

**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

JOINT COMMENTS OF THE
COMMUNITY RENEWABLE ENERGY
ASSOCIATION, NORTHWEST &
INTERMOUNTAIN POWER
PRODUCERS COALITION, AND
RENEWABLE ENERGY COALITION
ON SCOPE

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 Comments in response to Staff’s request for feedback on inclusion of a standard contract in the informal rulemaking scope. The QF Trade Associations understand that this question regards the proposal by PacifiCorp, Portland General Electric Company and Idaho Power Company (the “Joint Utilities”) to use PacifiCorp’s standard contract from Washington as the template standard contract for all three utilities to use in Oregon. The QF Trade Associations appreciate the Joint Utilities’ proposal and agree that a single standard contract for use by all three utilities is preferable to the current status quo, but ultimately they oppose use of PacifiCorp’s Washington contract for this purpose.

II. COMMENTS

The QF Trade Associations generally support there being one Commission-approved standard contract for all three utilities, but they recommend that contract development occurs after the policies are fully agreed by the parties or otherwise resolved by the Commission.

The QF Trade Associations anticipate the process to reach agreement on a standard contract will be extensive and costly for all stakeholders. It will be more difficult at this time because the parties would negotiate individual contract terms when the parties have not reached an agreement on that particular substantive policy and Commission resolution is needed. This would be a waste of resources for all parties as can be demonstrated by the UM 1987 process where significant resources were devoted to negotiation of individual terms prior to Commission resolution of underlying policies.

The QF Trade Associations' preferred approach would be for the Commission to retain an independent expert to assist and work under the supervision of the Commission Staff and the Commission's legal counsel to develop the standard contract. An independently developed standard contract would better ensure unbiased consistency with Oregon's implementation of the Public Utility Regulatory Policies Act of 1978 ("PURPA") and reduce the possibility for disputed contract provisions and associated workload on all interested parties and the Commission.

If there is not an independently drafted standard contract and instead a utility-drafted contract is used, then the QF Trade Associations support the idea of there being one standard contract for all three utilities. PacifiCorp's Washington contract is not an acceptable starting point for the QF Trade Associations. The QF Trade Associations have significant concerns with

PacifiCorp's Washington contract, and they believe that there are core provisions which are either inconsistent with Oregon rules and policy, or that would resolve a number of disputed and outstanding policy and implementation issues in the Joint Utilities' favor. Additionally, PacifiCorp's Washington contract is far longer than necessary for a standard contract for small QFs, which in and of itself is a deterrent to development and financing of small renewable energy facilities. The Washington PURPA market is also less viable (or not viable at all) for some QFs due to the current avoided cost prices and transmission constraints, and it has a general history of much less QF development than Oregon. Further, the Washington Commission did not approve PacifiCorp's standard contract but simply allowed it to go into effect with no action. In the end, fewer QF and Washington Commission Staff resources were invested into getting the Washington contract exactly right. Therefore, if a utility-drafted contract will be the starting point as opposed to an independently drafted standard contract, the QF Trade Associations believe that a simpler standard contract form should be used as the template, such as PacifiCorp's existing OPUC-approved standard contract and not PacifiCorp's Washington standard contract.

Therefore, the QF Trade Associations recommend that the current process in AR 631 be continued and, after the Commission resolves the main policy issues, a standard contract be considered.

III. CONCLUSION

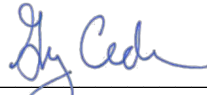
The QF Trade Associations appreciate the Joint Utilities effort to streamline the proceeding and their general willingness to have a single standard contract for all three utilities,

but they do not support the specific proposal to use the PacifiCorp Washington standard contract as a template for Oregon.

Dated this 29th day of April 2021.

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

Counsel for the Community Renewable Energy
Association

Sanger Law, PC



Irion A. Sanger
1041 SE 58th Place
Portland, OR 97215
503-756-7533 (tel)
503-334-2235 (fax)
irion@sanger-law.com

Counsel for the Renewable Energy Coalition and
the Northwest and Intermountain Power Producers
Coalition