

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2032

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation into the Treatment of Network
Upgrade Costs for Qualifying Facilities

NEWSUN ENERGY LLC'S MOTION TO FOR
EXTENSION OF TIME AND SCHEDULE
REVISION

INTRODUCTION

Pursuant to OAR 860-001-0420, NewSun Energy LLC ("NewSun") hereby moves the Public Utility Commission of Oregon (the "Commission") for an order:

1. Extending the deadline to file Reply Testimony 28 days from January 22, 2021 to February 19, 2021, or in the alternative to 30 days after the Joint Utilities provide requested data pursuant to a motion to compel (or such motion is otherwise denied); and
2. Revising the schedule for this docket, keyed off of the new Reply Testimony deadline to the following (with the caveat that it will need to be revised further if a motion to compel is needed):

2/19/21 – Reply Testimony
3/19/21 – Prehearing Brief
3/29/21 – Cross examination statements/exhibits
Week of 4/12 Hearing (depending on commission availability)
5/17/21 – Post-hearing Brief
6/9/21 -Post-hearing Response Brief

Expedited consideration of this motion is requested given the impending Reply Testimony deadline of January 22, 2021.

NewSun attempted to confer with the parties prior to filing this motion. Staff is okay with this request. The Northwest & Intermountain Power Producers Coalition and Renewable Energy Coalition support the request for additional time but indicated they needed more time to confer on a revised schedule. No response was received from the Alliance for Western Energy Consumers, the Community Renewable Energy Association and the Joint Utilities¹ by the time of filing.

DISCUSSION

NewSun makes this request for extension and revision of the schedule primarily due to the press of business and concerns about a potential discovery dispute with the Joint Utilities.

The Joint Utilities provided NewSun with notice of numerous objections to its data requests and to confer,² which the Commission's rules require when the party perceives that a data request is likely to lead to a discovery dispute.³ The Joint Utility objections spanned 20 pages and covered a variety of subjects that are highly relevant to this case such as whether system benefits result from certain network upgrades, whether there are legitimate differences between qualifying facilities ("QFs") and non-QFs that justify differential treatment, and whether there are or will be ratepayer impacts as the Joint Utilities assert or whether the ratepayers can similarly be impacted by other decisions made by the Joint Utilities.

NewSun took these objections seriously and spent a significant amount of time reviewing and addressing these objections in an attempt to avoid a discovery dispute. Upon discussion with the Joint Utilities, it appears they will still respond to a number of the requests they objected to; however, this additional work has taken away from the time NewSun could have spent preparing

¹ Portland General Electric Company, PacifiCorp, and Idaho Power.

² See Attachment A

³ OAR 860-001-0500(5).

its testimony. NewSun should not be prejudiced in this case by the Joint Utilities tactics to require NewSun to expend unnecessary resources on objections to data requests which the Joint Utilities intended on answering anyway.

NewSun is a small company with a single in-house attorney and limited staff who have other job responsibilities actually engaging in the business NewSun was created to do and who cannot devote their full-time attention to this docket, or even to Commission regulatory dockets. NewSun therefore simply does not have the bandwidth to respond to the Joint Utilities' excessive objections and also draft its Reply Testimony.

On at least some requests, it appears that NewSun will not get the data it requested. This became apparent in conferring with the Joint Utilities. In the event this turns out to be true, additional time will be needed to either ask follow-up questions or resolve a discovery dispute, or both. The Joint Utilities data responses are due tomorrow, January 20, 2021. Upon receiving those responses, NewSun may need to file a motion to compel which would warrant further extensions in this case so that the motion to compel can be ruled upon and depending on the outcome, the Joint Utilities can provide the requested data. This is why NewSun has included an alternative request to key the deadline for Reply Testimony to 30 days following any motion to compel.

NewSun does not believe that this request will unduly delay proceeding because the requested data is highly relevant and it is important for the Commission to decide the issues presented to it, especially from a party that will be directly impacted by the issues to be decided in this docket. NewSun has been actively involved in the development of projects in the Prineville area, which NewSun believes highlight numerous critical questions for this docket (i.e., the extreme cost of network upgrades and requirement to take network resource

interconnection service), and NewSun's data request number 19 concerning the Prineville area of PacifiCorp's service territory appears to be one of the most contentious. NewSun has also had potential other projects and investment decisions impacted by the policies at issue in this docket. NewSun will therefore be directly and significantly impacted by this docket.

The Joint Utilities will likely argue that NewSun should have sent its data requests earlier in the docket and therefore avoided this timing crunch. The Commission should reject this argument because it was not feasible for NewSun to provide the data requests earlier. NewSun intervened in this docket merely days before the first round of intervenor testimony was due and immediately thereafter the Joint Utilities served NewSun extensive and burdensome data requests, which NewSun spent significant time responding to which went right up until the deadline when the Joint Utilities filed their most recent round of testimony. During the intervening time between when the Joint Utilities filed their most recent round of testimony, and the time NewSun sent its data requests, NewSun worked diligently to craft a robust set of data requests that NewSun believes go to the heart of the issues in this case. The NewSun team had other pressing business to work on during that time as well and regrettably could not get the data requests out sooner. NewSun would certainly prefer to have filed its data requests early enough so that it had more than a couple days between the response deadline and the filing of testimony, but that was not feasible. In addition, the ongoing Covid-19 pandemic has made operations and coordination significantly more challenging in addition to other recent current events on a national and state level. A little flexibility is therefore warranted (very much appreciated) and is not undue delay.

