

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 631

In the Matter of Rulemaking to Address
Procedures, Terms, and Conditions
Associated with Qualifying Facilities (QF)
Standard Contracts

FINAL COMMENTS OF THE
COMMUNITY RENEWABLE ENERGY
ASSOCIATION, NORTHWEST &
INTERMOUNTAIN POWER PRODUCERS
COALITION, AND RENEWABLE
ENERGY COALITION ON PROPOSED
RULES

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I. INTRODUCTION

The Community Renewable Energy Association (“CREA”), the Northwest & Intermountain Power Producers Coalition (“NIPPC”), and the Renewable Energy Coalition (the “Coalition”) (collectively the “QF Trade Associations”) respectfully submit these Final Comments on the proposed rules for qualifying facility (“QF”) standard contracts at issue in this proceeding, as amended and published with the Secretary of State on November 23, 2022 (hereafter “November 23rd Amendment”).

The QF Trade Associations wish to emphasize with these Final Comments that the QF Trade Associations continue to support all of the prior recommendations made with respect to the Group 1 and the Group 2 issues. Specifically, the QF Trade Associations’ final positions are summarized in the table contained in Attachment A to the QF Trade Associations’ Comments on the November 23rd Amendment, which was filed in this docket on December 16, 2022.¹ That table also references specific comments filed during this proceeding that set forth the basis for each of the QF Trade Associations’ individual proposals in more detail. Because the QF Trade Associations’ positions are contained in numerous prior filings, these Final Comments will not reiterate all of the many points included in our prior comments. But we urge the Public Utility Commission of Oregon (“Commission” or “OPUC”) to consider, during its deliberations, all prior recommendations of the QF Trade Associations, as summarized in the table attached to the comments filed on December 16, 2022.

¹ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A (Dec. 16, 2022).

In these Final Comments, the QF Trade Associations will reiterate the important policy objectives that should be considered in deliberations on the issues in this rulemaking. As explained below, the QF Trade Associations are very concerned that the Commission's current proposal does not encourage the development of QFs and thus runs counter to the overarching policy objectives in federal and state law under the Public Utility Regulatory Policies Act of 1978 ("PURPA"). Thus, the QF Trade Associations urge the Commission to seriously reconsider the many proposals in the proposed rules that the QF Trade Associations have identified as harmful to the objective of establishing rules that encourage QFs.

Next, these Final Comments will address certain points on which the Commission and/or Administrative Law Judge may seek supplemental information as follows:

- Proposed Rule #1: The Commission's Order No. 23-005 issued on January 20, 2023 in Docket No. UM 2032 does not justify adoption of Proposed Rule #1 at this time, and it does not change the QF Trade Associations' positions on Proposed Rule #1.
- Creditworthiness: These Final Comments demonstrate that: (i) the Joint Utilities' proposal to relax creditworthiness requirements for QFs with capacity of 1 megawatt ("MW") or less will not sufficiently mitigate the harm of the new security requirements because most small QFs have capacity in excess of 1 MW; (ii) under the QF Trade Associations' proposed definition of creditworthiness, the proper level of Dun and Bradstreet rating to be used should be a PAYDEX score of at least 80 out of 100; and (iii) the Joint Utilities' proposed "compromise" to

allow non-creditworthy QFs to use a “parental guarantee” is not a meaningful compromise because it is already included in the proposed rules.

II. COMMENTS

A. **The Commission’s Proposed Rules Should Be Revised to Ensure the Commission’s Implementation of PURPA Encourages Oregon QFs to the Highest Degree Possible.**

In evaluating the many complex and detailed issues and policies in this rulemaking, it is easy to lose sight of the overall purpose of this rulemaking. Thus, in Final Comments, the QF Trade Associations remind the Commission of the important policy objectives at stake and urge the Commission to adopt final rules that will actively encourage further development of renewable energy projects in Oregon with PURPA to the highest degree possible.

1. **The Commission’s rules should be designed to *encourage* QFs to the *highest degree possible*.**

The purpose of PURPA and the Federal Energy Regulatory Commission’s (“FERC’s”) implementing regulations thereunder is to “encourage” development and operation of QFs.² The Oregon legislature has long recognized the importance of QFs. Specifically, in enacting Oregon’s mini-PURPA statute, the legislative assembly found:

(2) It is the goal of Oregon to:

(a) *Promote the development of a diverse array of permanently sustainable energy resources using the public and private sectors to the highest degree possible*; and

(b) Insure that rates for purchases by an electric utility from, and rates for sales to, a qualifying facility shall over the term of a contract be just and reasonable to the electric consumers of the electric utility, the qualifying facility and in the public interest.

(3) *It is, therefore, the policy of the State of Oregon to:*

² 16 USC § 824a-3(a).

*(a) Increase the marketability of electric energy produced by qualifying facilities located throughout the state for the benefit of Oregon’s citizens; and
(b) Create a settled and uniform institutional climate for the qualifying facilities in Oregon.*³

The legislative goal of promoting renewable energy facilities *to the highest degree possible* by *increasing the marketability of electric energy produced by qualifying facilities* has remained the formal policy of Oregon ever since initial enactment 40 years ago.

PURPA also remains an important element of Oregon’s more recent and sector-wide renewable energy policies. In the years since enactment of PURPA, the legislature has enacted, and expanded, the state’s renewable portfolio standard (“RPS”), and more recently House Bill 2021, which sets a 100 percent clean energy standard by 2040.⁴ These more recent enactments have further established the policy of developing renewable energy facilities in the state. Of particular relevance here, Oregon’s RPS has for many years now included a provision expressing a policy promoting small-scale renewable energy facilities,⁵ which are the subject of this rulemaking for standard contracts offered to facilities below the applicable capacity thresholds, currently set at 10 MW. Over time, the legislature escalated the compliance obligation of small-scale renewables policy from an aspirational goal to an affirmative requirement, with the current requirement being that at least 10 percent of the aggregate electrical capacity of Portland General Electric Company (“PGE”) and PacifiCorp must be composed of electricity generated

³ ORS 758.515 (emphasis added).

⁴ ORS 469A.005- 469A.210 (Renewable Portfolio Standards); ORS 469A.400-469A.480 (clean energy requirements); *see also* HB 2021, 81st Leg. Assemb., Reg. Sess., Sections 1, 3 (Or. 2021).

⁵ *See* ORS 469A.210.

by renewable energy facilities with capacity of 20 MW or less or biomass cogeneration facilities.⁶ The Commission has determined that PGE and PacifiCorp must not only meet this 10-percent standard by 2030, but also maintain at least that level of capacity of small-scale renewable energy facilities thereafter.⁷

PURPA is a key tool to help meet Oregon’s clean energy needs, and it is the primary tool through which Oregon will meet its small-scale renewables requirement. The QF Trade Associations support the investor-owned utilities acquiring renewable resources of all sizes and technologies, but note that the request for proposal process is not well suited for the acquisition of power from smaller independent renewable energy projects, and the utilities instead tend to focus their resource plan and procurement activities on much larger facilities. Even for larger projects, Oregon’s public utilities have an incentive not to contract to buy power from third parties and to instead own generation facilities that can be placed in rate base to earn a return for the investor-owned utility’s shareholders. Current Oregon law has established that requiring that the utilities contract with smaller facilities on terms that encourage development of such facilities is essential to development of this sector of Oregon’s renewable energy market. A robust PURPA implementation will help stimulate needed investment in development of the state’s

⁶ ORS 469A.210(2); *see also* 2007 Or Laws, ch 301, § 24 (8% goal by 2025); 2016 Or Laws, ch 28, § 14 (8% requirement by 2025); 2021 Or Laws, ch 508, § 37 (10% requirement by 2030).

⁷ Docket No. AR 622, Order No. 21-464 at 14-15 (Dec. 15, 2021); *see also* ORS 757.262(1) (providing in pertinent part, “(l) The Public Utility Commission, by rule, may adopt policies designed to encourage the acquisition of cost-effective conservation resources *and small-scale, renewable-fuel electric generating resources.*” (emphasis added)).

renewable energy resources. Thus, it is vital that the Commission's action here take into account not just PURPA's requirements to encourage QFs, but also HB 2021 and Oregon's small-scale renewables requirements, so that PURPA can be an effective tool to meet these clean energy requirements.

