



December 10, 2021

Via Electronic Filing

Oregon Public Utility Commission
Attention: Filing Center
201 High Street, Suite 100
Post Office Box 1088
Salem, OR 97308-1088

Re: Response to ALJ Moser's Schedule and Process Proposal

Dear ALJ Moser and Commissioners:

This letter is in response to Administrative Law Judge (ALJ) Nolan Moser's Memorandum dated December 3, 2021 proposing a schedule and process for this docket going forward. NewSun Energy LLC (NewSun) is supportive overall of this approach as it is largely consistent with the staging and process recommendations NewSun previously made in this docket. In particular, the issue groupings appear to move in a methodological manner from issues that are most settled or that have had the most focus or discussion in workshops in the informal phase to issues that were raised later in the process and/or are less fleshed out. NewSun believes that this phasing will help focus conversations and result in more productive outcomes.

In addition, please consider the following recommendations:

1. In each issue grouping, NewSun believes that it would be beneficial to provide an update to the Commissioners regarding the AHD proposal, allow stakeholders to present disputed issues, and get some Commission guidance. This would give stakeholders some direction that they can build upon in the subsequent issue groupings. While this guidance would not necessarily be final and binding, it would help guide the docket with the goal that there are fewer disputed issues at the end phase when the Commission considers the formal rules comprehensively.
2. As noted in prior comments,¹ NewSun believes that some core principles should be included in the rules and recommends that this issue be included in either the Group 2 or Group 3 issue buckets.
3. NewSun also notes that the issue buckets generally refer to the draft rules proposed by Staff. However, this may not be representative of the running additional issues list Staff had included in the informal phase or issues raised by other stakeholders that Staff

¹ NewSun Comments at 4 (Aug. 13, 2021); NewSun Comments and Matrix (Sept. 24, 2021); NewSun Comments at 7 (Oct. 7, 2021).

declined to include in the rules. Further, there may be additional issues that come up as we work through the issue groupings. NewSun recommends that space be made available to check-in at some point (perhaps between the groupings) to review the issue list and allow parties to propose additional topics and to allow additional topics to be raised within each grouping.

4. In the final issue group or perhaps after the final issue group is decided, NewSun recommends that there be an opportunity to propose additional clean-up edits to the Division 29 rules to eliminate inconsistencies and unintended consequences, and to ensure that the cumulative effect of the rules is as intended and does not violate PURPA.
5. On the proposed dates, NewSun requests that:
 - a. The February 11, 2022 date and all subsequent dates be moved out by one week each. NewSun has schedule constraints in early February and other commercial deadlines around that time that conflict with its ability to participate in this docket and submit those responsive comments on February 11, 2022.
 - b. The Group 2 issue process and discussion not commence until mid-May at the earliest. I will likely be out on parental leave for a large part of February, March, April and possibly early May, and NewSun believes that my participation will be essential for the Group 2 and Group 3 issue discussions.

Thank you for the careful thought put into how this docket should proceed. As noted above, NewSun appreciates and supports the overall approach and your consideration of the above recommendations.

Sincerely,



Marie P. Barlow

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Policy & Regulatory Affairs

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