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November 26, 2019

VIA ELECTRONIC MAIL


Filing Center
Public Utility Commission of Oregon
PO Box 1088
Salem, OR 97308-1088
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Subject: In the Matter of PORTLAND GENERAL ELECTRIC COMPANY
Request to Update is Schedule 201 and Standard Power Purchase Agreements
Docket No. UM 1987

Dear Filing Center:

Attached for filing in the above-captioned docket is an electronic version of *Evergreen BioPower, LLC's Response in Support of Motion to Stay of Northwest and Intermountain Power Producers Coalition, Renewable Energy Coalition, and Community Renewable Energy Association*.

Sincerely,



Ken Kaufmann
Attorney for Evergreen BioPower, LLC

Attach.

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

DOCKET NO. UM 1987

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request to Update its Schedule 201 and
Standard Power Purchase Agreements

Evergreen BioPower, LLC’s Response in
Support of Motion to Stay of Northwest and
Intermountain Power Producers Coalition,
Renewable Energy Coalition, and Community
Renewable Energy Association.

I. Introduction

Evergreen BioPower, LLC (“Evergreen”) files this Response in support of Northwest and Intermountain Power Producers Coalition [NIPPC], Renewable Energy Coalition [REC], and Community Renewable Energy Association [CREA]’s joint Motion to Stay. Evergreen joins in requesting the Commission stay PGE’s *Revised Request to Update Schedule 201 and Standard Power Purchase Agreements* (“Revised Request”) until after completion of OPUC Docket AR 631.

Evergreen is a 10 MW biomass generating facility that currently sells output to PGE under an off-system, non-variable, renewable Schedule 201 power purchase agreement. While its interests overlap with NIPPC, REC, and CREA (together the “Joint QFs”), Evergreen focuses on issues affecting baseloaded, biomass-fueled, T-REC producing cogenerating generating facilities like itself. The Commission’s policies regarding, among other items, T-RECs, RECs from biomass QFs, and rates for existing baseload QFs--as embodied in the standard QF contracts and

schedules--are of critical importance to the financial viability of Evergreen Biopower, LLC and, by association, its site host, Freres Lumber Company, Inc.

II. PG&E's Revised Request Wastefully Ignores an Open Commission Docket Addressing the Same Issues.

NIPPC, REC, and CREA's Motion recounts eloquently the Commission's current commitment to improve the standard QF contract and associated procedures. *See* Motion to Stay, pp 9-10. In essence, with Staff's endorsement, the Commission has undertaken a rulemaking (AR 631) focused on updating standard contract terms and conditions, starting with Staff's preparation of a straw proposal of standard contract procedures and terms to initiate a holistic review of such terms. Docket AR 631 is well underway and will address all issues perceived by the parties to merit review. Despite Staff's and Commission's express commitment to incorporate knowledge gained in the UM 1987 workshops held earlier this year into the straw proposal, PGE nonetheless seeks to pre-empt the AR 631 process with its Revised Request.

III. Allowing PGE to Proceed Would be Unfair to Other Stakeholders.

In light of AR 631, PGE's Revised Request is unnecessary because AR 631 will address identified issues in standard contracts and likely do so as quickly, or more so, than would a rulemaking in UM 1987.

It is also unfair. By undertaking the comprehensive rewrite of the standard contract, PGE pre-empts the work that Staff has offered to do as an impartial expert. Inevitably, PGE's authorship introduces bias--whether intended or not--into the drafting process.

It is also wasteful. PGE's requested action would result in a formal rulemaking process commanding heavy sustained effort from the utilities, the QFs, and the Commission for many months, *substantially and unnecessarily duplicating* the efforts of the same parties, in AR 631.

And it is harmful. If PGE were successful in accomplishing divergent results in UM 1987 from the Commission's generic AR 631 proceeding, then much additional effort will be spent workshopping and litigating the inconsistencies created by two parallel dockets--inconsistencies that will not arise if standard contract issues are addressed in a single, generic proceeding.

IV. Conclusion.

Evergreen recognizes and commends the Commission's efforts to improve the standard contract terms and procedures. It suggests that those efforts can be furthered most efficiently and effectively if the Revised Request is stayed in order to allow the Commission's generic investigation to proceed without prejudice.

If the Commission does grant the Revised Request, and in order to avoid the substantial risk of wasting time and treasure on a proceeding that is doomed to be subsumed by AR 631, Evergreen respectfully urges the Commission to not require the parties to undertake substantive briefing on PGE's Revised Request until after the Commission has ruled on the Joint QF's Motion and the Parties have exhausted all avenues of appeal.

Dated this 26th Day of November 2019.

Respectfully submitted,

A handwritten signature in black ink that reads "Ken Kaufmann". The signature is written in a cursive style with a long horizontal line extending to the right.

Kenneth E. Kaufmann, OSB 982672
Attorney for Evergreen BioPower, LLC