2. The currently proposed rules contain many new policies that will discourage new QF development, as well as continued operation of existing QFs.

Despite clear legislative directives, however, the status quo for small-scale renewable resources, with the exception of the Oregon Community Solar Program, has resulted in an extremely small number of new Oregon QFs entering into contracts with PGE and PacifiCorp in recent years. The latest version of the proposed rules results in harmful PURPA rules and policies compared to the status quo and will likely exacerbate the recent decline in QF contracting in Oregon.

To illustrate, the QF Trade Associations' prior comments summarizing the outcome of the rules identified the following changes that are harmful to QFs as compared to the status quo on the following topics:

- Security: New creditworthiness and security requirements that will prevent many developers of small-scale renewable energy projects from ever getting their projects off the ground and, unless revised, may even mandate that irrigation districts, municipalities, and other public entities pre-pay liquid security (up to potentially \$150/kW, or \$450,000 for a 3-MW project) to the purchasing utility just to exercise their legal right to enter in a PURPA contract;⁸
- Development Period and Commencement of the Fixed Price Period and Purchase Term: New limitations that will result in reduction of the 15-year fixed-price

⁸ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 10-12 (Dec. 16, 2022).

period for delays beyond the control of the QF and, in some cases, even if the purchasing utility causes the delay;⁹

- Minimum Availability Guarantee (“MAG”) and Minimum Delivery Guarantee (“MDG”): Application of the MDG to solar QFs and use of an unreasonably high guarantee threshold of 90 percent of a level of “expected energy” that is subject to utility approval and may not be updated during the purchase term, which will expose QFs to unreasonable liquidated damages risk in each individual contract year and power purchase agreement (“PPA”) termination for consecutive MDG shortfalls, including for foreseen and expected circumstances outside of the QF’s control;¹⁰
- Modifications to QFs: Includes new limits on a QF’s right to increase the facility’s nameplate capacity or expected net output after execution of the PPA and commencement of operation;¹¹
- Process for Obtaining a Standard PPA: Revisions to the current PPA process that create new opportunities for utilities to delay and refuse to contract with a proposed QF, and allow the utility to engage in unreasonable behavior;¹²
- Five-Mile Rule: Revision to the five-mile separation rule’s so-called common developer exception that will now declare, subject to limited exceptions, that a common developer must demonstrate proposed, and still unbuilt, facilities are separately “owned and operated” prior to “seek[ing]” to enter into their PPAs—creating a confusing new basis for utilities to refuse to contract with nearby proposed facilities;¹³

⁹ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 6-9 (Dec. 16, 2022).

¹⁰ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 23-25 (Dec. 16, 2022) (discussing Proposed OAR 860-029-0120(13)-(15)).

¹¹ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 25-27 (Dec. 16, 2022).

¹² Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 3-6 (Dec. 16, 2022).

¹³ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 2-3 (Dec. 16, 2022) (discussing Proposed OAR 860-029-0045(4)(d)).

- Force Majeure: New exclusions that unreasonably narrow use of force majeure claims for QFs but not utilities by, for example, excluding from force majeure unexpected interconnection or transmission delays as well as delays caused by maintenance of right of ways, all of which could even include delays caused by the purchasing utility;¹⁴
- Default, Damages, and Termination: Inclusion of a new cross-default provision that will frustrate financing of QFs and likely lead to unnecessary termination of QF PPAs if not removed;¹⁵
- Insurance: Increased insurance requirements in standard contracts, which will impose new costs on even the smallest QFs under 200 kW;¹⁶
- Ability to Come Online Prior to Scheduled COD: New limits on a QF's right to achieve commercial operation before the scheduled commercial operation date in the PPA reducing the time from up to three years to six months.¹⁷

The QF Trade Associations urge the Commission to seriously reconsider the individual and cumulative impact of those proposals and to adopt the QF Trade Associations' revisions to those proposals to prevent adoption of an implementation program that discourages QFs.

3. The currently proposed rules also fail to reasonably amend or clarify existing policies to ensure QFs are reasonably encouraged, even where necessitated by recent advances in technology, such as energy storage.

In several other cases, the current proposal in the proposed rules maintains positions that should have been revised to ensure that the Commission is affirmatively *encouraging*

¹⁴ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 13-14 (Dec. 16, 2022) (discussing Proposed OAR 860-029-0122(4)(g), (h), & (i)).

¹⁵ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 14-17 (Dec. 16, 2022).

¹⁶ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 9 (Dec. 16, 2022).

¹⁷ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 20-21 (Dec. 16, 2022).

development of more QFs. These issues are also summarized in the QF Trade Associations’ prior comments. They include: failure to require a generally applicable reasonableness requirement in the rules;¹⁸ failure to correct the Commission’s illegal policy that the QF must cede ownership of renewable energy certificates during payment at market prices in a renewable rate PPA to conform to an intervening Ninth Circuit decision;¹⁹ the decision to leave in place the maximum 15-year fixed-price purchase term when Oregon’s mini-PURPA statute affirmatively requires a minimum fixed-price term of 20 years be offered and at least 20-year terms are offered to other renewable facilities in Commission programs (e.g., green tariffs, RFPs);²⁰ and the decision to leave in place the solar 3-MW capacity limit for access to standard rates. An implementation truly intended to encourage QF development would adopt at least some of the QF Trade Associations’ reasonable proposals on those subjects.

Notably, the proposed updates to the administrative rules also leave open an important policy needing clarification by failing to clearly address the treatment of battery storage upgrades to facilities. Specifically, the currently proposed rules do not clarify whether and how QFs may exercise their PURPA rights to add battery storage to a facility after PPA execution and/or after

¹⁸ See Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 1 (Dec. 16, 2022).

¹⁹ See Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 2 (Dec. 16, 2022).

²⁰ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022 at 8 (Dec. 16, 2022).

commercial operation.²¹ It remains unclear if QFs will be incented to add new storage technologies available now, or that will become available in the future, by being paid for the incremental capacity value added by a new storage component of a facility. The QF Trade Associations proposed a reasonable edit to the proposed rules to facilitate and encourage the addition of new storage technologies.²² But that common-sense proposal has gone unaddressed.

²¹ See Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 26-27 (Dec. 16, 2022).

²² Specifically, the QF Trade Associations' proposed rule language to clarify and facilitate the right to add storage was as follows:

(e) Qualifying facilities may also upgrade their facilities by adding storage to the facility consistent with the provisions of subsection (a), (b), (c), and (d). If a qualifying facility offers to upgrade its facility by adding storage, the public utility shall offer to amend the power purchase agreement to compensate the qualifying facility for the increased energy and capacity value provided by the proposed storage upgrade. An upgrade pursuant to this subsection (e) is subject to the following requirements:

(A) The proposed upgrades shall be conditioned upon any necessary amendment to the generation interconnection agreement, agreements governing necessary network upgrades in order to maintain designated network status (if any), and the transmission agreement with the transmitting utility (if any).

(B) At least six months in advance of the scheduled installation date for the proposed upgrades, the qualifying facility must send written notice to the purchasing utility containing a detailed description of the proposed upgrades and their impact on expected net output and revised 12 x 24 delivery schedule and requesting indicative pricing for the incremental energy and capacity value expected to be generated as a result of the upgrades.

(C) Within 30 days after receiving such a request, the purchasing utility must respond with indicative pricing for the expected incremental energy and capacity value as a result of the upgrades.

(D) Within 30 days after receiving indicative pricing, the qualifying facility may

Instead, the currently proposed rules only address increases to the facility’s capacity or net output, which is distinct from storage’s ability to shift the time of generation without increasing capacity or net output at an existing facility.²³ This failure to clarify the point may lead to future disputes and delays that may further frustrate development of such valuable capacity resources at a time of critical need.

As recently noted in comments filed in Docket No. UM 2000, despite the Joint Utilities’ claims that storage is too complicated for standard contracts, the largest solar QF market in the nation, North Carolina, has approved a contract addendum that easily enables use of battery storage with QFs.²⁴ The North Carolina policy even applies for “Retrofit Storage” to existing

request a draft amendment to the power purchase agreement to reflect revised pricing for the remaining term of the power purchase agreement, effective upon completion of the upgrades.

