

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 631

In the Matter of

Rulemaking to Address Procedures, Terms,
and Conditions Associated with Qualifying
Facility Standard Contracts.

MEMORANDUM ON REQUEST
FOR COMMENT

In order to facilitate written comments in this proceeding, a revised set of rules was filed with the Secretary of State and was served on the service list for docket AR 631. Due to the formatting rules required by the Secretary of State, these rules are not shown in redlined form, but do include changes from the last redline distributed to participants.

Please note that based on Commission feedback at the October 18, 2022 workshop, the Administrative Hearings Division (AHD) intends to recommend that the Commission delete proposed New Rule 5 on *force majeure* from the draft rules. However, in order to give the Commission flexibility to include that rule should it choose to, we have included the proposed rule in what was filed with the Secretary of State. We have also not made edits to proposed New Rule 1 because we have chosen to wait pending a decision in docket UM 2032.

Parties are invited and encouraged to make comments on all aspects of the proposed rules. However, the AHD specifically seeks comment on the following two items on which we believe additional information is necessary:

1. If solar resources are subject to a Minimum Deliverability Guarantee (MDG) (either mandatorily or as an option), how should that MDG be calculated and why? While participants have already advocated for numbers ranging from 70 percent to 90 percent, AHD now particularly seeks any available empirical evidence showing what number would be reasonable to use for solar resources.
2. The Joint Utilities have proposed a creditworthiness standard pegged, in part, to specific S&P and Moody's credit ratings. While AHD understands that the QF Trade Groups have proposed and advocated for a different standard, it seeks comment from QF representatives on what S&P and Moody's ratings would be reasonable to use if the Commission chose to adopt that approach. AHD would also be interested in other reasonable and specific quantitative approaches.

Dated this 23rd day of November 2022, at Salem, Oregon.



Katharine Mapes
Administrative Law Judge