

October 2, 2025

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
 Attn: Filing Center
 201 High Street SE, Suite 100
 Salem, OR 97301-3398

Re: Advice 25-015—Schedule 401—Service to New Large Energy Use Facilities

In accordance with Oregon House Bill (HB) 3546, ORS 757.205, ORS 757.210, and OAR 860-022-0025, PacifiCorp, d/b/a Pacific Power (PacifiCorp or the Company) submits for filing the following proposed tariff pages associated with Tariff P.U.C. OR No. 36, which sets forth all rates, tolls, charges, rules, and regulations applicable to electric service in Oregon. PacifiCorp submits this filing to establish a new rate schedule, Schedule 401 – Service to New Large Energy Use Facilities, and implement corresponding minor revisions to Schedule 47 – Large General Service Partial Requirements 1,000 KW and Over Delivery Service, Schedule 48 – Large General Service 1,000 KW and Over Delivery Service, and Schedule 90 – Summary of Effective Rate Adjustments. PacifiCorp respectfully requests a January 1, 2026, effective date for these changes.

Sheet No.	Tariff	Title
Eighth Revision of Sheet No. INDEX-2		Tariff Index
Sixth Revision of Sheet No. 47-1	Schedule 47	Large General Service Partial Requirements 1,000 KW and Over Delivery Service
Seventh Revision of Sheet No. 48-1	Schedule 48	Large General Service 1,000 KW and Over Delivery Service
Thirty-fourth Revision of Sheet No. 90-1	Schedule 90	Summary of Effective Rate Adjustments
Third Revision of Sheet No. 90-2	Schedule 90	Summary of Effective Rate Adjustments
Original Sheet No. 401-1	Schedule 401	Service to New Large Energy Use Facilities
Original Sheet No. 401-2	Schedule 401	Service to New Large Energy Use Facilities
Original Sheet No. 401-3	Schedule 401	Service to New Large Energy Use Facilities

The proposed tariff and tariff revisions implement HB 3546 for PacifiCorp by establishing a new customer class for new Large Energy Use Facilities (Facilities) and requiring new Facilities, and those with existing agreements that require the Company to make significant investments or incur significant costs, to enter a contract with PacifiCorp establishing the rates and terms of

service. Each contract would be subject to Commission approval. This approach will enable the Company to flexibly meet each Facility’s unique energy needs, while protecting existing customers by ensuring all Facilities bear the costs they impose, consistent with the law. The Company plans to address the implementation of HB 3546 for existing Large Energy Use Facilities¹ in its next general rate case.

HB 3546

HB 3546, which took effect on June 16, 2025, requires the Public Utility Commission of Oregon (Commission) to provide for a service classification under ORS 757.230 for retail electricity customers that are “Large Energy Use Facilities,” and that this service class “be separate and distinct from classifications of service for other commercial or industrial retail electricity customers and have its own tariff schedule.”² For purposes of HB 3546, “Large Energy Use Facilities” are defined as facilities that use or are able to use 20 megawatts (MW) or more and are primarily engaged in providing a service described under code 518210 of the 2022 North American Industry Classification System³—which corresponds to the industry that provides computing infrastructure, data processing, web hosting, and related services.⁴ HB 3546 provides that any tariff schedule the Commission adopts for the Large Energy Use Facility service class must: a) allocate the costs of serving the Large Energy Use Facility class to that class “in a manner that is equal or proportional to the costs of serving the class,” or b) directly assign the costs of serving an individual Large Energy Use Facility to that customer individually.⁵ The new tariff must also comply with any conditions the Commission requires in the public interest and mitigate the risk of unfair cost shifting to other retail electricity customers and the risk of retail electricity customers otherwise paying unwarranted costs.⁶

Under HB 3546, Section 5, electric companies that serve Large Energy Use Facilities must enter into contracts with each Facility that “covers the provision of the electricity service,” including “transmission, distribution, energy, capacity or ancillary electricity services,” as applicable.⁷ Among other requirements, these contracts must require Large Energy Use Facilities to pay a minimum amount or percentage based on the customer’s projected energy use that the electricity provider is obligated to provide under the contract.⁸

HB 3546 also aims to bolster grid efficiency, reliability, and resiliency, as well as clean energy goals. It directs the Commission to consider whether a proposed tariff schedule for Large Energy

¹ Existing Large Energy Use Facilities are those that have entered into a contract for electric service with the Company before June 16, 2025 and do not require the Company to make significant investments or incur significant costs after June 16, 2025.