²³ Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Staff’s Proposed Group 2 Rules, Attachment A at 22-23 (Sept. 16, 2022).
See Proposed OAR 860-029-0120(16). As FERC recently held, DC-coupled storage does not increase the power production capacity because the facility’s power production capacity is best measured at the point of interconnection in AC. *Broadview Solar, LLC*, 174 FERC ¶ 61,199, PP 22-41 (March 19, 2021), *reh’g den*, 175 FERC ¶ 61,228 (June 17, 2021), *petition for review pending* D.C. Cir. No. 21-1136. Similarly, proposed rule OAR 860-029-0010(33) defines a facility’s “nameplate capacity rating” as the maximum output in AC at the facility’s point of interconnection, which would not increase with the addition of DC-coupled storage.

²⁴ *In re Staff Investigation into PURPA Implementation*, Docket No. UM 2000, Comments of CREA, NIPPC, and the Coalition on Staff’s Process Proposal and Scope at 4-5, Attachment A (Dec. 22, 2022) (citing *In re Biennial Determination of Avoided Cost Rates For Electric Utility Purchases From Qualifying Facilities*, N. Carolina Pub. Util. Comm’n Docket No. E-100, Sub 175, Exhibit 3 at Exhibit A, available at: <https://starw1.ncuc.gov/NCUC/ViewFile.aspx?Id=926af082-16cf-4468-9c95-0de17b02f7b1>, and containing the Duke Energy storage addendum).

facilities and was intended “to incent the addition of storage to uncontrolled generating facilities in the interest of providing value to the utilities’ systems” by allowing a simple amendment to the existing PPA to include the storage addendum and be paid the then-current avoided cost rates for the new storage component of the facility.²⁵ In contrast, the currently proposed rules here do not specifically clarify the QF’s right to use storage to time shift the delivery of net output to the utility without changing the power production capacity of the facility, as proposed by the QF Trade Associations.

In sum, final adoption of the new harmful policies outlined above, combined with the decision not to correct and clarify certain outstanding issues, will not amount to encouragement of QF development to the highest degree reasonably possible and should be revised by the Commission consistent with the QF Trade Associations’ proposals. Without significant revisions, the currently proposed rules will undermine the development of small, Oregon-based renewable resources at a time in which Oregon needs to use all available tools to meet the House Bill 2021 emissions reductions requirements. The Commission should instead, to the highest degree possible, use its regulatory authority to increase the marketability and improve the institutional climate for the development of QFs.

²⁵ *In re Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities – 2018*, N.C. Utilities Comm’n Docket No. E-100, Sub 101 & Sub 158, Order Approving SISC Avoidance Requirements and Addressing Solar-Plus-Storage Qualifying Facility Installations at 7-11 (Aug. 17, 2021); *In re Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities – 2021*, N.C. Utilities Comm’n Docket No. E-100, Sub 175, Order Establishing Standard Rates and Contract Terms for Qualifying Facilities at 62-64 (Nov. 22, 2022).

B. Final Supplemental Comments on Proposed Rule #1: Order No. 23-005 in Docket No. UM 2032 Does Not Justify Adoption of Proposed Rule #1, and It Does Not Change the QF Trade Associations’ Positions on Proposed Rule #1.

In response to Administrative Law Judge (“ALJ”) Mapes’ invitation for comment on applicability of Order No. 23-005 to the proposed rules,²⁶ the QF Trade Associations submit that the Order No. 23-005 in Docket No. UM 2032 does not alter the QF Trade Associations’ previously expressed positions on Proposed Rule #1, which is currently proposed at OAR 860-029-044. As previously explained, the QF Trade Associations oppose adoption of this new rule and continue to believe it requires significant further revision to prevent harm to QF development regardless of the final outcome of Docket No. UM 2032.²⁷ However, even if the Commission were inclined to move forward with Proposed New Rule #1, unresolved issues stemming from Docket No. UM 2032’s investigation still counsel in favor of waiting until after completion of the informal rulemaking ordered in that docket before attempting to properly craft the language for the administrative rule at issue here.

Proposed New Rule #1 sets forth a process for proposing alternate points of delivery for off-system QFs and allows the utility to include provisions in the PPA, reopening the PPA to allow the Commission to potentially allocate network upgrade costs to an off-system QF. The subject of proper allocation of network upgrade costs for on-system QFs, through the state-

²⁶ Docket No. AR 631, ALJ’s Memorandum (Jan. 24, 2023).

²⁷ For a summary of the QF Trade Associations’ substantive concerns and proposed revisions of Proposed Rule #1, *see* Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022, Attachment A at 17-19 (Dec. 16, 2022).

jurisdictional interconnection process, is also being separately addressed in Docket No. UM 2032. Under the Commission’s pre-existing policy, the interconnecting QF essentially always pays for all network upgrade costs without receiving any refund for such costs.²⁸ Proposed Rule #1 appears to presume that the same approach should apply for off-system QFs, and it attempts to create a procedure to assign such network upgrade costs to the off-system QF through the PPA.

In Order No. 23-005, the Commission reaffirmed its prior policy that on-system QFs must pay for network upgrades directly caused by their interconnection unless such upgrades provide a system-wide benefit or were previously planned to be constructed, but the Commission also directed further investigation to mitigate the adverse impact of this policy on QFs.²⁹ For example, the Commission found that QFs should not be allocated the costs of network upgrades that are included, or should have been included, in the purchasing utility’s transmission plans.³⁰ Thus, the order states the Commission will “open an informal rulemaking docket to examine the

²⁸ *In re Staff Investigation into Interconnection of PURPA QF Larger than 10 MW*, Docket No. UM 1401, Order No. 10-132 at 3 (Apr. 7, 2010) (stating the QF must pay for network upgrades unless it can demonstrate “system-wide benefits”); *see also In re Rulemaking to Adopt Rules Related to Small Generator Interconnection*, Docket No. AR 521, Order No. 09-196 at 4-5 (June 8, 2009) (adopting similar policy for small generation facilities up to 10 MW). The utilities have never found that there are system wide benefits, always allocated all network upgrade costs to QFs, and never provided refunds. *See also In re Staff Investigation into the Treatment of Network Upgrade Costs for Qualifying Facilities*, Docket No. UM 2032, Interconnection Customer Coalition/100, Lowe/12-16 (Oct. 30, 2020).

²⁹ Docket No. UM 2032, Order No. 23-005 at 1-2 (Jan. 20, 2023).

³⁰ Docket No. UM 2032, Order No. 23-005 at 31-32 (“we seek to relieve QFs of bearing the costs of any infrastructure associated with their interconnection that appears in, or reasonably should appear in, those plans”).

opportunities to facilitate better information being produced and potentially made available from utility transmission and system planning processes.”³¹ This order—issued less than three weeks before the rulemaking comment period closes here—does not justify changing course to adopt Proposed New Rule #1 for multiple reasons.

First, there may still be reconsideration, rehearing, and/or clarification motions made to alter Order No. 23-005. Given that the 60-day period for such filings will not even be complete until well after the rulemaking’s comment period closes on February 9, 2023, locking in the outcome from the order into rules now is not reasonable.

Second, even if we assume the new order will remain unchanged, it does not fully support the presumption behind Proposed New Rule #1 that QFs (on-system or off-system) will always be responsible for all network upgrades. Instead, the order provides further process in an informal rulemaking to further evaluate when network upgrades can be charged to a QF and when the QF should be absolved of those costs because the upgrades would have been constructed even without the addition of the QF. It would be premature to try to develop a rule for off-system QFs addressing the same question, and doing so is likely to leave out important details on information sharing the Commission just directed to be developed through the informal rulemaking. Additional clarifications could easily result from the ensuing informal rulemaking that should be included in the rule applicable to off-system QFs, and there is no

³¹ Docket No. UM 2032, Order No. 23-005 at 32.

reason the rules could not be updated in that rulemaking after the whole policy is clarified and final.