CONCLUSION

As such, NewSun respectfully requests that the Commission extend the deadline Reply Testimony as requested herein.

Dated this 19th day of January, 2021.

Respectfully submitted,

NewSun Energy LLC

/s/ Marie P. Barlow

Marie P. Barlow, In-House Counsel,
Policy & Regulatory Affairs
NewSun Energy LLC
mbarlow@newsunenergy.net

Exhibit A



January 14, 2020

VIA EMAIL

Marie Barlow
mbarlow@newsunenergy.net

Re: UM 2032 - NewSun's First Set of Data Requests

Dear Ms. Barlow:

We are writing on behalf of PacifiCorp, Portland General Electric Company (PGE), and Idaho Power (collectively, the Joint Utilities) to confer regarding the Joint Utilities' concerns about and objections to NewSun's first set of data requests to each utility, which were served on January 6, 2021.

First, the Joint Utilities are very concerned that the breadth and depth of NewSun's data requests indicate the intent to introduce new evidence and arguments during the second round of reply testimony—the last round of testimony during this phase of the docket. This final round of testimony should be limited to issues raised in the preceding rounds, and the Joint Utilities will move to strike any new evidence or arguments introduced in the final round to which they would not have an opportunity to respond.

Second, the Joint Utilities object to many of the data requests as unduly burdensome. As detailed below, a significant number of the data requests—many of which have 10 or more individual subparts—seek voluminous information that is difficult to retrieve and of questionable relevance. In particular, the requests seek information about requests for PURPA power purchase agreements (PPAs), the utilities' non-PURPA PPAs, all interconnection requests received, all transmission service requests received, and network upgrades constructed or planned going back to 2014, 2005, and in one case back to 2000. While the Joint Utilities will nevertheless attempt to answer as many of these requests as possible within the time allotted, they anticipate that they will not provide all requested information.

Third, the Joint Utilities wish to respond to your suggestion that the case schedule be altered to accommodate the timing of NewSun's requests. In particular, recognizing that responses to NewSun's requests are due just two days before all parties are scheduled to file their final testimony in this phase of the docket, you suggested extending the testimony deadline to allow time for the Joint Utilities to fully respond to the discovery and for NewSun to incorporate the responses into its testimony. As you know, extending the testimony deadline would require extending the remainder of the schedule in the docket.

The Joint Utilities do not agree that NewSun’s decision to issue substantial discovery 16 days before the final round of testimony in the docket justifies extending the schedule again. Discovery has been ongoing in this docket for more than six months—since before NewSun intervened—and the Joint Utilities have filed two rounds of testimony—the last round filed over a month ago.¹ And importantly, none of NewSun’s data requests even reference the Joint Utilities’ latest round of reply testimony. It appears clear that the vast majority of NewSun’s discovery could have been issued months ago. Moreover, even if a few of the requests stem from the Joint Utilities’ reply testimony, NewSun had that testimony for 26 days before issuing the data requests. In short, the current schedule crunch is a problem of NewSun’s own making.

The Joint Utilities already agreed to extend the deadline for response testimony at NewSun’s request.² In NewSun’s petition to intervene, NewSun stated that its participation would not “unreasonably broaden the issues, burden the record, or unreasonably delay this proceeding.” Extending the schedule again to allow NewSun time to obtain and incorporate responses to its delayed and voluminous discovery would constitute an unreasonable justification for delay.

In addition to these general concerns, the Joint Utilities have specific objections and questions regarding many of the individual data requests, which we would like to confer with you about:

Numbers	Data Request ³	Joint Utilities’ Questions and Objections
NewSun to PGE DR 004; NewSun to PAC DR 004; NewSun to IPC DR 003	Please list all PGE employees that at any point prior to becoming employed by PGE have been employed by the Oregon Public Utility Commission. For each employee listed, please: <ol style="list-style-type: none"> a. Provide the employee’s resume or CV, b. Indicate the employee’s job responsibilities while employed by the Oregon Public Utility Commission, c. List each docket in which that 	Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case. Even if the requested information were relevant, the request is overly broad and unduly burdensome in that it

¹ Staff issued its first set of data requests on July 7, 2020. The Joint Utilities filed their opening testimony on August 24, 2020. The Northwest and Intermountain Power Producers Coalition (NIPPC) issued its first set of data requests on September 1, 2020. NewSun intervened in the docket on October 14, 2020, and filed testimony on October 30. The Joint Utilities’ most recent testimony was filed on December 11, 2020.

² NIPPC had requested a short extension of the response testimony deadline, but NewSun requested a longer extension, which the Joint Utilities agreed to.

³ References to “PGE” refer to “PacifiCorp” and “Idaho Power” in the data requests received by those utilities.