² H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 2(2) (Or. 2025).

³ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 2(1)(d).

⁴ North American Industry Classification System, 518210 Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services, U.S. Census Bureau, <https://www.census.gov/naics/?input=518210&year=2022&details=518210> (last accessed Sept. 25, 2025).

⁵ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 2(2).

⁶ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. §§ 2, 5(1)(b)(A)(v).

⁷ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 5.

⁸ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 5.

Use Facilities provides for “equitable contributions to grid efficiency, reliability and resiliency benefits”; impedes the electric company’s ability to meet the clean energy targets set forth in ORS 469A.410 or reduce greenhouse gas emissions; or allows for the procurement of or contracts for generation resources that support the electric company’s ability to meet its clean energy targets and reduce emissions.⁹

Schedule 401

Schedule 401 is a new schedule that establishes a customer class of New Large Energy Use Facilities. Consistent with HB 3546, Schedule 401 defines a “Large Energy Use Facility” as a facility that is “primarily engaged in providing a service described under code 518210 of the 2022 North American Industry Classification System whose electric service load registers 20,000 kW or greater or whose Reserved Capacity is 20,000 kW or greater.”¹⁰ Schedule 401 applies to Large Energy Use Facilities that do not participate in a Direct Access program and either have not entered into a contract for electric service with the Company before June 16, 2025—the effective date of HB 3546—or have previously entered into a contract with the Company for electric service but require the Company to make significant investments or incur significant costs after June 16, 2025.¹¹

Schedule 401 requires all Facilities to enter a Large Energy Use Facility Agreement (Agreement) with the Company that specifies the terms and conditions of service, including the applicable monthly charges, prior to receiving service.¹² Every Facility will enter an individualized Agreement with the Company that reflects specific terms and conditions appropriate for that customer’s energy needs and any other relevant considerations, including the requirements established by HB 3546. Schedule 401 provides that the Company will submit these Agreements to the Commission, and the Commission will approve or reject them within 60 days.¹³ Schedule 401 also establishes a nonrefundable application fee for customers seeking to receive service under this schedule that will partially offset the Company’s costs associated with preparing the Agreements and submitting them to the Commission.¹⁴

1. Large Energy Use Facility Agreements

HB 3546’s provisions permit electricity providers to allocate the costs of serving Large Energy Use Facilities to the customer class as a whole or to directly assign the costs to individual Large Energy Use Facilities.¹⁵ Schedule 401 implements the latter approach for new Large Energy Use Facilities by requiring them to enter an Agreement with the Company. This approach is a simple and efficient way to implement HB 3546 for new Large Energy Use Facilities, because it allows

⁹ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 2(3).

¹⁰ Proposed Original Sheet No. 140.1; H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 2(1)(d).

¹¹ Proposed Original Sheet No. 140.1.

¹² Proposed Original Sheet No. 140.1.

¹³ Proposed Original Sheet Nos. 140.1, 140.2.

¹⁴ Proposed Original Sheet No. 140.3.

¹⁵ H.B. 3546, 83rd Leg. Assemb., Reg. Sess. § 2(2).

PacifiCorp to directly assign costs to Schedule 401 customers in accordance with Sections 2 and 5 of HB 3546.

Direct assignment of costs to Large Energy Use Facilities through Agreements complies with the requirement in HB 3546, Section 2, that tariffs for Large Energy Use Facilities mitigate the risk of the costs of serving such Facilities being shifted to other retail electricity consumers, or of other retail electricity consumers otherwise paying unwarranted costs. The load requirements for data centers that meet the definition of a Large Energy Use Facility can range from 20 MW to potentially 1 gigawatt or more, and the addition of load on this scale to the Company's system often requires the Company to make significant investments to serve an individual customer. Schedule 401 prevents cost shifting and any other unwarranted cost impacts to other retail customers by ensuring that Facilities are directly assigned the costs associated with serving them.

