



January 22, 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: UM 2011 Scope and Process Comments**

Dear ALJ Lackey and UM 2011 Stakeholders:

NewSun Energy LLC (NewSun) submits these brief comments in response to the Administrative Law Judge's Memorandum dated January 15, 2021, in response to the Staff comments submitted January 21, 2021, and in advance of the prehearing conference expected January 25, 2021. NewSun agrees that this docket should not follow a contested case process but suggests a few further revisions to Staff's approach to improve the inclusiveness and effectiveness of this docket.

First, other ongoing efforts including UM 2143, the Resource Adequacy (RA) docket, should inform this docket. It would be a waste of resources to come up with a capacity valuation methodology that does not explicitly consider and account for resource adequacy, especially if the capacity valuation methodology ends up conflicting with whatever comes out of the RA docket and then a new capacity valuation methodology is needed. Consistent with NewSun's comments previously submitted in this docket on October 21, 2020 and its comments to stakeholders on August 18, 2020, any capacity valuation methodology should appropriately account for the economic and social costs of capacity shortages and power outages, including those due to wildfire risk. NewSun recommends that a workshop be held to discuss how capacity scarcity should inform capacity valuation including a look at how to value capacity when there is a capacity need at a time by which sufficient resources to fill the need cannot be developed, i.e., there is a capacity need in 2022 but no adequate resource in the development pipeline and no resource that can be developed within only one year.

Further, the stakeholders should consider other ongoing efforts at the Public Utility Commission (PUC) as part of the big picture. For example, PUC Staff has noted its efforts to revise the PUC's implementation of several aspects of the Public Utility Regulatory Policy Act (PURPA) including in accounting for the social cost of carbon in avoided costs,<sup>1</sup> and other aspects of the

---

<sup>1</sup> PUC Executive Order 20-04 Work Plans, available at <https://www.oregon.gov/puc/utilities/Pages/ExecutiveOrder20-04.aspx>.

avoided cost methodology in UM 2000. To avoid inconsistencies, this capacity valuation should be informed by these other efforts central to at least this one application.

Second, NewSun suggests that the issues list should not be set in stone at the beginning of this informal investigation in order to give space for groups who may not have been involved at the beginning of the process to raise issues. This would eliminate the burdensomeness of needing to respond to arguments typically raised by utilities that certain issues are outside the scope of the docket. This also fosters inclusiveness and involvement from groups who may have fewer resources to participate at every stage of the proceeding.

Third, in terms of process, NewSun would like to see a couple more workshops sprinkled in. Workshops can be less burdensome to participate in than filing written comments because the stakeholders can get on the phone for a few hours one day and chat through some issues, rather than taking hours upon hours to draft comments, read and respond to other stakeholders' comments.

Thank you. NewSun looks forward to continued engagement on these topics.

Sincerely,

A handwritten signature in black ink that reads "Marie P. Barlow". The signature is written in a cursive, flowing style.

Marie P. Barlow

In-House Counsel

Policy & Regulatory Affairs

[mbarlow@newsunenergy.net](mailto:mbarlow@newsunenergy.net)