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April 18, 2013

Public Utility Commission  
Attn: Filing Center  
550 Capitol Street NE #215  
PO Box 2148  
Salem, OR 97308

**Re: UM 1610 –Community Renewable Energy Association’s Errata to CREA/100**

Dear Filing Center:

Enclosed please find the Community Renewable Energy Association’s (“CREA”) Errata to the direct testimony of Ormand Hilderbrand (CREA/100). This Errata corrects a typographical error at CREA/100, Hilderbrand/26, line 2. The Errata changes the statement <PGE proposes 100 hours per year of scheduled maintenance> to <PGE proposes 200 hours per year of scheduled maintenance>.

We are providing the Commission with an original and five (5) copies of this filing.

Please contact me with any questions. Thank you for your assistance.

Sincerely,

Gregory M. Adams  
Attorney for the Community Renewable Energy Association

Enc.

1 availability should be averaged across all turbines, rather than construing the clause to require  
2 simultaneous availability, and PGE proposes 200 hours per year of scheduled maintenance.

3 While these are improvements to the entirely onerous clause in the PáTu contract, it does not go  
4 far enough. Both PacifiCorp and Idaho Power agree that failure to achieve a MAG in a single  
5 year should not result in termination of the agreement, but rather should be addressed with  
6 liquidated damages. This is consistent with the Commission's understanding in UM 1129.

7 Additionally, PacifiCorp proposes 90% annual availability, and Idaho Power proposes 85%  
8 monthly availability. Either of these limits is reasonable.

9 **Q: PGE cited a publication by Stoel Rives titled "The Law of the Wind: A Guide to**  
10 **Business and Legal Issues." Do you believe that this publication cited by PGE supports**  
11 **PGE's position?**

12 A. No. PGE asserted that this Stoel Rives publication establishes that "Typical mechanical  
13 availability guarantees provide for a guarantee of a mechanical availability percentage in each  
14 contract year of 95 percent."<sup>1</sup> However, PGE appears to have selectively quoted the chapter of  
15 the publication that discusses the guarantees from the equipment supplier to the project owner,  
16 not the provisions typically found in a PPA. Notably, PGE has provided no actual PPAs (other  
17 than its own standard contract) to support PGE's position that 95% availability with no  
18 opportunity for cure is reasonable.

19 **Q. Were you able to locate the most relevant portion of the Stoel Rives' publication and**  
20 **its statement of what is typically contained in a MAG in a PPA?**

21 A. Yes. I have provided excerpts of the publication containing the portion PGE relied upon  
22 and the more relevant portion discussing PPA terms as CREA/105. The chapter of the

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<sup>1</sup> PGE/200, Macfarlane-Bettis/4.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18th day of April, 2013, a true and correct copy of the within and foregoing **ERRATA TO COMMUNITY RENEWABLE ENERGY ASSOCIATION'S NO. 100** was served as shown to:

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