	<p>employee took an active part on behalf of the Oregon Public Utility Commission,</p> <p>d. Indicate the employee’s job responsibilities while employed by PGE,</p> <p>e. List each docket in which that employee took an active part on behalf PGE,</p> <p>f. Provide copies of all testimony prepared by that employee while employed by PGE.</p>	<p>covers all employees and contains no time or subject-matter limitation.</p>
<p>NewSun to PGE DR 005; NewSun to PAC DR 005; NewSun to IPC DR 004</p>	<p>Please list all consultants, independent contractors, or other non- PGE employees that have been retained by PGE in any capacity and that at any point prior to being retained by PGE have been employed by the Oregon Public Utility Commission. For each individual listed, please:</p> <p>a. Provide the individual’s resume or CV,</p> <p>b. Indicate the individual’s job responsibilities while employed by the Oregon Public Utility Commission,</p> <p>c. List each docket in which that individual took an active part on behalf of the Oregon Public Utility Commission,</p> <p>d. Indicate the individual’s responsibilities while retained by PGE,</p> <p>e. List each docket in which that individual took an active part on behalf PGE,</p> <p>f. Provide copies of all testimony prepared by that individual while retained by PGE.</p>	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>Even if the requested information were relevant, the request is overly broad and unduly burdensome in that it covers all consultants and independent contractors and contains no time or subject-matter limitation.</p>
<p>NewSun to PGE DR 006; NewSun to PAC DR 006; NewSun to IPC DR 005</p>	<p>Please list all power purchase agreements under which PGE purchases power including:</p> <p>a. Project name,</p> <p>b. Nameplate capacity,</p> <p>c. Term of power purchases,</p> <p>d. Whether the purchase agreement was entered into pursuant to PURPA, an RFP, a bi-lateral agreement, or other,</p> <p>e. Whether the facility is certified as a qualifying facility under PURPA,</p> <p>f. Under what interconnection rules/process the facility was</p>	<p>Some of the requested information is already available to NewSun through responses to Staff and NIPPC data requests in this docket, the utilities’ interconnection queues, and dockets RE 141, 142 & 143.</p> <p>For the requested information that is not already available, please explain how the information is relevant or</p>

	<p>interconnected,</p> <p>g. Whether the facility interconnected as ERIS or NRIS,</p> <p>h. The cost of network upgrades funded under the interconnection agreement,</p> <p>i. Whether the generator is eligible to receive refunds for its network upgrades funded under the interconnection agreement,</p> <p>j. The type of transmission service,</p> <p>k. The entity that submitted the transmission service request,</p> <p>l. The cost of network upgrades funded under the transmission service request.</p>	<p>reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>Even if the requested information were relevant, the request is overly broad and unduly burdensome in that it covers <i>all</i> PPAs.</p>
<p>NewSun to PGE DR 007; NewSun to PAC DR 007; NewSun to IPC DR 006</p>	<p>For each qualifying facility that has requested a power purchase agreement (PPA) with PGE from January 1, 2014 until present please provide the following:</p> <p>a. Project name,</p> <p>b. Date of PPA request,</p> <p>c. Nameplate capacity,</p> <p>d. Project location (county and state),</p> <p>e. Generation technology type (wind, solar, etc),</p> <p>f. Interconnecting utility,</p> <p>g. The power purchase agreement, if one was executed,</p> <p>h. The developer or developers that requested or negotiated the power purchase agreement,</p> <p>i. The in-service date, if operating, or scheduled commercial operation date if not,</p>	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>Even if the additional requested information were relevant, the request is overly broad and unduly burdensome in that it covers <i>all</i> QF PPA requests over the last six years.</p>
<p>NewSun to PGE DR 008; NewSun to PAC DR 008; NewSun to IPC DR 007</p>	<p>For each generator that has submitted an interconnection application to PGE from January 1, 2014 until present please provide the following:</p> <p>a. Queue Number,</p> <p>b. Project name,</p> <p>c. Date of interconnection request,</p> <p>d. Interconnection request status,</p> <p>e. Nameplate capacity,</p> <p>f. Project location (county and state),</p> <p>g. Generation technology type (wind, solar, etc),</p> <p>h. Whether the project requested</p>	<p>Some of the requested information is already available to NewSun through responses to Staff data requests in this docket and the utilities' interconnection queues.</p> <p>For the requested information that is not already available, please explain how the information is relevant or reasonably calculated to lead to the discovery of admissible</p>

