

**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.

RULING

DISPOSITION: GROUPING OF ISSUES AND SCHEDULE

At the January 12, 2022 Scope and Scheduling Conference in these proceedings, interested stakeholders discussed proposed groupings of issues as well as the schedule necessary to address those issues.

Based on the feedback received by stakeholders, we will consider the issues in two groups, as outlined below. Additionally, we will proceed with the below schedule for the first group of issues.

Stakeholders may cross-reference any rule impacted by a change or proposal of another rule. At the end of this process, stakeholders may assess and comment on rules as a whole.

Group 1: Overall Contract Process and Timelines

- New Rule #2 Eligibility for Standard Power Purchase Agreements (PPAs)
- New Rule #3 Process for Obtaining Standard Power Purchase Agreement (PPAs)
- OAR 860-029-0120 Standard Power Purchase Agreements (PPAs) (1)-(10), (19-20) – Commercial Operation Date (COD) Requirements, Qualifying Facility (QF) Status, Jurisdictional Disclaimer
- Applicability and Reasonableness Requirements
- Definitions as applicable
- OAR 860-029-0120 Standard Power Purchase Agreements (PPAs) (16)-(18) – Insurance and Security Requirements

Group 2: Protections and Operational Obligations

- New Rule #5 *Force Majeure*
- New Rule #6 Default, Damages, and Termination
- New Rule #1 Obligation for Costs to Accept Deliveries from Off-System Qualifying Facilities (QFs)
- Definitions as applicable
- New Rule #4 Delivery and Purchase

- New Rule #7 Coordination between Qualifying Facilities (QFs) and Utilities
- OAR 860-029-0120 Standard Power Purchase Agreements (PPAs) (11)-(15) – Mechanical Availability Agreements (MAGs), Minimum Delivery Guarantees (MDGs), Incremental Upgrades
- Definitions as applicable

Group 1 Schedule:

EVENT	DATE
Initial Comments from stakeholders on Staff's Proposal Rules, First Group	March 11, 2022
Responsive Comments Due	March 25, 2022
Workshop	April 1, 2022 at 9:30 a.m.
AHD Redline	April 13, 2022
Commission Workshop	April 20, 2022 at 1:30 p.m.
Final Group 1 Comments	May 10, 2022
Group 1 AHD recommendation ¹	May 25, 2022

Dated this 21st day of January 2022, at Salem, Oregon.



Nolan Moser
Chief Administrative Law Judge

¹ To be followed by a final AHD recommendation following review and reconciliation with AHD's Group 2 recommendation.