Third, if anything, Order No. 23-005 already supports certain amendments to Proposed New Rule #1 recommended by the QF Trade Associations, but not included in the current version of the proposed rules, and the further process directed by Order No. 23-005 will likely further support such amendments. For example, one of the QF Trade Associations' outstanding concerns with the current Proposed Rule #1's language is that it does not require the utility to cooperate by supplying the affected off-system QF with information and studies supporting the determination that deliveries cannot be accepted at the QF's proposed point of delivery. In effect, the currently drafted rule for off-system QFs imposes no obligation on the utility to assist the QF in identifying a suitable point of delivery in the first instance, much less a suitable replacement point of delivery after the utility rejects the first one. The QF Trade Associations proposed specific edits to the rule several months ago to require the purchasing utility to provide more cooperation and transparency to an affected QF, but those edits were not adopted.³² Order No. 23-005 now supports the prior proposals of the QF Trade Associations in this rulemaking by confirming that utilities must supply QFs with more information to make intelligent siting and

³² Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Staff's Proposed Group 2 Rules, Attachment A at 8-10 (Sept. 16, 2022). The QF Trade Associations remain confused by the Commission's decision to not adopt a rule that requires the purchasing utility to cooperate in a transparent manner with respect to its transmission system information when the purchasing utility is the only entity with the relevant information and the utilities generally have a history of non-cooperation and little transparency.

delivery decisions if QFs are to be assessed the costs of network upgrades. Thus, the currently proposed version of the rule for off-system QFs is already inconsistent with the preliminary outcome in UM 2032 in that respect, and further process in UM 2032 and its informal rulemaking will further enlighten what should be required for off-system QFs in the rules at issue here.

Finally, as noted above, the QF Trade Associations wish to reiterate that they have opposed Proposed New Rule #1 from the start, regardless of the outcome of UM 2032, and they stand by the original arguments that it is not a reasonable rule.

C. Final Supplemental Creditworthiness Comments: The Joint Utilities' Proposal to Relax Credit Requirements for 1-MW QFs Is Not Sufficient, and the QF Trade Associations Supplement their Recommendation Specific to Use of Dun and Bradstreet as One Basis to Evaluate Small QF Creditworthiness.

These Final Comments demonstrate that: 1) the Joint Utilities' proposal to relax creditworthiness requirements for QFs with capacity of 1 MW or less is insufficient to mitigate the harm from the new security requirements; and 2) the proper level of Dun and Bradstreet rating to be used if the QF Trade Associations' proposed definition of creditworthiness is adopted is a rating of a PAYDEX score of at least 80 out of 100.

1. The Joint Utilities' 1-MW exemption is insufficient.

First, the Joint Utilities' have proposed an exception to their proposed creditworthiness requirements for QFs 1 MW and smaller that are "owned, directly or indirectly, by persons or

entities who hold no other beneficial interests in any other QF.”³³ The Joint Utilities then proposed language for the small QF to provide certain representations and warranties to meet the exception.³⁴ The Joint Utilities suggest this should alleviate the QF Trade Associations’ concerns for QF irrigation districts, public entities, and other “small, unsophisticated QFs.”³⁵ As explained below, the QF Trade Associations disagree that the Joint Utilities’ proposed exemption for 1 MW QFs is sufficient to meaningfully mitigate the impact of the newly proposed credit and security requirements without also adopting the QF Trade Associations’ recommendations.

The majority of small QFs the utilities contract with, including many public entity QFs, are not 1 MW or less. Exhibit A attached to these comments uses publicly available data responses from each utility in their latest Integrated Resource Plans to provide a list of all Oregon QFs selling to the Joint Utilities that are operating, or have entered into PPAs and not yet reached their commercial operation dates, broken into QFs with capacity of 1 MW and less and QFs with capacity above 1 MW.³⁶ From the information supplied by the Joint Utilities in

³³ Docket No. AR 631, Joint Utilities’ Response Comments to the QF Trade Associations’ and OSSIA’s Comments at 3-4 (Jan. 11, 2023); *see also* Docket No. AR 631, Joint Utilities’ Comments Regarding the Group 2 Draft Rules at 43 (Dec. 16, 2022).

³⁴ Docket No. AR 631, Joint Utilities’ Response Comments to the QF Trade Associations’ and OSSIA’s Comments at 4 (Jan. 11, 2023).

³⁵ Docket No. AR 631, Joint Utilities’ Response Comments to the QF Trade Associations’ and OSSIA’s Comments at 3-4 (Jan. 11, 2023).

³⁶ This data comes from Data Responses to the Coalition from each utility in Docket No. LC 73 for PGE, Docket No. LC 77 for PacifiCorp, and Docket No. LC 78 for Idaho Power. While it may not be the most up to date data, it is the most current data the QF Trade Associations could access. PGE’s data only includes standard contracts as the non-standard contracts were confidential. Also, PGE’s data was not broken down by state, so the QF Trade Associations assumed for these purposes these were all Oregon QFs.

Exhibit A, there are currently 23 QFs with nameplate capacities 1 MW or less, of which 11 are owned by public entities, including six irrigation districts. However, many irrigation districts and public entities with QFs larger than 1 MW have entered into PURPA standard contracts in the past, and the Commission should not deter others from doing so in the future with unworkable creditworthiness requirements that fail to take their circumstances into account.

Exhibit A shows a total of 171 QFs with nameplate capacities greater than 1 MW, six of which are owned by public entities, including five irrigation districts. Thus, the Joint Utilities' proposed exception to its creditworthiness requirements would not alleviate the concerns of the QF Trade Associations, and while a general exception for the smallest QFs may be reasonable, it is not a substitute for adoption of reasonable and relevant criteria for the rest of the small QFs entitled to standard contracts.

2. Supplemental comments on the QF Trade Associations' proposed use of Dun and Bradstreet ratings.

Second, the QF Trade Associations submit that the proper level of Dun and Bradstreet rating to be used if the QF Trade Associations' proposed definition of creditworthiness is adopted is a PAYDEX rating of at least 80 out of 100. As previously explained, the QF Trade Associations' recommended use of Dun and Bradstreet as one of several options that should be offered to small QFs to demonstrate creditworthiness because it is a more relevant rating agency to the typical small QF than Moody's or S&P. However, the Joint Utilities dismissed the invitation to collaborate to develop an appropriate rating level for Dun and Bradstreet. Thus, the QF Trade Associations have independently investigated the Dun and Bradstreet ratings criteria and now recommend a specific metric.

Independent sources confirm that a PAYDEX score of at least 80 out of 100 is considered a high score that will qualify a small business for loans and decent credit ratings.³⁷ The Dun and Bradstreet PAYDEX score is based on data including the entity’s past payment history and, thus, despite the Joint Utilities’ claims, it is not limited to evaluation of the initial investment in the case of a project-specific limited liability company.³⁸

However, the QF Trade Associations also wish to clarify that to the extent the Commission is not comfortable moving forward with the Dun and Bradstreet criteria as one option, it should still adopt the remaining options proposed by the QF Trade Associations. Specifically, the QF Trade Associations have proposed that the Commission should provide the small QFs with at least the following options to demonstrate creditworthiness: 1) a reasonable purchasing utility credit evaluation (which could include use of S&P, Moody’s, or the utility’s own internal evaluation), *or* 2) audited financial statements or internal financial statements prepared for the QF’s tax return that demonstrate a “net position” equal to at least one year of

³⁷ See Liliana Hall, *What is a D&B Rating?*, Bankrate (Oct. 17, 2022), <https://www.bankrate.com/finance/credit-cards/what-is-db-rating/#what> (Bankrate explains: “PAYDEX Score: This score measures your company’s past payment performance with a score between 1 and 100. To be eligible for loans and decent credit ratings, this particular score should fall within the 80 to 100 range. Anything lower than that may indicate difficulty with making payments. Businesses within the 0 to 49 range are considered high risk and would dissuade investors or lenders.”).

³⁸ Docket No. AR 631, Joint Utilities’ Final Comments at 15 (Feb. 3, 2023).

projected revenue under the PPA, *or* 3) a suitable Dun and Bradstreet rating.³⁹ If the Commission is not comfortable with the use of Dun and Bradstreet, the QF Trade Associations continue to urge the Commission to include the other two options itemized in our recommendation, which unlike the Joint Utilities’ proposal includes use of a “net position” equal to at least one year of projected revenue under the PPA for public entities.

3. The Joint Utilities’ proposed “compromise” to allow non-creditworthy QFs to use a “parental guarantee” is not a meaningful compromise because it is already included in the proposed rules.