	<p>interconnection as a QF selling 100% of its net output to PGE (at initial application or at any point during the interconnection process) and whether it switched from this QF status to non-QF status, and the date it switched (or vice-versa, if it first requested interconnection as a non-QF and later switched to QF),</p> <p>i. Any interconnection studies not publicly available online, including any prior studies which have been superseded by the studies that are posted on the website,</p> <p>j. The interconnection agreement, if one was executed,</p> <p>k. The developer or developers that submitted the interconnection application,</p> <p>l. The in-service date, if operating, or scheduled commercial operation date if not,</p> <p>m. Regarding NR and ER interconnection service:</p> <p>i. Which service type was requested at initial application,</p> <p>ii. Which service type was studied in each of the Feasibility, System Impact, and Facilities studies,</p> <p>iii. Which service type the project ultimately interconnected under,</p> <p>n. Regarding network upgrade costs (identified in ER or NR or both):</p> <p>i. Estimated network upgrade costs in each of the Feasibility, System Impact, and Facilities studies,</p> <p>ii. Final network upgrade costs assigned to the generator,</p> <p>iii. Whether the network upgrades were ultimately constructed or are under construction,</p> <p>o. Provide a comparative table for all interconnection requests showing the key features of ER/NR (initial and final), interconnection and network upgrade costs (initial and final), withdrawal status, GIA execution, operational status, and QF status.</p> <p>p. Summarize the comparative outcomes</p>	<p>evidence in this case.</p> <p>Even if the additional requested information were relevant, the request is overly broad and unduly burdensome in that it covers all interconnection requests in all states over the last six years.</p> <p>Finally, this request asks the utilities to develop a “comparative table” and to create a summary of outcomes, but given that this request is extremely burdensome and that the requested information is not highly relevant, the utilities are not obligated to develop information for NewSun.</p>
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	of ER interconnection vs NR interconnection applications as relates interconnection and generator outcomes for projects in the following GIR size ranges: 0-10, 11-20, 21-40, 41-60, 61-80. Indicate withdrawal rates and summary numbers, interconnection agreements signed, and average final interconnection costs including network upgrades.	
NewSun to PGE DR 009; NewSun to PAC DR 010; NewSun to IPC DR 008	For each network upgrade constructed since January 1, 2014, please provide: <ul style="list-style-type: none"> a. The cost of the network upgrade, b. Where PGE first identified the need for the network upgrade (e.g., load growth, interconnection request, transmission request, integrated resource plan, or other), c. How the network upgrade was funded (e.g., utility funded, queue number funded, other), d. Whether the network upgrade was included in rate base or whether PGE intends to include it in rate base, e. If the network upgrade was included in rate base, the rate of return earned on the network upgrade, f. The incremental transmission operations resulting from the network upgrade (e.g., increased throughput, increased load serving capability, enhanced reliability, improved transfer capability within the existing system, relief of existing congestion on the transmission system, or others), g. The net increase or decrease in transmission customer rates that resulted from the network upgrade, 	Information regarding network upgrades identified in interconnection system impact studies is already available in responses to Staff data requests in this docket. The additional information requested is overly broad and unduly burdensome. Part (f) is vague and ambiguous. It is not clear what “incremental transmission operations resulting from the network upgrade” refers to. The Joint Utilities may not have the information necessary to answer this request.
NewSun to PGE DR 010; NewSun to PAC DR 011; NewSun to IPC DR 009	Please list all QF-funded network upgrades that did not result in any benefit to the transmission system, such benefits to include, but not be limited to, increased load serving capability, enhanced reliability, improved transfer capability within the existing system, or relief of existing congestion on the transmission system?	This request is overly broad and unduly burdensome to the extent it asks the utilities to analyze all QF-funded network upgrades going back to 2005. The phrase “any benefits to the transmission system” is vague

		and ambiguous.
NewSun to PGE DR 011; NewSun to PAC DR 012; NewSun to IPC DR 010	Please list all QF interconnections that resulted in lower transmission rates from Bonneville Power Administration (BPA) for Network Integration Transmission (NT) Service by reducing network load on the hour of the BPA Monthly Transmission System Peak Load?	Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.
NewSun to PGE DR 013; NewSun to PAC DR 014; NewSun to IPC DR 012	Referring to Joint Utilities/200 (Wilding-Macfarlane-Williams) at 11, please identify all upgrades on the utility's system in Oregon that were required solely to provide adequate transmission capacity for the interconnecting QF.	This request lacks foundation, as it is unclear how the referenced testimony relates to the requested information. This request is overly broad in that it asks about "all upgrades." It is unclear what "constructed solely to provide adequate transmission capacity for the interconnecting QF" means.
NewSun to PGE DR 014; NewSun to PAC DR 015; NewSun to IPC DR 013	In its response to NIPPC Information Request No. 30, PGE states that imposing Network Upgrade costs on QFs is necessary to prevent the total cost of the QF, including energy, capacity, and interconnection costs, from exceeding the utility's avoided costs. Identify all examples in which an interconnecting QF would have been paid more than the utility's avoided costs if had not been required to pay for Network Upgrades.	This request is overly broad and unduly burdensome in that it seems to request analysis of every QF interconnection and the avoided costs in effect at the time.
NewSun to PGE DR 015; NewSun to PAC DR 016; NewSun to IPC DR 014	Please provide all evidentiary support for the premise that upgrades to the transmission network caused by qualifying facility interconnections provide no system benefits.	The Joint Utilities object to the extent this request suggests that the "premise" is the Joint Utilities' position. The request for "all evidentiary support" is overly broad and unduly burdensome and vague and ambiguous. The Joint Utilities' positions and the support for them are available in the filed testimony.
NewSun to	Please provide an itemized summary table of	The Joint Utilities do not

