

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1987

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request to Update its Schedule 201 and
Standard Power Purchase Agreements.

RULING

DISPOSITION: PROCEEDINGS SUSPENDED

I. SUMMARY

In this ruling, we suspend these proceedings because we conclude that judicial economy is best served by focusing parties on efficient resolution of our rulemaking proceedings in docket AR 631 to address the procedures, terms, and conditions associated with qualifying facilities for standards contracts for all utilities.

II. PROCEDURAL HISTORY

PGE filed its initial application to update its Schedule 201 and standard power purchase agreements (PPAs) on December 7, 2018. Numerous workshops and meetings were held with interested parties over the ensuing months.

On July 30, 2019, we approved a Staff recommendation to implement a PURPA rulemaking process by opening rulemakings to address: (1) templates for standard avoided cost inputs and outputs; (2) procedures, terms and conditions associated with qualifying facilities standard contracts; and (3) dispute resolution for PURPA contracts. The second item, ultimately assigned docket AR 631, was described in the Staff report as follows:

The second rulemaking would focus on development of standard contract terms and conditions. Parties have commented that more standardized contracts across utilities could be beneficial. Staff has seen instances where the definitions and process may differ across utilities, leading to many complaints. A standardized contract could simplify the process, and eliminate those complaints. Note too, this process could also benefit from the work done in the current UM 1987 docket, PGE's update of its standard contract. Staff would hold informal

workshops, and put out a standardized contract strawman for parties to comment on. Eventually rules would be proposed to adopt these standard terms and conditions.

On October 1, 2019, PGE filed an amended application, containing extensive changes to both its Schedule 201 and the draft PPAs. On October 23, 2019, the Commission issued a notice of a telephone prehearing conference to take place in this docket on November 13, 2019, for the purposes of identifying the parties and establishing a procedural schedule.

On November 12, 2019, the day before the conference was to occur, the Northwest and Intermountain Power Producers Coalition (NIPPC), the Renewable Energy Coalition (the Coalition), and the Community Renewable Energy Association (CREA) (collectively, the QF Parties) filed a motion to stay these proceedings until after the completion of the Staff investigation to develop standard contract provisions in docket AR 631.

At the prehearing conference, PGE asserted its opposition to the QF Parties' motion. The question of an adverse ruling by the Administrative Law Judge (ALJ) precipitating a motion to certify the issue to the Commission was also raised at the conference. Consequently, the ALJ set a schedule solely for the purposes of addressing the pending QF Parties' motion. On November 21, 2019, PGE filed a Request for Adoption of Schedule. On November 26, 2019, pursuant to the schedule set by the ALJ, PGE filed its response to the QF Parties' motion to stay these proceedings. On December 6, 2019, the QF Parties filed their reply in support of their motion to stay along with a proposed schedule in the event their motion was denied.

Pursuant to OAR 860-001-0090(1)(j), the ALJ has certified the QF Parties' motion to stay these proceedings and PGE's request to adopt schedule to the Commission for our consideration and disposition.

III. DISCUSSION

Two months after we approved the Staff's recommendation in docket AR 631, PGE, as noted above, filed an amended application in this docket. Shortly thereafter, the QF Parties stated in their motion to stay these proceedings that:

If the Commission were to require PGE to file a redlined comparison of the PGE Proposal to the currently-approved form of PPA, the extensive nature of PGE's proposed changes would be apparent. Based upon the QF Parties' experience in this docket to date, the changes were so extensive that it required hours upon

hours of work simply to even review them once, let alone the many hours and resources required to engage on each of them.¹

Pursuant to a provision in the ALJ's November 14, 2019 ruling, on November 19, 2019, PGE provided redlined copies of the Schedule 201 and PPAs contained in its amended application. While PGE's initial application filing, which proposed numerous changes to the currently approved Schedule 201 and PPAs, was 387 pages in length, the amended application was 505 pages in length and the redlined document submission, which included additions and strikeouts, was 982 pages long. Vetting each change in PGE's amended Schedule 201 and PPAs for materiality, relevance and effect is, on its face, a daunting and time-consuming task, even with the assistance of red-lined texts.

It is important to note that PGE already has in place approved standard PPAs which are subject to our rules and policies and that have been extensively litigated. Introducing a possible myriad of unknown issues within the newly-proposed PGE Schedule 201 and PPAs would not best achieve our goal of uniformity for standard contracts across utilities as promptly as possible through docket AR 631. We recognize that much of the work done in these proceedings will be used to inform the comments in docket AR 631, but find that for judicial economy it makes sense to first focus on the participants' efforts on the rulemaking proceedings for all standard contracts, rather than a PGE-specific process.

IV. RESOLUTION

Suspending these proceedings will enable all interested parties to focus their efforts toward developing uniform and unambiguous standard contract terms. We expect that docket AR 631 will continue to move at an appropriate pace and serve as the best venue for dealing with standard contract language for all utilities. No later than six months from the date of this ruling, or when the rules are adopted in docket AR 631, whichever occurs first, we request that Staff file a status report that includes a recommendation on whether the suspension of the procedural schedule in these proceedings should be lifted. After an opportunity for parties to respond, we will determine how and when to resume these proceedings to decide any issues that may remain.

¹ QF Parties' Motion at 3.

V. RULING

WE RULE that:

1. The procedural schedule in docket UM 1987 is suspended until further notice.
2. Staff must file a status report six months from the date of this ruling, or when the rules are adopted in docket AR 631, whichever occurs first.

Dated this 23rd day of December, 2019, at Salem, Oregon.



Megan W. Decker
Chair



Letha Tawney
Commissioner