Other elements of Schedule 401 further mitigate the risks of cost shifting or unwarranted cost impacts to other retail customers. For example, even if the Facility's use is less than anticipated, Schedule 401 requires Facilities to pay a minimum amount or percentage for the electricity services the Company is obligated to provide that Facility.¹⁶ These minimum payments will be set forth in each Facility's Agreement, based on the Facility's projected usage, and will be subject to Commission review once the Company submits a negotiated Agreement to the Commission.¹⁷ Schedule 401 also requires Agreements to be for a specified term that is not less than 10 years.¹⁸ In combination, Schedule 401's minimum payment and term provisions ensure that Facilities will contribute to the Company's costs to serve them for a duration that is sufficient to minimize the risk of stranded investments. Additionally, consistent with HB 3546, the proposal provides that Agreements may include a charge for excess demand, or unique credit, deposit, and security provisions.¹⁹

Since PacifiCorp is a multi-jurisdictional entity that has operations spanning several states, it is particularly important for the Company to specifically isolate costs associated with individual new Large Energy Use Facilities and directly assign them to the individual customer that causes them. This is important because any spillage of costs due to imperfect cost assignment could implicate cost shifting across state lines. Consistent with the Company's proposed 2026 Protocol,²⁰ which provides that PacifiCorp will assign costs—including distribution, transmission, generation, and contractual costs—associated with investments needed to serve new large load customers to the state in which the load is located, Schedule 401's direct cost assignment approach ensures that no costs associated with serving a new large customer in one state are borne by customers in any other state.

In addition to protecting against unwarranted cost impacts on other retail customers, Schedule 401's individual Agreement approach also gives the Company and Facilities the flexibility to

¹⁶ Proposed Original Sheet No. 140.2.

¹⁷ Proposed Original Sheet No. 140.2.

¹⁸ Proposed Original Sheet No. 140.2.

¹⁹ Proposed Original Sheet No. 140.2.

²⁰ Docket No. UM 1050, Direct Testimony of Rick T. Link at 31.

negotiate Agreements responsive to each Facility's unique service requirements. As discussed, the amount of load added by each Facility can vary widely. In addition, each Facility may have unique costs or needs depending on its geographic location within the Company's service territory, or other factors. For example, a Facility located in Eastern Oregon may impose different costs or have different needs than one located in Central Oregon or in the Willamette Valley. The Agreements contemplated by the proposal would allow the Company to meet the individualized needs of Facilities within the new class while also protecting customers from the unique costs and risks associated with serving Facilities.

Finally, the flexibility afforded by direct contracts enables the Company and Facilities to negotiate Agreements that provide for equitable contributions to grid efficiency, reliability, and resiliency, and to make such contributions requirements for receiving service. Likewise, individual Agreements afford the Company and Facilities the greatest opportunity to ensure the Company's service to a Facility does not impede the Company's progress towards the clean energy targets in ORS 469A.410 or ability to pursue greenhouse gas emissions reductions, because the Company and Facility can each negotiate for terms related to their clean energy or emissions goals. For example, an Agreement could provide for the procurement of, or contract for, a generation resource that would support the Company's ability to meet its clean energy targets under ORS 469A.410, as contemplated by HB 3546.

2. Commission Oversight

After the Company and a Large Energy Use Facility negotiate an Agreement, the Company will submit the Agreement for Commission review and approval before the Company begins providing service under the Agreement. Consistent with HB 3546, this ensures that the Commission can review whether the minimum charges set forth in Agreements are appropriate, as well as whether the Agreement is consistent with other requirements and criteria set forth in HB 3546.