<p>PGE DR 018; NewSun to PAC DR 021; NewSun to IPC DR 017</p>	<p>all network upgrades constructed by PGE since 2010 in Oregon and planned for construction in Oregon (or cost allocation to Oregon ratepayers), including the upgrades' associated costs (initial estimate and final actual cost), whether currently rate-based (or planned for future rate-basing approval), project justification(s), nominal capacity, amount of associated load and generation directly supported by the specific incremental upgrade (total and \$/MW), ratio of maximum service capacity to directly supported actual, in-service generation or load, and the average cost per MW of capacity per ratepayer. Identify explicitly where excess capacity was built in anticipation of future use (not immediate direct use), itemizing comparatively for those justified by loads, by generators, and by QFs.</p>	<p>understand precisely what information is being sought here and how it is relevant.</p> <p>To the extent the information is relevant, this request is overly broad and unduly burdensome. It also asks the utilities to develop information and prepare analysis that would be extremely burdensome to prepare and is not highly relevant.</p> <p>Finally, it is not clear what "planned for construction in Oregon" is intended to encompass. Also, "project justification(s)," "amount of associated load and generation directly supported," "ratio of maximum service capacity to directly supported actual, in-service generation or load," and "itemizing comparatively for those justified by loads, by generators and by QFs" are vague and ambiguous.</p>
<p>NewSun to PGE DR 019; NewSun to PAC DR 024; NewSun to IPC DR 018</p>	<p>Referring to Joint Utilities/100 (Vail-Bremer-Foster-Larson-Ellsworth) at 30-31, please provide the following for each transmission service request received from January 1, 2014 until present:</p> <ol style="list-style-type: none"> a. Queue Number, b. Project name, c. Date of transmission service request, d. Transmission service request status, e. Nameplate capacity, f. Project location (county and state), g. Generation technology type (wind, solar, etc), h. Type of transmission service, i. Point of receipt and point of delivery, j. Any transmission service request studies not publicly available online, 	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>Some of the requested information is available on OASIS.</p> <p>The utilities may not obtain and compile some of the requested information in relation to transmission service requests.</p> <p>This request for detailed</p>

	<p>k. The transmission service agreement, if one was executed, l. The in-service date, if operating, or scheduled commercial operation date if not, m. Whether the output from the generator is delivered to PGE’s retail load, n. Whether the generator is a qualifying facility, o. Whether the generator is on-system or off system, p. Whether the generator is interconnected using ERIS or NRIS, q. Regarding network upgrade costs: 1. Estimated network upgrade costs in any transmission service studies, 2. Final network upgrade costs assigned to the request, 3. Whether the network upgrades were ultimately constructed or are under construction,</p>	<p>information about <i>all</i> transmission service requests received is overly broad and unduly burdensome.</p>
<p>NewSun to PGE DR 020; NewSun to PAC DR 025; NewSun to IPC DR 019</p>	<p>Identify all instances in which PGE provides firm transmission service, including either Network Interconnection Transmission Service or Point-to-Point Transmission service, to generators interconnected using ERIS.</p>	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>The utilities do not require entities requesting transmission service to provide how the generator that will use the service was interconnected. Compiling this information would be unduly burdensome and may not be possible in all cases.</p>
<p>NewSun to PGE DR 022; NewSun to PAC DR 027; NewSun to IPC DR 021</p>	<p>Indicate whether PGE believes it is obligated to purchase power from a QF in the following circumstances: g. If it is interconnected via a FERC jurisdictional interconnection? If such interconnection is ER? If NR? h. Is that answer different if the QF was off-system or on-system? i. If the QF only proposes to sell one hour per</p>	<p>This request seeks legal conclusions and portions of the request are vague and ambiguous.</p>

	<p>year to the QF?</p> <p>j. If the QF proposes to sell all of its output except 1 day per year?</p> <p>k. If the QF proposes solely to sell PGE power seasonally?</p> <p>l. If the QF sells some of its other output to another utility?</p>	
<p>NewSun to PGE DR 024; NewSun to PAC DR 029; NewSun to IPC DR 023</p>	<p>Is it PGE’s position that the current system of siting non-QF renewable generation on PGE’s transmission and distribution system is efficient for interconnection customers and potential customers in the market?</p>	<p>The Joint Utilities do not understand what this request is asking.</p>
<p>NewSun to PGE DR 025; NewSun to PAC DR 030; NewSun to IPC DR 024</p>	<p>Is it PGE’s position that the utility has no obligation to provide for an efficient process for identifying lower-cost sites for renewable generators on PGE’s transmission and distribution system?</p>	<p>The phrase “lower-cost sites” is vague and ambiguous.</p>
<p>NewSun to PGE DR 026; NewSun to PAC DR 032; NewSun to IPC DR 025</p>	<p>Has PGE constructed any network upgrades that provided capacity beyond that which was required to serve network load? How were the costs of those upgrades recovered?</p>	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>The Joint Utilities do not understand what this request is asking. Network Upgrades are constructed to facilitate generator interconnection or the provision of transmission service.</p> <p>This request is also overly broad and unduly burdensome in that it asks about “any network upgrades” going back to 2005.</p>
<p>NewSun to PGE DR 027; NewSun to PAC DR 033; NewSun to IPC DR 026</p>	<p>How does PGE determine whether a network upgrade provides quantifiable system-wide benefits? Has PGE constructed any network upgrades recovered via retail rates that did not provide system-wide benefits?</p>	<p>This request is overly broad and unduly burdensome in that it asks about “any network upgrades” going back to 2005.</p>