Finally, the QF Trade Associations wish to clarify a point of confusion arising from the Joint Utilities’ Final Comments, which offer a “compromise” that the proposed rules could be amended to include the option of a parent guarantee for QFs that are not themselves creditworthy.⁴⁰

The QF Trade Associations certainly agree that a guarantee from a creditworthy party should be an option offered to small QFs that are unable to meet the Commission’s final creditworthiness criteria on their own. A guarantee is a commitment by creditworthy third-party (typically a parent company) to the purchasing utility that the guarantor will pay the liabilities of the QF if its direct owner fails to do so. Such a guarantee certainly should satisfy the security requirement to the extent a particular QF is able to obtain one—although the QF Trade

³⁹ See Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Staff’s Proposed Group 2 Rules at 40-41 (Sept. 16, 2022); Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Amendments to Rules Dated November 23, 2022 at 7-11 (Dec. 16, 2022); Docket No. AR 631, Response Comments of CREA and the Coalition Regarding Rules for Creditworthiness Evaluation at 2-7 (Jan. 12, 2023).

⁴⁰ Docket No. AR 631, Joint Utilities’ Final Comments at 18 (Feb. 3, 2023).

Associations are skeptical that many small QFs could secure such a parent guarantee shortly after executing a PPA for the Project Development Security requirement, especially within the 60 days currently proposed.

However, the QF Trade Associations find the Joint Utilities statement that they are proposing the parent guarantee as a “compromise” to be somewhat perplexing. The QF Trade Associations have long understood and characterized the current version of the proposed rules as already including a guarantee option because it is clearly included within the broader description of the “Letter of Credit Security” option for both Project Development Security and Default Security.⁴¹ The QF Trade Associations acknowledge the Joint Utilities may have been confused

⁴¹ See Docket No. AR 631, Comments of CREA, NIPPC, and the Coalition on Staff’s Proposed Group 2 Rules at 39 (Sept. 16, 2022) (stating that the currently proposed rules allow use of a “parent guarantee” as among the options for non-creditworthy QFs). Specifically, Proposed Rule OAR 860-029-0120 provides as follows:

(17) Project Development Security. * * * The qualifying facility may use either of the following options to post Project Development Security: * * * *

(b) Letter of Credit Security. The qualifying facility shall post and maintain in an amount equal to the Project Development Security either a guaranty from a party that satisfies the purchasing public utility’s creditworthiness requirements, in a form acceptable to the public utility in its reasonably-exercised discretion, or a Letter of Credit in favor of the purchasing public utility. * * * *

(18) Default Security. * * * The qualifying facility may use one of the following options to post Default Security: * * * *

(b) Letter of Credit Security. The qualifying facility shall post and maintain in an amount equal to the Default Security either a guaranty from a party that satisfies the Credit Requirements, in a form acceptable to the public utility in its reasonably-exercised discretion, or a Letter of Credit in favor of the purchasing public utility. * * * *

Docket No. AR 631, Notice of Proposed Rulemaking Hearing at 20-21 (Nov. 23, 2022) (emphasis added).

by the placement of the guarantee option within the “Letter of Credit” subsections of the rules, which is somewhat confusing because a guarantee and a letter of credit may normally be understood as distinct forms of security.

In any event, the QF Trade Associations’ proposed revisions to the creditworthiness definition and the security options for non-creditworthy QFs were made based on the assumption that a parent guarantee was also one of the options. The option of the parent guarantee does not resolve the QF Trade Associations’ remaining concerns with the proposed rules on this subject. However, if the Joint Utilities believe that the currently proposed rule language does not unambiguously require them to each offer use of parent guarantee as one of the security options, the QF Trade Associations agree that the rule should be amended to unambiguously so provide.

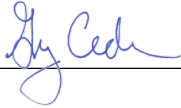
III. CONCLUSION

The QF Trade Associations appreciate the opportunity to provide these Final Comments and urge the Commission to adopt the proposal made by the QF Trade Associations in this rulemaking.

Dated this 7th day of February 2023.

Respectfully submitted,

Richardson Adams, PLLC



Gregory M. Adams
515 N. 27th Street
Boise, ID 83702
(208) 938-2236 (tel)
(208) 938-7904 (fax)
greg@richardsonadams.com

Of Attorneys for the Community
Renewable Energy Association

Sanger Law, PC



Irion A. Sanger
Ellie Hardwick
4031 SE Hawthorne Blvd.
Portland, OR 97214
503-756-7533 (tel)
503-334-2235 (fax)
irion@sanger-law.com

Of Attorneys for the Renewable
Energy Coalition and the Northwest
& Intermountain Power Producers
Coalition

Attachment A-1

QFs 1 MW and Less

Attachment A-1: QFs 1 MW and Less

Utility	Plant Name	PPA Execution Date (if renewal, then PPA execution date of first PPA)	Resource Type	Nameplate Capacity (MW)	Actual Commercial Operation Date ("COD")	Expected COD	Type of PPA (Standard/Non-standard)	Current PPA Expiration	Vintage of PPA	Facility/PPA Status
PGE	Starbuck Properties	11/2/2010	Solar	0.025	1/1/2011	1/17/2011	Standard	11/2/2030		
PacifiCorp	City of Astoria	1/5/2015	Hydro	0.03	4/8/2015	2/10/2015	Standard	12/18/2029	Original	Operating
PacifiCorp	City of Portland, Portland Hydro Bureau	4/4/2008	Hydro	0.03	11/1/2012	12/1/2011	Standard	2/28/2027	Original	Operating
PacifiCorp	Loyd Fery	6/28/1985	Hydro	0.04	Existing	Existing	Standard	6/30/2024	Renewal	Operating
PacifiCorp	Mountain Energy	6/17/1985	Hydro	0.05	Existing	Existing	Standard	12/31/2022	Renewal	Operating
PGE	Domaine Drouhin	4/5/2013	Solar	0.094	4/5/2013	4/5/2013	Standard	4/15/2028		
PGE	Tualatin Valley Water District	4/1/2013	Hydro	0.112	4/1/2013	4/1/2013	Standard	3/31/2028		
PacifiCorp	RES Ag- Oak Lea	11/29/2009	Biogas	0.17	12/5/2011	12/5/2011	Standard	11/30/2026	Original	Operating
PacifiCorp	Three Sisters Irrigation District (Watson Hydro) (200 kW)	5/8/2018	Hydro	0.20	11/5/2018	9/1/2018	Standard	8/31/2038	Original	Operating
PGE	Minikahda Hydropower Co.	2/14/2014	Hydro	0.2	2/14/2014	2/14/2014	Standard	2/20/2029		
PGE	Von Family Limited Partnership	2/14/2014	Hydro	0.2	2/14/2014	2/14/2014	Standard	2/19/2029		
Idaho Power	Baker City Hydro	6/8/2015	Hydro	0.24	9/1/2015	7/1/2015	Standard	9/1/2030	Original	Active and Online
PacifiCorp	Oregon Institute of Technology	4/9/2010	Geothermal	0.28	4/9/2010	4/15/2010	Standard	3/17/2030	Original	Operating
PacifiCorp	Monroe Hydro (Apple)	4/9/2012	Hydro	0.3	6/9/2016	4/1/2015	Standard	8/31/2028	Original	Operating
PacifiCorp	City of Albany, Dept of Public Works	4/4/2008	Hydro	0.50	1/20/2009	4/7/2008	Standard	10/9/2023	Original	Operating
PacifiCorp	Three Sisters Irrigation District (Watson Hydro) (700 kW)	2/18/2014	Hydro	0.70	8/22/2014	5/1/2014	Standard	8/31/2038	Original	Operating
PacifiCorp	Eagle Point Irrigation District (Nichols Gap)	9/28/1983	Hydro	0.72	3/1/1987	9/28/1983	Unknown	12/31/2021	Original	Operating
PacifiCorp	Farm Power Misty Meadow	3/29/2012	Biogas	0.75	5/6/2013	3/29/2012	Standard	9/30/2027	Original	Operating
PacifiCorp	Swalley Irrigation District	9/4/2009	Hydro	0.75	4/23/2010	11/10/2009	Standard	1/3/2030	Original	Operating
PGE	Volcano Solar	10/18/2017	Solar	0.75	7/17/2019	3/1/2018	Standard	10/18/2037		
PacifiCorp	Klamath Falls Solar 1 (FKA Ewauna Solar LLC)	8/8/2014	Solar	0.8	7/12/2016	9/30/2015	Standard	9/29/2035	Original	Operating
PacifiCorp	Lacomb Irrigation (Lacomb PPA Renegotiated)	6/19/1998	Hydro	0.96	7/1/1987	Existing	Unknown	12/31/2022	Amended	Operating
PacifiCorp	Middlefork Irrigation District	Renewal	Hydro	0.98	Existing	Existing	Standard	12/31/2021	Renewal	In effect January 1, 2022