The proposal also provides that the Commission must approve or reject a Large Energy Use Facility Agreement within 60 days after it is filed with the Commission. The 60-day timeline recognizes the Company and the customer's need for regulatory certainty regarding negotiated Agreements and terms of service. It also provides sufficient time for robust Commission review of negotiated Agreements while accommodating the relatively fast development timeline typical of the data center industry.

3. Application Fee

Schedule 401 establishes a non-refundable application fee of \$25,000.00 for customers that are requesting service under Schedule 401. This fee partially offsets the Company's internal costs to prepare a Large Energy Use Facility Agreement and submit the Agreement to the Commission for review and is separate from existing fees associated with line extension studies. The application fee will be nonrefundable regardless of whether an Agreement is executed or approved by the Commission, because the Company will incur costs regardless of whether an Agreement is executed or approved.

Revisions to Schedules 47, 48, and 90

To implement the Company's Schedule 401 proposal, the Company is also proposing minor revisions to Schedules 47, 48, and 90. The proposed revisions to Schedules 47 and 48 clarify that large customers are eligible to take service under Schedules 47 and 48 only if they are not required to take service under Schedule 401. This ensures that, consistent with HB 3546, customers that qualify as new Large Energy Use Facilities under HB 3546 and Schedule 401 remain in a separate rate class from all other customers, including other large customers, and are prohibited from receiving service under any other schedule.

The proposed revisions to Schedule 90 identify the specific adjustment schedules that will apply to Schedule 401 customers. Specifically, the Company is proposing that Schedules 91, 92, 94, 190, 204, 207, 290, 291, will apply to Schedule 401 customers, because these are charges that effectuate state policies to which it is appropriate for Large Energy Use Facilities to contribute. For example, the proposed revisions to Schedule 90 would ensure that Schedule 401 customers will contribute to programs such as the Oregon Energy Assistance Program or the Public Purpose Charge. Currently there are no prices that are applicable to Schedule 401 listed in these adjustment schedules. If and when the Company brings an Agreement before the Commission for approval, it will simultaneously propose adjustment schedule rates for Schedule 401.

The company requests that all formal information requests regarding this advice filing be addressed to:

By email (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232

Informal inquiries may be directed to Amira Thompson, State Regulatory Affairs Manager, at (503) 260-4420.

Sincerely,



Robert Meredith
Director, Regulation

PROPOSED TARIFFS

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**LARGE GENERAL SERVICE
 PARTIAL REQUIREMENTS 1,000 KW AND OVER
 DELIVERY SERVICE**
Available

In all territory served by the Company in the State of Oregon.

Applicable

To Large Nonresidential Consumers supplying all or some portion of their load by self-generation operating on a regular basis, requiring standby electric service from the Company where the Consumer's self-generation has both a total nameplate rating of 1,000 kW or greater and where standby electric service is required for 1,000 kW or greater and are not otherwise required to take service under Schedule 401. Consumers requiring standby electric service from the Company for less than 1,000 kW shall be served under the applicable general service schedule. (N)

If Consumer elects to receive Supply Service from an ESS, Delivery Service shall be provided under Schedule 747, Direct Access Delivery Service.

Monthly Billing

The Monthly Billing shall be the sum of the Distribution Charge, Reserves Charge, Transmission & Ancillary Services Charge, and System Usage Charge plus the applicable adjustments as specified in Schedule 90.

