement authority it possesses in the event that a utility's emissions are not reduced. To begin, the Commission would be well within its authority to issue a non-acknowledgment on a CEP that fails to demonstrate "continual progress." While non-acknowledgment would not have any immediate effect on the utility, it would serve as a signal that investments planned pursuant to the non-acknowledged CEP may not be found prudent in a subsequent rate case. In the rate case, the Commission will need to review the utility's spending holistically to determine whether the utility's strategy aligned with its HB 2021 requirements, as it will likely be difficult to pinpoint any one expenditure as individually preventing the utility from making continual progress in attaining HB2021's emission reduction targets. Because, however, failure to demonstrate continual progress will likely result from a failure to make the right investments, or any investments at all, the Commission should also adopt a mechanism or process to trigger the issuance of a show-cause notice which would initiate an expedited contested case proceeding and should develop a list of remedies which could include ordering the utility to file a revised CEP within a specified period, directing specific actions to correct errors or omissions in order to ensure continual progress, and monetary penalties. While the contents of such an order will depend upon the specific CEP or biennial report reviewed, such an order could require, for

³⁵ O.R.S. 469A.425(2)(a)(D)

³⁶ O.R.S. 469A.425(2)(a)(E)

instance, short-term changes to achieve near-term emissions reductions as well as changes to longer-term planning to ensure consideration of future technologies, using reasonable expectations as discussed above. The Commission’s authority to impose monetary penalties comes from O.R.S. 756.990(2) and may be between \$100 and \$10,000 for each time a utility violates any statute administered by the Commission or fails to obey any lawful requirement or order made by the Commission, among other circumstances.³⁷ While the Commission previously opted not to establish compliance penalties and a previous Staff report suggested that the HB 2021 regulatory framework does not specifically contemplate penalties,³⁸ the Commission should not assume that penalties will not be appropriate. HB 2021 directs the Commission to “ensure” continual progress.³⁹ Such a decision will be dependent upon the utilities’ CEPs and the good faith effort made to meet HB 2021 requirements. Finally, Oregon law permits the Commission to report statutory violations to the Attorney General for enforcement in any state circuit court⁴⁰ or directly seek an injunction.⁴¹ The Commission should further indicate which tools it may use to ensure continual progress.

III. Conclusion

In conclusion, Sierra Club, Rogue Climate, Columbia Riverkeeper, and Coalition of Communities of Color recommend that the Commission take the actions recommended above to interpret and bring meaning to the definitions of “public interest” and “continual progress” in HB 2021, in part, by using the policy statements enacted through Section 2 as guiding principles.

³⁷ O.R.S. 756.990(2).

³⁸ *In the Matter of Public Utility Commission of Oregon, House Bill 2021 Investigation into Clean Energy Plans*, Dkt. No. UM 2225, Staff Report (May 23, 2022), available at <https://edocs.puc.state.or.us/efdocs/HAU/um2225hau111056.pdf>

³⁹ O.R.S. 469A.415(6).

⁴⁰ O.R.S. 756.160.

⁴¹ O.R.S. 756.180.

Respectfully submitted,

_____/s/

Rose Monahan
Sierra Club
2101 Webster Street, Street 1300
Oakland, California 94612
415-977-5704
rose.monahan@sierraclub.org

Attorney for Sierra Club

_____/s/

Tonia Morro
Tonia L. Moro Attorney at Law PC
106 Talent Ave., Ste. 6
Talent, OR 97540
541 973-2063
Tonia@ToniaMoro.com

Attorney for Rogue Climate

_____/s/

Kelly Campbell
Policy Director
Columbia Riverkeeper
1125 SE Madison Street, Suite 103A
Portland, Oregon 97214
541-953-5475
kelly@columbiariverkeeper.org

_____/s/

Nikita Daryanani
Coalition of Communities of Color
221 NW 2nd Avenue, Suite 303
Portland, Oregon 97209
949-365-6021
nikita@coalitioncommunitiescolor.org

signing in support:

_____/s/_____

Carra Sahler

Caroline Cilek

Green Energy Institute at Lewis and Clark Law School

10101 S. Terwilliger Blvd.

Portland, Oregon 97219

503-768-6634

sahler@lclark.edu

carolinecilek@lclark.edu

Attorneys for the Green Energy Institute