Red = Public Entity

Attachment A-2

QFs Over 1 MW

Attachment A-2: QFs Over 1 MW

Utility	Plant Name	PPA Execution Date (if renewal, then PPA execution date of first PPA)	Resource Type	Nameplate Capacity (MW)	Actual Commercial Operation Date ("COD")	Expected COD	Type of PPA (Standard/Non-standard)	Current PPA Expiration	Vintage of PPA	Facility/PPA Status
PacifiCorp	C Drop	10/18/2011	Hydro	1.10	5/3/2012	3/15/2012	Standard	5/2/2032	Original	Operating
PGE	Greenpark Solar	5/8/2018	Solar	1.26		12/2/2019	Standard	12/1/2034		
PGE	Stilorgan Solar	1/17/2020	Solar	1.53		11/2/2022	Standard	11/1/2042		
PacifiCorp	Roseburg LFG	2/18/2011	Biogas	1.60	12/20/2011	6/20/2011	Standard	4/30/2032	Original	Operating
PacifiCorp	Stahlbush Island Farms	3/19/2009	Biogas	1.60	Existing	Existing	Standard	5/31/2022	Renewal	Operating
PGE	JC Biomethane	12/9/2011	Biogas	1.6	9/26/2013	7/31/2012	Standard	12/9/2031		
PacifiCorp	Big Top LLC (QF)	12/19/2008	Wind	1.65	8/1/2009	3/24/2009	Standard	1/29/2029	Original	Operating
PGE	Cow Creek Solar	6/4/2018	Solar	1.75		2/1/2020	Standard	2/1/2040		
PacifiCorp	Galesville Dam (Douglas County)	9/1/1982	Hydro	1.80	2/1/1987	9/1/1982	Unknown	12/31/2021	Original	Operating
PGE	Tickle Creek Solar	8/23/2017	Solar	1.85	12/27/2019	1/31/2019	Standard	8/22/2037		
PGE	Coolmine Solar	4/15/2020	Solar	1.98		2/2/2023	Standard	2/1/2043		
PGE	SSD Marion 3	10/20/2017	Solar	2		4/1/2020	Standard	3/31/2035		
PGE	SSD Clackamas 4	10/20/2017	Solar	2		4/1/2020	Standard	3/31/2035		
PGE	SSD Marion 5	5/8/2018	Solar	2		4/1/2020	Standard	3/31/2035		
PGE	SSD Clackamas 7	5/8/2018	Solar	2		4/1/2020	Standard	3/31/2035		
PGE	SSD Marion 6	5/8/2018	Solar	2		4/1/2020	Standard	3/31/2035		
PGE	SSD Marion 1	5/25/2018	Solar	2		4/1/2020	Standard	3/31/2035		
PGE	Brush College Solar	5/25/2018	Solar	2		12/1/2019	Standard	3/1/2038		
PGE	Raven Loop	5/25/2018	Solar	2		12/1/2019	Standard	3/1/2038		
PGE	Parrott Creek Solar	6/28/2018	Solar	2		12/1/2019	Standard	11/1/2039		
Idaho Power	Mitchell Butte	5/22/1985	Hydro	2.088	5/18/1989	5/18/1989	Standard	12/13/2034	Original	Active and Online
PGE	DC - Donald	4/19/2018	Solar	2.16		12/2/2019	Standard	12/1/2034		
PGE	NorWest Energy 14	7/28/2015	Solar	2.2	2/8/2018	12/31/2017	Standard	12/31/2031		
PGE	SP Solar 1	7/28/2015	Solar	2.2	2/8/2018	12/31/2017	Standard	7/28/2035		
PGE	SP Solar 5	7/28/2015	Solar	2.2	2/8/2018	12/31/2017	Standard	7/28/2035		
PGE	SP Solar 6	7/28/2015	Solar	2.2	8/21/2018	12/31/2017	Standard	7/28/2035		
PGE	SP Solar 7	7/28/2015	Solar	2.2	6/30/2018	12/31/2017	Standard	7/28/2035		
PGE	SP Solar 8	7/28/2015	Solar	2.2	2/8/2018	12/31/2017	Standard	7/28/2035		
PGE	Sheep Solar	1/25/2016	Solar	2.2	2/8/2018	12/31/2017	Standard	1/25/2036		
PGE	Silverton Solar	1/25/2016	Solar	2.2	2/8/2018	12/31/2017	Standard	1/26/2036		
PGE	Drift Creek	1/25/2016	Solar	2.2	5/15/2020	4/1/2019	Standard	1/25/2036		
PGE	Boring Solar	1/25/2016	Solar	2.2	4/3/2019	1/31/2019	Standard	1/25/2036		
PGE	Ballston Solar	5/2/2016	Solar	2.2	12/18/2018	8/31/2018	Standard	5/2/2036		
PGE	St Louis Solar	6/10/2016	Solar	2.2	4/6/2020	2/10/2019	Standard	6/9/2036		
PGE	O'neil Creek Solar	6/10/2016	Solar	2.2	12/9/2019	3/24/2019	Standard	6/10/2036		
PGE	Willamina Mill Solar	6/21/2016	Solar	2.2		8/14/2019	Standard	6/21/2036		
PGE	Palmer Solar	6/21/2016	Solar	2.2		7/1/2019	Standard	6/21/2036		
PGE	Rafael Solar	6/21/2016	Solar	2.2	10/29/2019	6/30/2019	Standard	6/21/2036		
PGE	Case Creek Solar	6/22/2016	Solar	2.2	10/29/2019	5/5/2019	Standard	6/20/2036		
PGE	Day Hill Solar	11/10/2016	Solar	2.2		7/14/2019	Standard	9/7/2036		
PGE	Labish Solar	12/1/2016	Solar	2.2	12/18/2018	8/31/2018	Standard	11/10/2036		
PGE	Kale Patch Solar	5/10/2017	Solar	2.2	10/31/2019	7/31/2019	Standard	5/10/2037		
PGE	Thomas Creek Solar	5/31/2017	Solar	2.2	11/8/2019	2/1/2019	Standard	5/31/2037		
PGE	Brush Creek Solar	6/23/2017	Solar	2.2	5/15/2020	4/5/2019	Standard	6/23/2037		
PGE	Eola Solar	1/29/2018	Solar	2.2		1/31/2020	Standard	11/30/2038		
PGE	Rock Creek Solar	2/7/2018	Solar	2.2		12/31/2020	Standard	2/6/2033		
PGE	Reed Solar	5/21/2019	Solar	2.2		12/1/2020	Standard	11/30/2040		
PGE	Pika Solar	9/17/2019	Solar	2.2		5/1/2020	Standard	8/6/2037		