<p>NewSun to PGE DR 031; NewSun to PAC DR 034; NewSun to IPC DR 027</p>	<p>Are there any constrained paths on PGE’s network that would benefit from locating additional generation?</p>	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>The Joint Utilities are not certain that they understand what this request is asking. Also, this request is vague and ambiguous in that it does not indicate where additional generation would be located nor what is meant by “benefit” as used in this context.</p>
<p>NewSun to PGE DR 032; NewSun to PAC DR 035; NewSun to IPC DR 028</p>	<p>Can PGE explain how the standard for recovery of network upgrade costs from retail customers for PGE planned and constructed network upgrades is the same as the standard PGE would wish to impose on QFs requesting interconnection and reimbursement for network upgrades?</p>	<p>The Joint Utilities do not understand what this request is asking. Also, it is unclear what standards are being referred to and why the question assumes that the standards are or should be the same.</p>
<p>NewSun to PGE DR 033; NewSun to PAC DR 036; NewSun to IPC DR 029</p>	<p>Are there any areas of PGE’s system where additional generation would provide benefits to PGE wholesale or retail customers?</p>	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>The Joint Utilities are not certain that they understand what this request is asking. Also, this request is vague and ambiguous in that it does not indicate what is meant by “benefits to PGE wholesale or retail customers.”</p>
<p>NewSun to PGE DR 034; NewSun to PAC DR 037; NewSun to IPC DR 030</p>	<p>Please describe network upgrades PGE constructed during the period of years 2000-2010. How were the costs of those network upgrades recovered? How were the benefits of those network upgrades determined? Were those “deliverability-driven” network upgrades? How was the deliverability</p>	<p>The Joint Utilities object that this request for 10 years of data that is more than 10 years old is overly broad and unduly burdensome, especially in light of the significant amount of more recent data that is already</p>

	analysis performed?	<p>available or is being provided in response to other data requests. The utilities may not have data going back to 2000, but even if they do, it would be unduly burdensome to locate and compile these data.</p> <p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p>
NewSun to PGE DR 035; NewSun to PAC DR 038; NewSun to IPC DR 031	Is there capacity created by PGE network upgrades included in retail rates that is not being fully utilized? Is this a result of the nature of lumped network capacity upgrades?	<p>The Joint Utilities are not certain that they understand what this request is asking. Also, this request is vague and ambiguous in that the terms “capacity,” “network upgrades included in retail rates,” “not being fully utilized,” “lumped,” and “network capacity upgrades” are all unclear in this context and undefined.</p>
NewSun to PGE DR 036; NewSun to PAC DR 039; NewSun to IPC DR 032	Has PGE constructed any network upgrades that were driven by the need to provide deliverability to California or Canada? How were those upgrades paid for? How were the costs of those upgrades recovered? Are there any areas where additional generation could have been sited that would have offset or eliminated the need for those network upgrades?	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>The Joint Utilities do not understand what “network upgrades that were driven by the need to provide deliverability to California or Canada” is intended to encompass.</p>
NewSun to PGE DR 037; NewSun to PAC DR 040; NewSun to IPC DR 033	Will the Northwest Energy Imbalance Market (EIM) change the way PGE’s transmission system is utilized? Will additional benefits accrue to PGE retail customers as a result of the EIM? Should the existence of this market influence the cost recovery mechanisms for	<p>The Joint Utilities assume this request intended to reference the CAISO Western EIM.</p> <p>The Joint Utilities do not understand what the third</p>

	future network upgrades?	question is asking and object that it is vague and ambiguous.
NewSun to PGE DR 040; NewSun to PAC DR 042; NewSun to IPC DR 035	Can PGE explain how network upgrades associated with PGE's remote generation facilities only benefit PGE customers and provide no quantifiable benefit to other transmission customers or support for the reliability of the transmission grid as a whole?	Please provide a reference supporting the premise of this question. The Joint Utilities do not understand what this question is based upon or what it is asking. Also, this question is vague and ambiguous in that "associated with PGE's remote generation facilities" is unclear and is not defined.
NewSun to PGE DR 041; NewSun to PAC DR 043; NewSun to IPC DR 036	Commission Staff have expressed a concern that avoided interconnection costs may not be adequately captured in utilities' current avoided cost calculations. Please explain how system-wide benefits of non-PGE owned generation to the transmission network are included in PGE's current avoided costs.	This question is vague and ambiguous in that "system-wide benefits of non-PGE owned generation to the transmission network" is unclear and undefined.
NewSun to PGE DR 042; NewSun to PAC DR 044; NewSun to IPC DR 037	The Joint Utilities argue there is no factual basis for presuming that system upgrades benefit all users of the system. Is PGE's position that there should be a presumption that system upgrades only benefit a single user of the system? Doesn't this run counter to the presumption that the Western Interconnection operates as a single synchronized grid that provides reliability and resiliency benefits for all users?	Please provide a reference to the statement of the Joint Utilities' position on which this request is based. The Joint Utilities object to the extent this request calls for a legal conclusion.
NewSun to PGE DR 043; NewSun to PAC DR 045; NewSun to IPC DR 038	Grid resilience is the ability to avoid or withstand grid stress events without suffering operational compromise or to adapt to and compensate for the resultant strains so as to minimize compromise via graceful degradation. It is in large part about what does not happen to the grid or electricity	This request appears to be incomplete and does not contain a question. Please complete the request if NewSun would like the Joint Utilities to respond.
NewSun to PGE DR 044; NewSun to PAC DR 046; NewSun to IPC DR 039	PGE is a member of Northern Grid which is a transmission planning association formed to facilitate regional transmission planning across the Pacific Northwest and Intermountain West and provide the region with a forum to discuss common planning	Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.

