

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2299

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY; PACIFICORP dba
PACIFIC POWER; AND IDAHO
POWER COMPANY,

Joint Utilities Application for Approval of
Proposed Schedules and Standard Power
Purchase Agreement for Qualifying
Facilities up to 10 MW.

THE COMMUNITY RENEWABLE
ENERGY ASSOCIATION AND
RENEWABLE ENERGY
COALITION'S COMMENTS ON
STAFF REPORT

I. INTRODUCTION

The Community Renewable Energy Association (“CREA”), and the Renewable Energy Coalition (the “Coalition”) (collectively the “QF Trade Associations”)¹ respectfully submit these comments on Staff’s Report with regards to the process to address PacifiCorp, Portland General Electric Company (“PGE”), and Idaho Power Company’s (“Idaho Power”) (collectively the “Joint Utilities”) proposal for approval of a standardized Power Purchase Agreement (“PPA”) for Qualifying Facilities (“QFs”) under 10 MW for compliance with Order Nos. 23-152 and 23-214 in Docket No. AR 631. The Commission should adopt Staff’s recommendation to not allow the proposed PPA to go into effect in the interim until the investigation is complete and appropriate revisions to

¹ The Northwest & Intermountain Power Producers Coalition (“NIPPC”) supports the recommendation in these Comments; however, due to the short period of time for review between the publication of the Staff Report and the Public Meeting, NIPPC was unable to formally join the Comments.

the proposed standard contract, as may be ordered by the Public Utility Commission of Oregon (“Commission”) are implemented.

Additionally, regardless of how the Commission resolves the Joint Utilities’ request for interim effectiveness of the as-yet-unapproved standard contract, the Commission should ensure that existing QFs that began negotiations under the pre-existing standard contract forms be provided the opportunity to complete negotiations and execute their contracts. Specifically, the Commission should allow QFs currently negotiating contracts with the Joint Utilities to have until the later of: 1) the date the Joint Utilities proposed in their filing (90 days after the rules became effective, which would be October 24, 2023) or 2) the date on which the new standard PPA is approved as compliant with the administrative rules as ordered by the Commission.

II. COMMENTS

A. Adopt Staff’s Recommendation to Not Allow the Proposed PPA to Go into Effect in the Interim

First, the QF Trade Associations support Staff’s recommendation that the proposed standardized PPA should not go into effect in the interim until the investigation and review of the proposed PPA is complete. Initial review of the proposed PPA identified some provisions that may not be required or authorized by the new rules adopted in AR 631. In some cases, there may also be incorrect or incomplete implementation of provisions of the new rules.

The Joint Utilities suggest that no harm will occur if QFs must sign the interim PPA because the Joint Utilities would not object to correcting any provisions of the executed interim PPA to conform to the Commission’s resolution in this docket.

However, that argument overlooks that any QF executing an interim PPA will not have the certainty of its final PPA terms and will thus be deprived of the ability to rely upon a fully compliant PPA for some portion—potentially several months or more—of its critical, limited development period. A QF signing a PPA in the interim should not have to rely on the provisions in the PPA that has not been reviewed and approved by the Commission and is likely to be revised. Additionally, the QF cannot rely upon that expectation for financing of a project. The utilities’ current standard contracts should be used until the new standardized PPA is finalized.

The proposed PPA is not needed in the interim to implement the interim solar+storage rate and contract from Docket No. UM 2000. However, the solar+storage PPA addendum to this proposed PPA as filed in UM 2000 contains minimal edits. Thus, the Joint Utilities could also easily propose minimal edits to their existing standard PPAs to use until a new standardized PPA is finalized in this docket.

B. Allow Existing QFs Currently Negotiating Contracts to Use Current PPAs

Second, existing QFs that are currently negotiating contracts with the Joint Utilities should have until the later of: 1) the date the Joint Utilities proposed in their filing (90 days after the rules became effective)² or 2) the date on which the new standard PPA is approved as compliant with the administrative rules as ordered by the Commission. QFs that began negotiating contracts before the AR 631 rules were adopted did so under the impression that these current PPAs would be used. The QF Trade Associations are aware of three small existing hydroelectric projects that are in the

² Joint Utilities’ Application at 3-4 (July 24, 2023).
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process of negotiating renewal contracts. These QFs have spent considerable time and resources negotiating these contracts and should not have to start that process over to review a new, more complicated, and potentially vacillating PPA form.

III. CONCLUSION

The Commission should adopt the QF Trade Associations' recommendations, and the QF Trade Associations look forward to continued engagement with stakeholders in this docket.

Dated this 18th day of August 2023.

Respectfully submitted,

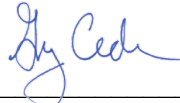
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