Attachment A-2: QFs Over 1 MW

PGE	Minke Solar	9/17/2019	Solar	2.2		5/1/2020	Standard	8/13/2037		
PGE	Big Horn	9/17/2019	Solar	2.2		5/1/2020	Standard	8/13/2037		
PGE	Townsend Solar	6/4/2018	Solar	2.25		9/30/2019	Standard	9/30/2039		
PGE	Ashcroft Solar	6/4/2018	Solar	2.25		9/30/2019	Standard	9/30/2039		
PGE	Waconda Solar	6/4/2018	Solar	2.25		2/1/2020	Standard	4/1/2038		
PGE	Steel Bridge Solar	2/19/2014	Solar	2.5	2/18/2016	8/19/2015	Standard	2/19/2034		
PGE	Delaney Solar	12/27/2017	Solar	2.5		10/31/2020	Standard	12/26/2032		
PGE	Dryland Solar	4/19/2018	Solar	2.5		12/1/2019	Standard	10/31/2039		
PGE	Mountain Meadow Solar	5/25/2018	Solar	2.5		12/1/2019	Standard	3/1/2038		
PGE	Ridgeway Solar	6/4/2018	Solar	2.5		12/1/2019	Standard	11/1/2039		
PGE	Radio Solar	11/29/2018	Solar	2.5		12/31/2020	Standard	12/31/2040		
PGE	Walker Creek Solar	2/9/2019	Solar	2.5		12/1/2020	Standard	11/1/2040		
PGE	DB - Bull Run	4/19/2018	Solar	2.565		12/2/2019	Standard	12/1/2034		
PGE	Hogan Solar	4/27/2020	Solar	2.565		2/2/2023	Standard	2/1/2043		
PacifiCorp	Captain Jack Solar	6/8/2020	Solar	2.70	Not COD yet	12/31/2021	Standard	12/30/2041	Original	Construction
Idaho Power	Brush Solar	10/31/2016	Solar	2.75	12/26/2019	10/1/2019	Standard	12/26/2039	Original	Active and Online
PGE	DF - West Eagle Creek	4/19/2018	Solar	2.79		12/2/2019	Standard	12/1/2034		
PGE	Middle Fork Irrigation District Unit 1 and Unit 2	4/2/2020	Hydro	3	COD prior to PGE contract	1/1/2022	Standard	12/31/2036		Operated prior to PGE contract
PacifiCorp	Klamath Falls Solar 2 (FKA Ewauna Solar 2 LLC)	6/5/2015	Solar	2.9	12/16/2017	11/30/2017	Standard	11/29/2037	Original	Operating
PGE	AM - West Silverton	4/19/2018	Solar	2.97		12/2/2019	Standard	12/1/2034		
PGE	SB - South Wilamina	4/19/2018	Solar	2.97		12/2/2019	Standard	12/1/2034		
PGE	KT - Molalla	4/19/2018	Solar	2.97		12/2/2019	Standard	12/1/2034		
PGE	Milford Solar	4/19/2018	Solar	2.97		12/2/2019	Standard	12/1/2034		
PGE	Dublin Solar	4/15/2020	Solar	2.97		2/2/2023	Standard	2/1/2043		
PacifiCorp	EBD Hydro (Apple)	4/6/2012	Hydro	2.99	6/11/2015	4/15/2013	Standard	4/14/2028	Original	Operating
Idaho Power	Durkee Solar	4/29/2019	Solar	3		12/31/2024	Standard	3/31/2042	Original	Active Not Online
Idaho Power	Lime Wind Energy	12/8/2010	Wind	3	12/9/2011	12/31/2011	Standard	12/9/2031	Original	Active and Online
Idaho Power	Morgan Solar	10/31/2016	Solar	3	4/22/2020	10/1/2019	Standard	4/22/2040	Original	Active and Online
Idaho Power	Ontario Solar Center	2/26/2018	Solar	3	3/29/2020	12/31/2019	Standard	3/29/2040	Original	Active and Online
Idaho Power	Vale I Solar	10/31/2016	Solar	3	7/1/2020	10/1/2019	Standard	7/1/2040	Original	Active and Online
PGE	PG - West Sheridan	4/18/2018	Solar	3		12/2/2019	Standard	12/1/2034		
PGE	Bristol Solar	4/19/2018	Solar	3		12/2/2019	Standard	12/1/2034		
PGE	Fairview Solar	4/19/2018	Solar	3		12/2/2019	Standard	12/1/2034		
PacifiCorp	Oregon Environmental Industries	8/16/2006	Biogas	3.20	1/17/2007	9/7/2007	Standard	7/31/2022	Original	Operating
PacifiCorp	Wagon Trail LLC	12/19/2008	Wind	3.30	9/1/2009	3/31/2009	Standard	8/31/2029	Original	Operating
PGE	Butler Solar	1/25/2016	Solar	4.0		5/29/2020	Standard	1/25/2036		
PGE	Amity Solar	5/20/2016	Solar	4		12/31/2019	Standard	5/20/2036		
PGE	Stringtown Solar	5/20/2016	Solar	4		12/31/2019	Standard	5/20/2036		
PGE	Starlight Solar	5/20/2016	Solar	4		12/31/2019	Standard	5/20/2036		
PGE	SSD Clackamas 1	5/8/2018	Solar	4		10/5/2021	Standard	10/4/2036		
PGE	Falls Creek Hydro	2/19/2019	Hydro	4.1		1/1/2020	Standard	2/1/2034		
PacifiCorp	Farmers Irrigation	6/29/1983	Hydro	4.15	Existing	Existing	Standard	12/31/2025	Renewal	Operating
PacifiCorp	Deschutes Valley Hydro District	6/29/1982	Hydro	4.30	Existing	Existing	Standard	12/31/2035	Renewal	Operating
Idaho Power	Railroad Solar Center, LLC	2/21/2014	Solar	4.5	12/6/2016	12/31/2016	Standard	12/6/2036	Original	Active and Online

Attachment A-2: QFs Over 1 MW

PacifiCorp	Finley Bioenergy	10/24/2007	Biogas	4.80	12/25/2007	10/24/2007	Standard	11/15/2022	Original	Operating
PacifiCorp	TMF Biofuels	2/16/2012	Biogas	4.80	12/31/2012	2/21/2012	Standard	4/30/2023	Original	Operating
PacifiCorp	Butter Creek Power LLC	12/19/2008	Wind	4.95	8/1/2009	3/12/2009	Standard	1/29/2029	Original	Operating
PacifiCorp	Central Oregon Irrigation District - Juniper Ridge	8/17/2009	Hydro	5.00	10/4/2010	10/4/2010	Standard	8/1/2030	Original	Operating
Idaho Power	Owyhee Dam Cspg	4/27/1984	Hydro	5	8/10/1985	8/10/1985	Standard	5/9/2034	Original	Active and Online
PGE	Eagle Creek Solar	12/27/2017	Solar	5		10/31/2020	Standard	12/26/2032		
PGE	Coffin Butte	7/2/2012	Biogas	5.66	10/1/2012	10/1/2012	Standard	9/30/2027		
PacifiCorp	Central Oregon Irrigation District	4/12/1983	Hydro	6.00	Existing	Existing	Standard	12/31/2024	Renewal	Operating
PacifiCorp	Norwest Energy 4 LLC (Bonanza)	5/29/2015	Solar	6.0	2/27/2019	7/31/2018	Standard	11/17/2031	Original	Operating
Idaho Power	Grove Solar Center, LLC	1/2/2014	Solar	6	10/22/2016	12/31/2016	Standard	10/22/2036	Original	Active and Online
PacifiCorp	Dorena Hydro	4/28/2011	Hydro	6.10	12/11/2014	12/1/2012	Standard	11/30/2032	Original	Operating
PacifiCorp	Oregon State University	11/23/2010	Natural Gas	6.50	Existing	Existing	Standard	3/31/2022	Renewal	Operating
PacifiCorp	Norwest Energy 9 LLC (Pendleton)	6/29/2015	Solar	6.6	11/30/2018	7/31/2018	Standard	11/17/2031	Original	Operating
PacifiCorp	Ward Butte Windfarm LLC	12/19/2008	Wind	6.60	9/1/2009	3/31/2009	Standard	8/31/2029	Original	Operating
Idaho Power	Tunnel #1	5/31/1985	Hydro	7	6/8/1993	6/8/1993	Standard	6/8/2036	Original	Active and Online
PacifiCorp	Obsidian Renewables LLC - Black Cap Solar II	7/30/2014	Solar	8.0	11/30/2016	12/31/2016	Standard	11/30/2036	Original	Operating
PacifiCorp	OR Solar 5 (Merrill)	6/17/2015	Solar	8.0	1/12/2018	12/15/2017	Standard	10/31/2036	Original	Operating
PacifiCorp	Pacific Canyon Windfarm LLC	12/19/2008	Wind	8.25	8/1/2009	3/31/2009	Standard	1/22/2029	Original	Operating
PacifiCorp	Bly Solar Center, LLC	7/24/2014	Solar	8.5	12/21/2018	1/24/2018	Standard	10/30/2036	Original	Operating
Idaho Power	Hyline Solar Center, LLC	1/15/2014	Solar	9	11/19/2016	12/31/2016	Standard	11/19/2036	Original	Active and Online
PGE	PaTu Wind	4/29/2010	Wind	9	12/1/2010	5/31/2011	Standard	5/31/2031		
PacifiCorp	Chiloquin Solar	10/12/2015	Solar	9.90	1/26/2018	10/30/2017	Standard	12/15/2036	Original	Operating
PacifiCorp	Norwest Energy 2 LLC (Neff)	5/29/2015	Solar	9.9	12/31/2016	12/31/2016	Standard	11/17/2031	Original	Operating
PacifiCorp	Norwest Energy 7 LLC (Eagle Point)	5/29/2015	Solar	9.9	12/30/2017	9/9/2017	Standard	11/17/2031	Original	Operating
PacifiCorp	Oregon Trail Windfarm LLC	12/19/2008	Wind	9.90	8/1/2009	3/31/2009	Standard	1/15/2029	Original	Operating
PacifiCorp	OSLH - Collier Solar	6/29/2015	Solar	9.9	2/1/2017	11/18/2016	Standard	11/17/2031	Original	Operating
PacifiCorp	Sand Ranch Windfarm LLC	1/19/2008	Wind	9.90	8/1/2009	3/31/2009	Standard	1/15/2029	Original	Operating
PacifiCorp	Tumbleweed Solar, LLC (Saturn Power Corporation)	10/12/2015	Solar	9.90	12/28/2017	11/6/2017	Standard	12/15/2036	Original	Operating
PacifiCorp	Adams Solar Center, LLC	8/7/2014	Solar	10.0	7/27/2018	11/27/2017	Standard	10/30/2036	Original	Operating
PacifiCorp	Bear Creek Solar Center, LLC	8/7/2015	Solar	10.0	9/28/2018	12/8/2017	Standard	10/30/2036	Original	Operating
PacifiCorp	Elbe Solar Center, LLC	8/7/2014	Solar	10.0	8/10/2018	12/5/2017	Standard	10/30/2036	Original	Operating
PacifiCorp	Four Corners Windfarm LLC	6/16/2009	Wind	10.00	9/11/2009	9/11/2009	Standard	6/30/2029	Original	Operating
PacifiCorp	Four Mile Canyon Windfarm LLC	6/16/2009	Wind	10.00	9/11/2009	9/11/2009	Standard	6/30/2029	Original	Operating
PacifiCorp	OR Solar 2 (Agate Bay Solar)	6/11/2015	Solar	10.0	10/22/2020	10/31/2017	Standard	10/31/2036	Original	Operating