<u>Distribution Charge</u>	<u>Delivery Voltage</u>		
	Secondary	Primary	Transmission
Basic Charge			
Facility Capacity ≤ 4,000 kW, per month	\$800.00	\$1,130.00	\$1,750.00
Facility Capacity > 4,000 kW, per month	\$2,210.00	\$3,120.00	\$4,480.00
Facilities Charge			
≤ 4,000 kW, per kW Facility Capacity	\$2.55	\$1.30	\$1.35
> 4,000 kW, per kW Facility Capacity	\$1.00	\$0.50	\$1.15
On-Peak Demand Charge, per kW	\$6.28	\$7.78	\$6.09
Reactive Power Charges			
Per kvar	\$0.65	\$0.60	\$0.55
Per kVarh	\$0.0008	\$0.0008	\$0.0008
Customer Funded Substation Credit, per kW Facility Capacity	N/A	-\$1.43	N/A
<u>Reserves Charges</u>			
Spinning Reserves			
Per kW of Facility Capacity	\$0.27	\$0.27	\$0.27
Spinning Reserves (with Company approved Self-Supply Agreement)			
Per kW of Spinning Reserves Level	(\$0.27)	(\$0.27)	(\$0.27)
Supplemental Reserves			
Per kW of Facility Capacity	\$0.27	\$0.27	\$0.27
Supplemental Reserves (with Company-approved Load Reduction Plan or Self-Supply Agreement)			
Per kW of Supplemental Reserves Level	(\$0.27)	(\$0.27)	(\$0.27)
<u>Transmission & Ancillary Services Charge</u>			
Per kW of On-Peak Demand	\$2.07	\$2.73	\$3.12
<u>System Usage Charge</u>			
Schedule 200 Related, per kWh	0.060¢	0.056¢	0.054¢
T&A and Schedule 201 Related, per kWh	0.117¢	0.108¢	0.105¢

(continued)

**LARGE GENERAL SERVICE
 PARTIAL REQUIREMENTS 1,000 KW AND OVER
 DELIVERY SERVICE**
Available

In all territory served by the Company in the State of Oregon.

Applicable

This Schedule is applicable to electric service loads which have registered 1,000 kW or more, more than once in a preceding 18-month period and are not otherwise required to take service under Schedule 401. This Schedule will remain applicable until the Consumer fails to meet or exceed 1,000 kW for a subsequent period of 36 consecutive months. Deliveries at more than one point, or more than one voltage and phase classification, will be separately metered and billed. Service for intermittent, partial requirements, or highly fluctuating loads, or where service is seasonally disconnected during any one-year period will be provided only by special contract for such service.

(N)
(N)

Partial requirements service for loads of 1,000 kW and over will be provided only by application of the provisions of Schedule 47.

Monthly Billing

The Monthly Billing shall be the sum of the Distribution Charge, Transmission & Ancillary Services Charge, and the System Usage Charge plus the applicable adjustments as specified in Schedule 90.

<u>Distribution Charge</u>	<u>Delivery Voltage</u>		
	<u>Secondary</u>	<u>Primary</u>	<u>Transmission</u>
Basic Charge			
Facility Capacity ≤ 4,000 kW, per month	\$800.00	\$1,130.00	\$1,750.00
Facility Capacity > 4,000 kW, per month	\$2,210.00	\$3,120.00	\$4,480.00
Facilities Charge			
≤ 4,000 kW, per kW Facility Capacity	\$2.55	\$1.30	\$1.35
> 4,000 kW, per kW Facility Capacity	\$1.00	\$0.50	\$1.15
On-Peak Demand Charge, per kW	\$6.28	\$7.78	\$6.09
Reactive Power Charge, per kvar	\$0.65	\$0.60	\$0.55
Customer Funded Substation Credit, per kW Facility Capacity	N/A	-\$1.43	N/A
 <u>Transmission & Ancillary Services Charge</u>			
Per kW of On-Peak Demand	\$2.61	\$3.27	\$3.66
 <u>System Usage Charge</u>			
Schedule 200 Related, per kWh	0.060¢	0.056¢	0.054¢
T&A and Schedule 201 Related, per kWh	0.117¢	0.108¢	0.105¢

Facility Capacity

For determination of the Basic Charge and the Facilities Charge, the Facility Capacity shall be the average of the two greatest non-zero monthly demands established during the 12-month period which includes and ends with the current billing month.

Minimum Charge

The minimum monthly charge shall be the Basic Charge and the Facilities Charge. A higher minimum may be required by contract.