	assumptions, identify regional upgrade projects, eliminate duplicative administrative processes, and facilitate compliance with FERC cost allocation requirements. Please explain how PGE perceives common interests and shared benefits derived from coordination with other NW transmission entities and also holds the view that upgrades to that transmission network as a result of distributed resource additions only benefit the owner of the generation resource.	Please provide a reference to the statement of the Joint Utilities' "view" on which this question is based.
NewSun to PGE DR 045; NewSun to PAC DR 047; NewSun to IPC DR 040	Please explain how PGE's avoided costs rates would change if the proxy resource used for calculating the avoided costs were located in an area outside of BPA's balancing authority area and outside of PGE's balancing authority area.	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>This request is vague and ambiguous in that it does not specify where the proxy resource would be located. It is not possible to develop avoided cost rates based on a hypothetical, unknown location.</p> <p>In addition, this request asks the utilities to develop information that they do not currently have, that would be unduly burdensome to develop (if it were possible), and that is not highly relevant to this case.</p>

In addition, PGE has the following questions and objections regarding PGE-specific data requests:

Number	Data Request	PGE's Questions and Objections
NewSun to PGE DR 028	Did construction of additional generating resources at Port Westward avoid any network upgrade costs associated with a constrained transmission path? Did construction of additional generating	Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible

	resources at Port Westward create the need for any network upgrades on PGE’s system?	<p>evidence in this case.</p> <p>PGE does not understand what this request is seeking. Please explain.</p> <p>Also, the request is vague and ambiguous in that “additional generating resources at Port Westward,” and “network upgrade costs associated with a constrained transmission path” are unclear and undefined.</p>
NewSun to PGE DR 029	Did the interconnection of Carty create the need for network upgrades? What upgrades were required? Who paid for those upgrades? How does the cost of Carty including the cost of any necessary network upgrades compare to PGE’s avoided cost?	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case. Carty is not interconnected to PGE’s system.</p> <p>Please explain what specifically is meant by “the cost of Carty.”</p>
NewSun to PGE DR 030	Did the interconnection of Wheatridge create the need for network upgrades? What upgrades were required? Who paid for those upgrades? How does the cost of Carty including the cost of any necessary network upgrades compare to PGE’s avoided cost?	<p>Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case. Wheatridge is not interconnected to PGE’s system.</p> <p>PGE assumes that the reference to “Carty” is intended to reference “Wheatridge.”</p> <p>Please explain what specifically is meant by “the cost of [Wheatridge].”</p>
NewSun to PGE DR 038	Please describe the deliverability analysis that was performed for Carty and Wheatridge. Was it assumed that the full output of those generating resources would be delivered to PGE load during all hours of operation?	Please explain how the requested information is relevant or reasonably calculated to lead to the discovery of admissible

		<p>evidence in this case. Carty and Wheatridge are not interconnected to PGE’s system.</p> <p>This request is vague and ambiguous in that “the deliverability analysis” is unclear in this context and is not defined.</p>
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In addition, PacifiCorp has the following questions and objections regarding PacifiCorp-specific data requests:

Number	Data Request	PacifiCorp’s Questions and Objections
NewSun to PacifiCorp DR 019	<p>Regarding PacifiCorp’s Ochoco to Corral transmission line and associated upgrades to PacifiCorp’s system and substations, and Pacificorp’s load service in the Prineville area, please provide:</p> <ul style="list-style-type: none"> a. Where PacifiCorp identified the need for the upgrades (e.g., load growth, interconnection request, transmission request, or other), b. How the upgrades were funded (e.g., utility funded, queue number funded, other), c. The existing load and forecast load upon which PacifiCorp relied in justifying the upgrade, including the MVa rating of the loads that triggered the upgrades, including the dates of the associated load interconnection requests, the load initial and current projected on-line dates, and the status of each load service, d. The cost of the upgrades, e. How the upgrades were funded (e.g., utility funded, queue number funded, other), f. Whether the upgrade were included in rate base or whether PacifiCorp intends to include it in rate base, g. If the upgrades were included in rate base, the rate of return earned on the upgrades, h. Describe how Pacificorp serves its load in the Prineville area, including to what 	<p>The requested information does not appear relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.</p> <p>To the extent the information is relevant, this request is overly broad and unduly burdensome. It also asks the utilities to develop information and prepare analysis that would be extremely burdensome to prepare and is not highly relevant.</p>

