

**BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON**

UM 1610, UM 1396

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

Investigation into Qualifying Facility  
Contracting and Pricing,

and,

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

Investigation into Resource Sufficiency  
Pursuant to Order No. 06-538.

Renewable Energy Coalition's

MOTION TO SUSPEND PACIFIC  
POWER'S ADVICE FILING 14-007  
AND COMMISSION  
CONSIDERATION OF SUCH FILING  
UNTIL MAY 30, 2014

On April 10, 2014, PacifiCorp, dba Pacific Power ("PP&L"), filed "*Advice 14-007-Schedule 37 Avoided Cost Purchases from Qualifying Facilities of 10,000 KW or Less*" in the above-captioned dockets. In that filing, PP&L requested (i) that its pending 2013 IRP filing be the basis for its avoided-cost prices, and (ii) that the Commission waive the deadline established by OAR 860-029-0040(4). While neither of these requests is patently objectionable,<sup>1</sup> for the reasons set forth below, pursuant to OAR 860-001-0420, Renewable Energy Coalition ("REC") respectfully moves first to suspend the filing in order to investigate and review the filing's compliance with Order 14-058. Second, REC moves that the Commission first consider this filing on May 30, 2014, which is the date set for Portland General Electric Company ("PGE") to make its own compliance filing in this docket.

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<sup>1</sup> While there is no prohibition against filing prior to the deadline set in Order No. 14-058, the filing occurred prior to the acknowledgment of the 2013 IRP and the filing is tardy in the sense that it should have been filed in March 2014, prior to the second anniversary of its 2012 filing.

The need for additional time to review and consider PP&L's filing is manifest. As indicated by CREA's data request, the 781-page filing contains an enormous volume of material and information that will have to be sorted through and analyzed before the Commission can approve the advice filing. Evaluation of PP&L's responses to the now-outstanding data requests will certainly be a daunting task, and additional data requests should be expected. Second, PP&L has made a number of unilateral changes to its Schedule 37 and Standard Contract that have no basis in Order 14-058, *e.g.*, changes to the power-purchase process, interconnection timelines, and the addition of a QRE agreement that is an exhibit to the standard power-purchase agreement. See Advice Filing 14-007 (redlined versions of Schedule 37 and Standard Contract). Moreover, it appears that these proposed revisions should not be allowed to go into effect now; rather, these revisions should be raised and considered in Phase II of UM-1610. In sum, because of the significant changes proposed by Advice Filing 14-007, the Commission should allow itself and interested parties ample opportunities to consider economic, avoided-cost methodology, procedural, legal, and policy implications of the proposed changes.

There is an additional, important reason why the Commission's consideration of the filing should be suspended: Consistency. As the Commission noted in Order No. 14-058 ("Order"), REC has repeatedly urged that, in order for QFs to be developed to the extent required both by PURPA and the Oregon Legislature (see ORS 758.505 *et seq.*), the Commission should establish and coordinate policies, procedures, and practices that lead to transparency, consistency, and predictability. Order No. 14-058 at 25. Of particular note in this context is the fact that REC represents interests affected by both

PGE and PP&L, and thus REC has a particular interest in assuring uniformity of approach as between those two companies. PP&L's filing in this docket, which was done in advance of the Commission's acknowledgement of its 2013 IRP,<sup>2</sup> frustrates this interest because it invites the Commission to implement the policies established by Order No. 14-058 in a piecemeal fashion, restricting its review and consideration of PP&L's filing independent of the material, data, and proposals to be submitted by PGE and Idaho Power. Accordingly, the Commission should suspend its consideration of PP&L's Advice No. 14-007 until May 30, 2014, at which time the Commission should commence its review of that filing.<sup>3</sup> Indeed, immediate consideration of PP&L's "administratively efficient" filing while PGE's and Idaho Power's own filings are not even before the Commission will likely result in divergent and inconsistent implementation and prejudice the subsequent filings by PGE and Idaho Power. Finally, allowing simultaneous side-by-side comparison and evaluation of the three utilities' filings should be more administratively efficient for the Commission and parties and enhance consistency among Oregon's investor-owned utilities.

In order to comply with OAR 860-001-0420(3), on April 14, 2014, the undersigned sent an email to the representatives of PP&L listed on the official service list in this docket and requested to confer regarding the substance of this motion. In response, PP&L's Legal Counsel Etta Lockey telephoned the undersigned on April 16 and informed him that PP&L understood REC's position but would oppose this motion.

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<sup>2</sup> By filing its proposed avoided-cost prices in advance of the Commission's approval of PP&L's IRP, PP&L once again may have put the Commission in a position where it has to engage in legal gymnastics (issuing a waiver and "deeming" a filing date) in order to find that the company is in compliance with regulatory requirements. See Order 12-107 (March 27, 2012).

<sup>3</sup> Indeed, by that time the Commission may actually acknowledge PP&L's 2013 IRP.

For the foregoing reasons, REC respectfully moves the Commission to suspend PP&L's Advice 14-007 until May 30, 2014, at which time it will be able to consider that filing along with PGE's and Idaho Power's.

DATED this 17th day of April, 2014.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas H. Nelson".

Thomas H. Nelson, OSB 78315  
Attorney for Renewable Energy Coalition

## CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of RENEWABLE ENERGY COALITION'S MOTION TO SUSPEND PACIFIC POWER'S ADVICE FILING 14-007 AND COMMISSION CONSIDERATION OF SUCH FILING UNTIL MAY 30, 2014 on the parties listed below via electronic mail and/or US mail in compliance with OAR 860-001-0180.

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DATED at Zigzag, Oregon, this 17th day of April, 2014.



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