(continued)

SUMMARY OF EFFECTIVE RATE ADJUSTMENTS

The following summarizes the applicability of the Company's adjustment schedules

SUMMARY OF EFFECTIVE RATE ADJUSTMENTS

Schedule	91	92	93	94	96	97	98*	190	192	194	202*	203*	204
4	x	x	x	x	x	x	x	x	x	x	x	x	x
5	x	x	x	x	x	x	x	x	x	x	x	x	x
15	x	x	x	x	x		x	x	x	x	x	x	x
23	x	x	x	x	x		x	x	x	x	x	x	x
28	x	x	x	x	x		x	x	x	x	x	x	x
30	x	x	x	x	x		x	x	x	x	x	x	x
41	x	x	x	x	x		x	x	x	x	x	x	x
47	x	x	x	x	x	x	x	x	x	x	x	x	x
48	x	x	x	x	x	x	x	x	x	x	x	x	x
51	x	x	x	x	x			x	x	x	x	x	x
53	x	x	x	x	x			x	x	x	x	x	x
54	x	x	x	x	x			x	x	x	x	x	x
60													
401	x	x		x				x					x
723	x	x	x	x	x		x	x	x	x	x	x	x
728	x	x	x	x	x		x	x	x	x	x	x	x
730	x	x	x	x	x		x	x	x	x	x	x	x
741	x	x	x	x	x		x	x	x	x	x	x	x
747	x	x	x	x	x	x	x	x	x	x	x	x	x
748	x	x	x	x	x	x	x	x	x	x	x	x	x
751	x	x	x	x	x			x	x	x	x	x	x
753	x	x	x	x	x			x	x	x	x	x	x
754	x	x	x	x	x			x	x	x	x	x	x
848	x	x		x		x		x	x				

(N)

*Not applicable to all consumers. See Schedule for details.

(continued)

SUMMARY OF EFFECTIVE RATE ADJUSTMENTS

The following summarizes the applicability of the Company's adjustment schedules

SUMMARY OF EFFECTIVE RATE ADJUSTMENTS

Schedule	206	207	290	291	293	294*	295*	296*	299
4	X	X	X	X					X
5	X	X	X	X					X
15	X	X	X	X		X			X
23	X	X	X	X		X			X
28	X	X	X	X		X			X
30	X	X	X	X		X			X
41	X	X	X	X		X			X
47	X	X	X	X		X			X
48	X	X	X	X		X			X
51	X	X	X	X		X			X
53	X	X	X	X		X			X
54	X	X	X	X		X			X
60			X						
401		X	X	X					
723	X	X	X	X		X			X
728	X	X	X	X		X			X
730	X	X	X	X		X	X	X	X
741	X	X	X	X		X			X
747	X	X	X	X		X	X	X	X
748	X	X	X	X		X	X	X	X
751	X	X	X	X		X			X
753	X	X	X	X		X			X
754	X	X	X	X		X			X
848			X	X	X				

(N)

*Not applicable to all consumers. See Schedule for details.

**SERVICE TO NEW LARGE
ENERGY USE FACILITIES****Purpose**

Pursuant to Enrolled Oregon House Bill 3546 (regular session 2025), the purpose of this schedule is to describe the general terms and conditions of service provided by the Company to New Large Energy Use Facilities.

Available

In all territory served by the Company in the State of Oregon.

Applicable

This Schedule is applicable to Large Energy Use Facilities that do not participate in a Direct Access program (Schedule 293, Schedule 294, Schedule 295, or Schedule 296), and have not entered into a contract for electric service with the Company before June 16, 2025 or have entered into a contract for electric service with the Company before June 16, 2025, but require the Company to make significant investments or incur significant costs after June 16, 2025 for the provision of electric service.

Definitions**Facility**

Facility means all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person or by any person who controls, is controlled by or is under common control with such person.

Large Energy Use Facility

Large Energy Use Facility means a facility that is primarily engaged in providing a service described under code 518210 of the 2022 North American Industry Classification System whose electric service load registers 20,000 kW or greater or whose Reserved Capacity is 20,000 kW or greater.

Large Energy Use Facility Agreement

Large Energy Use Facility Agreement means a written agreement executed between the Company and the Large Energy Use Facility which specifies the terms, conditions, and rates for service.