Number	Data Request	PacifiCorp's Questions and Objections
	<p>extent PacifiCorp relies on contiguous transmission from other areas of the PacifiCorp system.</p> <p>i. Confirm whether the Prineville service area and Bend and Redmond service areas are electrically contiguous for PacifiCorp, and what the transfer capacity is within PacifiCorp's system in the area, as well as what the transfer capacity and monthly average and peak energy service from BPA at each point of service from BPA in the area, including Pilot Butte and Ponderosa substation.</p> <p>j. Describe what long term rights PacifiCorp has on the California-Oregon Intertie (aka the COI aka the AC Intertie) and how PacifiCorp uses these rights and other short term procurement via the COI to serve Prineville area load.</p> <p>k. Provide a comparison for the Prineville area between when interconnections and loads were requested, including comparative timing, along with the available avoided cost rates at the time of each request.</p> <p>l. Provide a summary of the power contract rates for facilities constructed or contracted to be constructed in the Prineville area, whether those facilities were ER or NR, what the likely network upgrades would have been for any ER facility that was (or is being) constructed if it had been required to be NR instead. Compare the PPA prices for these facilities at the time of contracting with the avoided cost rates available to the QFs which sought interconnections and PPAs in this area.</p> <p>m. Please provide PacifiCorp's analysis based on the information in (k) and (l) as to whether the prospective QFs in its interconnection queue and/or otherwise seeking PPAs from PacifiCorp would have likely been economically viable based on</p>	

Number	Data Request	PacifiCorp's Questions and Objections
	<p>these numbers were such facilities allowed ER interconnections and been allowed refundability of network upgrades. How does this compare to the number of actual facilities for which interconnection was requested in the Prineville area system (i.e. on lines directly connected to Ponderosa substation)? Please provide a total of all calculated revenues which would have been associated with any facilities which would have reasonably been likely to be economically viable per prior question; please make such calculations based on estimated facility energy production that would have resulted during the term of the resultant PPA using avoided cost pricing that would have been available at the time.</p> <p>n. Provide copies of all correspondence, load service studies, upgrades requested, and upgrades implemented, including associated cost estimates and who paid for those upgrades, associated with PacifiCorp's service of the Prineville actual and prospective loads, particularly at Ponderosa substation, including a summary of all related lobbying efforts, contacts with BPA executive management, and contact with other elected officials, including the governor's office, Senator Merkely, Senator Widen, and Congressman Walden, and any related requests made for support or action by these officials related to load service in the Prineville area and the justifications for these requests. Please summarize the comparative timing of these upgrades relative to the PacifiCorp load queue requests and loads in service, associated capacities, and a comparison of any differences in how generation interconnection studies for the area treated load requests with respect to power flow studies and justification of network upgrades related to service of these load requests, whether such upgrades where</p>	

Number	Data Request	PacifiCorp's Questions and Objections
	performed by Pacificorp or BPA.	
NewSun to PacifiCorp DR 023	Referring to PacifiCorp's response to OPUC Data Request No. 6, identify all instances in which a QF's network upgrade costs were rolled into PacifiCorp's transmission rate base causing a "violation of [PURPA's] customer indifference requirements." Identify all instances in which rolled-in network upgrade costs would have caused such a violation of PURPA's customer indifference requirements but for PacifiCorp's requirement that the QF obtain NR interconnection service.	PacifiCorp objects to this request because it is overly broad and unduly burdensome.
NewSun to PacifiCorp DR 031	<p>PacifiCorp's 2020 RFP does not consider the cost of Network Upgrades in scoring proposed projects for selecting winners of the RFP</p> <p>a. How does PacifiCorp's 2020 RFP ensure efficient siting of generation if network upgrades are not considered?</p> <p>b. Does Pacificorp expect that ratepayers will bear the cost of all the network upgrades associated with those selections?</p> <p>c. Are Pacificorp's ratepayers able to receive tax credit benefits for the interconnection and network upgrade costs associated with the RFP shortlist and (if finally selected and constructed) winners?</p> <p>d. How does the average cost, after tax benefits are accounted for, to ratepayers compare for a dollar of interconnection or network upgrade cost, as compared to a non-interconnection (i.e. tax credit eligible) construction cost of a wind facility? For a solar facility?</p> <p>e. What is the total projected interconnection and network upgrade costs that Pacificorp anticipates ratepayers will ultimately pay for its RFP initial short list, final short list, and final RFP winners? Please provide per project and summarized estimates. To the extent precise numbers are not known, please provide best available</p>	<p>PacifiCorp objects to the premise of the question because PacifiCorp does consider the cost of interconnection-driven Network Upgrades (the subject of this docket) in its RFP.</p> <p>Subpart (h) is also vague and ambiguous, particularly with respect to the phrase "surplus interconnection or transmission capacity" and "excess capacity relative to the direct need of the applicable generator."</p>

Number	Data Request	PacifiCorp's Questions and Objections
	<p>estimate, likely range, and maximum and minimum values.</p> <p>f. Please also provide these network upgrades and interconnection costs converted to cents per kWh across (a) the applicable PPA power purchase term and (b) across a 15 year power purchase term (as is available in Oregon to a QF).</p> <p>g. How will these interconnection and network upgrades be financed, including the timing of any direct payments by PacifiCorp and when PacifiCorp's ratepayers will begin bearing associated costs.</p> <p>h. Will PacifiCorp or the applicable generation own or have the benefit of any surplus interconnection or transmission capacity not directly and immediately used by the RFP projects should the generation facility be constructed? How much capacity? What is the actual and proportional cost of that excess capacity relative the direct need of the applicable generator. Will the ratepayer pay for that additional capacity; if so, when?</p>	

Please let us know if you would like to schedule a time to discuss the Joint Utilities' concerns and objections.

Sincerely,



Jordan Schoonover
Lisa Hardie
Adam Lowney
Lisa Rackner

cc: Karen Kruse
Carla Scarsella
Donald Light
Donovan Walker