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PacifiCorp	OR Solar 3 (Turkey Hill Solar)	6/11/2015	Solar	10.0	12/30/2017	12/15/2017	Standard	10/31/2036	Original	Operating
PacifiCorp	OR Solar 6 (Lakeview)	6/17/2015	Solar	10.0	12/18/2017	12/15/2017	Standard	10/31/2036	Original	Operating
PacifiCorp	OR Solar 8 (Dairy)	6/11/2015	Solar	10.0	3/14/2018	12/15/2017	Standard	10/31/2036	Original	Operating
PacifiCorp	Orchard Wind Farm 1, LLC	6/30/2016	Wind	10.0	12/28/2020	10/1/2020	Standard	9/30/2040	Original	Operating
PacifiCorp	Orchard Wind Farm 2, LLC	6/30/2016	Wind	10.0	12/28/2020	10/1/2020	Standard	9/30/2040	Original	Operating
PacifiCorp	Orchard Wind Farm 3, LLC	6/30/2016	Wind	10.0	12/28/2020	10/1/2020	Standard	9/30/2040	Original	Operating
PacifiCorp	Orchard Wind Farm 4, LLC	6/30/2016	Wind	10.0	12/28/2020	10/1/2020	Standard	9/30/2040	Original	Operating
Idaho Power	Benson Creek Windfarm	10/9/2013	Wind	10	3/23/2017	12/31/2016	Standard	3/23/2037	Original	Active and Online
Idaho Power	Durbin Creek Windfarm	10/9/2013	Wind	10	3/23/2017	12/31/2016	Standard	3/23/2037	Original	Active and Online
Idaho Power	Jett Creek Windfarm	10/9/2013	Wind	10	3/23/2017	12/31/2016	Standard	3/23/2037	Original	Active and Online
Idaho Power	Open Range Solar Center, LLC	12/9/2013	Solar	10	10/12/2016	12/31/2016	Standard	10/12/2036	Original	Active and Online
Idaho Power	Prospector Windfarm	10/9/2013	Wind	10	3/23/2017	12/31/2016	Standard	3/23/2037	Original	Active and Online
Idaho Power	Thunderegg Solar Center, LLC	2/21/2014	Solar	10	11/29/2016	12/31/2016	Standard	11/29/2036	Original	Active and Online
Idaho Power	Vale Air Solar Center, LLC	12/9/2013	Solar	10	11/9/2016	12/31/2016	Standard	11/9/2036	Original	Active and Online
Idaho Power	Willow Spring Windfarm	5/23/2014	Wind	10	3/23/2017	12/31/2016	Standard	3/23/2037	Original	Active and Online
PGE	Lakeview	7/15/2015	Solar	10	1/6/2020	5/1/2018	Standard	7/15/2035		
PGE	Starvation Solar	1/25/2016	Solar	10	12/27/2019	1/25/2019	Standard	1/25/2035		
PGE	OE Solar 3	1/25/2016	Solar	10	9/7/2018	12/30/2018	Standard	12/30/2033		
PGE	Fort Rock Solar I	4/27/2016	Solar	10	3/11/2020	4/27/2019	Standard	4/27/2035		
PGE	Fort Rock Solar II	4/27/2016	Solar	10		4/27/2019	Standard	4/27/2035		
PGE	Suntex Solar	5/16/2016	Solar	10		7/20/2019	Standard	6/1/2035		
PGE	Firwood Solar	5/20/2016	Solar	10	1/27/2020	12/31/2019	Standard	5/20/2036		
PGE	Duus Solar	5/20/2016	Solar	10	2/6/2020	12/31/2019	Standard	5/20/2036		
PGE	OM Power I	6/21/2016	Geothermal	10		6/1/2020	Standard	6/21/2036		
PGE	Fort Rock Solar IV	6/26/2016	Solar	10		6/26/2019	Standard	6/26/2035		
PGE	Alfalfa Solar	6/26/2016	Solar	10		6/26/2019	Standard	6/26/2035		
PGE	Harney Solar I	6/27/2016	Solar	10		6/27/2019	Standard	6/27/2035		
PGE	Riley Solar	6/27/2016	Solar	10		6/27/2019	Standard	6/27/2035		
PGE	South Burns Solar I	7/20/2016	Solar	10		7/20/2019	Standard	7/20/2035		
PGE	West Hines Solar I	7/20/2016	Solar	10		7/20/2019	Standard	7/20/2035		
PGE	Alkali	8/26/2016	Solar	10		7/31/2019	Standard	7/31/2032		
PGE	Rock Garden	8/26/2016	Solar	10		7/31/2019	Standard	7/31/2032		
PGE	Brightwood Solar	3/1/2017	Solar	10		11/30/2021	Standard	2/1/2037		
PGE	Evergreen BioPower	5/31/2017	Biomass	10	2/1/2018	1/1/2018	Standard	5/31/2032		
PGE	Stark Solar (Solar Star Oregon)	6/2/2017	Solar	10		12/31/2019	Standard	12/30/2034		
PGE	Liberal Solar	12/27/2017	Solar	10		10/31/2020	Standard	12/26/2032		
PGE	Connley Solar	5/21/2019	Solar	10		12/1/2021	Standard	12/1/2041		
PGE	Blue Marmot V	6/23/2020	Solar	10		9/27/2022	Standard	6/22/2038		
PGE	Blue Marmot VI	6/23/2020	Solar	10		10/13/2022	Standard	6/22/2038		
PGE	Blue Marmot VII	6/23/2020	Solar	10		11/2/2022	Standard	6/22/2038		
PGE	Blue Marmot VIII	6/23/2020	Solar	10		11/23/2022	Standard	6/22/2038		
PGE	Blue Marmot IX	6/23/2020	Solar	10		12/7/2022	Standard	6/22/2038		

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Idaho Power	Baker Solar Center	6/21/2017	Solar	15	2/18/2020	12/31/2019	Non-Standard	2/18/2040	Original	Active and Online
Idaho Power	Prairie City Solar	7/26/2021	Solar	29.3		9/30/2023	Non-Standard		Original	Active Not Online
Idaho Power	Moore's Hollow Solar	7/26/2021	Solar	42		9/30/2023	Non-Standard		Original	Active Not Online

Red = Public Entity