Monthly Billing

The Monthly Billing shall be the sum of charges specified in the Large Energy Use Facility Agreement plus the applicable adjustments as specified in Schedule 90.as specified in Schedule 90.

Special Conditions

1. Prior to receiving service, a Large Energy Use Facility shall enter into a Large Energy Use Facility Agreement with the Company and the Company shall file for approval of the Large Energy Use Facility Agreement with the Commission.

(continued)

Special Conditions (continued)

2. For a Large Energy Use Facility that has entered into a contract for electric service with the Company before June 16, 2025, but requires the Company to make significant investments or incur significant costs after June 16, 2025 for the provision of electric service, the Company shall refrain from making the significant investments of incurring costs until a Large Energy Use Facility Agreement is executed by the Company and the Customer and the Large Energy Use Facility Agreement is approved by the Commission. Until the Large Energy Use Facility Agreement is approved, the Customer shall not use a level of power greater than the service the Company can provide prior to making the significant investments or incurring costs.
3. A Large Energy Use Facility Agreement shall be consistent with the following criteria:
 - a. The Large Energy Use Facility Agreement shall not result in, or have the potential to result in, increased costs or unwarranted risk to other customers.
 - b. The Large Energy Use Facility Agreement shall provide for equitable contributions to grid efficiency, reliability and resiliency benefits.
 - c. The Large Energy Use Facility Agreement shall not impede the Company's ability to meet the clean energy targets set forth in ORS 469A.410 or reduce the emissions of greenhouse gases consistent with state policy.
 - d. The Large Energy Use Facility Agreement shall allow for procurement of or contracts for generation resources that support the Company's ability to meet the clean energy targets set forth in ORS 469A.410 or reduce the emissions of greenhouse gases consistent with state policy.
 - e. The Large Energy Use Facility Agreement shall specify a term that is 10 years or more.
 - f. The Large Energy Use Facility Agreement shall specify the date or estimated date that the Company will begin to provide service to the Customer.
 - g. The Large Energy Use Facility Agreement shall obligate the Customer to pay a minimum amount or percentage based on the Customer's projected usage for the electricity services the Company is contracted to provide for the duration of the contract.
4. The Commission shall approve or reject a Large Energy Use Facility Agreement within 60 days after filing.
5. A Large Energy Use Facility Agreement may include a charge for excess demand.
6. A Large Energy Use Facility Agreement may contain unique credit, deposit, and security provisions for the Customer.
7. In addition to any advance required by the Customer's Line Extension, a Large Energy Use Facility Agreement may require the Customer to advance the costs of network upgrades, bulk transmission investments, generation facilities, and energy storage facilities.
8. If the Company fails to begin to provide electricity service on or by the date specified in the Large Energy Use Facility Agreement due to causes within the Company's reasonable control, the Company shall provide the Customer notice of the delay as soon as reasonably practicable.
9. A Large Energy Use Facility Agreement may include terms and conditions that address the possibility of a delay due to causes within the reasonable control of the parties to the agreement upon mutual agreement by the parties to the agreement.

(continued)

Special Conditions (continued)

10. In the event of any ambiguity or conflict between the Company's tariff and the substantive provisions of a Large Energy Use Facility Agreement, the terms of the Large Energy Use Facility Agreement shall be controlling.
11. The Company will require a nonrefundable application fee of \$25,000 from each Customer requesting service under this Schedule, as a partial offset to the Company's costs related to the preparation of a Large Energy Use Facility Agreement for review by the Commission, which fee shall not be refunded whether an agreement is ultimately executed. Customers may make preliminary inquiries with the Company to determine eligibility at no cost to the Customer.
12. The Customer shall not resell electric service received from the Company under provisions of this Schedule to any person, except by permission of the Company or as otherwise expressly provided in Company tariffs.

Rules and Regulations

Service under this Schedule is subject to the General Rules and Regulations contained in the tariff of which this Schedule is a part and to those prescribed by regulatory authorities.

(continued)