

## HOUSE AMENDMENTS TO B-ENGROSSED SENATE BILL 838

By COMMITTEE ON ENERGY AND THE ENVIRONMENT

May 18

- 1 On page 4 of the printed B-engrossed bill, line 30, delete “one and one-half” and insert “three”.
- 2 In line 42, delete “one and one-half” and insert “three”.
- 3 In line 45, delete “one and one-half” and insert “three”.
- 4 On page 5, line 4, delete “one and one-half” and insert “three”.
- 5 Delete lines 24 through 30 and insert:
- 6 “**SECTION 7. Small electric utilities.** (1) Except as provided in this section, an electric utility
- 7 that makes sales of electricity to retail electricity consumers in an amount that equals less than
- 8 three percent of all electricity sold to retail electricity consumers is not subject to sections 1 to 24
- 9 of this 2007 Act.
- 10 “(2) Beginning in calendar year 2025, at least five percent of the electricity sold to retail elec-
- 11 tricity consumers in a calendar year by an electric utility must be qualifying electricity if the elec-
- 12 tric utility makes sales of electricity to retail electricity consumers in an amount that equals less
- 13 than one and one-half percent of all electricity sold to retail electricity consumers.
- 14 “(3) Beginning in calendar year 2025, at least 10 percent of the electricity sold to retail elec-
- 15 tricity consumers in a calendar year by an electric utility must be qualifying electricity if the elec-
- 16 tric utility makes sales of electricity to retail electricity consumers in an amount that equals or is
- 17 more than one and one-half percent, and less than three percent, of all electricity sold to retail
- 18 electricity consumers.”.
- 19 In line 31, delete “(3)” and insert “(4)”.
- 20 Delete lines 39 and 40 and insert:
- 21 “(c) Acquisition of electricity under a contract entered into before the effective date of this 2007
- 22 Act;
- 23 “(d) A renewal or replacement contract for a contract for purchase of electricity described in
- 24 paragraph (c) of this subsection;”.
- 25 In line 41, delete “(d)” and insert “(e)”.
- 26 Delete line 43.
- 27 In line 44, delete “(e)” and insert “(f)”.
- 28 On page 6, line 1, delete the period and insert “or entered into before the effective date of this
- 29 2007 Act by an electric cooperative organized under ORS chapter 62 of which the electric utility is
- 30 a member, without regard to whether the electricity is being used to serve the load of the electric
- 31 utility on the effective date of this 2007 Act; or
- 32 “(g) Investments in an electricity generating facility that uses coal as an energy source if the
- 33 investments are for the purpose of improving the facility’s pollution mitigation equipment or the
- 34 facility’s efficiency or are necessary to comply with requirements or standards imposed by govern-
- 35 mental entities.”.

- 1 In line 2, delete “(4)” and insert “(5)”.
- 2 In line 5, delete “(5)” and insert “(6)”.
- 3 In line 6, delete “(3) or (4)” and insert “(4) or (5)”.
- 4 In line 9, delete “(6)” and insert “(7)”.

5 On page 9, delete lines 22 through 34 and insert:

6 “(3) The Public Utility Commission shall establish an automatic adjustment clause as defined in  
7 ORS 757.210 or another method that allows timely recovery of costs prudently incurred by an elec-  
8 tric company to construct or otherwise acquire facilities that generate electricity from renewable  
9 energy sources and for associated electricity transmission. Notwithstanding any other provision of  
10 law, upon the request of any interested person the commission shall conduct a proceeding to estab-  
11 lish the terms of the automatic adjustment clause or other method for timely recovery of costs. The  
12 commission shall provide parties to the proceeding with the procedural rights described in ORS  
13 756.500 to 756.610, including but not limited to the opportunity to develop an evidentiary record,  
14 conduct discovery, introduce evidence, conduct cross-examination and submit written briefs and oral  
15 argument. The commission shall issue a written order with findings on the evidentiary record de-  
16 veloped in the proceeding.

17 “(4) An electric company must file with the commission for approval of a proposed rate change  
18 to recover costs under the terms of an automatic adjustment clause or other method for timely re-  
19 covery of costs established under subsection (3) of this section. Notwithstanding any other provision  
20 of law, upon the request of any interested person the commission shall conduct a proceeding to de-  
21 termine whether to approve a proposed change in rates under the automatic adjustment clause or  
22 other method for timely recovery of costs. The commission shall provide parties to the proceeding  
23 with the procedural rights described in ORS 756.500 to 756.610, including but not limited to the op-  
24 portunity to develop an evidentiary record, conduct discovery, introduce evidence, conduct cross-  
25 examination and submit written briefs and oral argument. The commission shall issue a written  
26 order with findings on the evidentiary record developed in the proceeding. A filing made under this  
27 subsection is subject to the commission’s authority under ORS 757.215 to suspend a rate, or schedule  
28 of rates, for investigation.”

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