

House Bill 2108

Sponsored by Representative GILLIAM (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies renewable portfolio standard for small electric utilities to exclude certain sales to single large consumer from calculation of percentage of sales to all retail electricity consumers.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to compliance with the renewable portfolio standard; amending ORS 469A.052; and declar-
3 ing an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 469A.052 is amended to read:

6 469A.052. (1) The large utility renewable portfolio standard imposes the following requirements
7 on an electric utility that makes sales of electricity to retail electricity consumers in an amount that
8 equals three percent or more of all electricity sold to retail electricity consumers:

9 (a) At least five percent of the electricity sold by the utility to retail electricity consumers in
10 each of the calendar years 2011, 2012, 2013 and 2014 must be qualifying electricity;

11 (b) At least 15 percent of the electricity sold by the utility to retail electricity consumers in
12 each of the calendar years 2015, 2016, 2017, 2018 and 2019 must be qualifying electricity;

13 (c) At least 20 percent of the electricity sold by the utility to retail electricity consumers in
14 each of the calendar years 2020, 2021, 2022, 2023 and 2024 must be qualifying electricity; and

15 (d) At least 25 percent of the electricity sold by the utility to retail electricity consumers in
16 calendar year 2025 and subsequent calendar years must be qualifying electricity.

17 (2) If, on June 6, 2007, an electric utility makes sales of electricity to retail electricity consum-
18 ers in an amount that equals less than three percent of all electricity sold to retail electricity con-
19 sumers, but in any three consecutive calendar years thereafter makes sales of electricity to retail
20 electricity consumers in amounts that average three percent or more of all electricity sold to retail
21 electricity consumers, the utility is subject to the renewable portfolio standard described in sub-
22 section (3) of this section. The utility becomes subject to the standard described in subsection (3)
23 of this section in the calendar year following the three-year period during which the utility makes
24 sales of electricity to retail electricity consumers in amounts that average three percent or more
25 of all electricity sold to retail electricity consumers.

26 (3) An electric utility described in subsection (2) of this section must comply with the following
27 renewable portfolio standard:

28 (a) Beginning in the fourth calendar year after the calendar year in which the utility becomes
29 subject to the standard described in this subsection, at least five percent of the electricity sold by
30 the utility to retail electricity consumers in a calendar year must be qualifying electricity;

31 (b) Beginning in the 10th calendar year after the calendar year in which the utility becomes

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 subject to the standard described in this subsection, at least 15 percent of the electricity sold by the
2 utility to retail electricity consumers in a calendar year must be qualifying electricity;

3 (c) Beginning in the 15th calendar year after the calendar year in which the utility becomes
4 subject to the standard described in this subsection, at least 20 percent of the electricity sold by the
5 utility to retail electricity consumers in a calendar year must be qualifying electricity; and

6 (d) Beginning in the 20th calendar year after the calendar year in which the utility becomes
7 subject to the standard described in this subsection, at least 25 percent of the electricity sold by the
8 utility to retail electricity consumers in a calendar year must be qualifying electricity.

9 **(4) The provisions of this section do not apply to an electric utility if:**

10 **(a) The electric utility's sales of electricity to retail electricity consumers on or after**
11 **January 1, 2009, are increased from an amount that equals less than three percent of all**
12 **electricity sold to retail electricity consumers to an amount that equals three percent or**
13 **more of all electricity sold to retail electricity consumers; and**

14 **(b) The increase is a result of the addition of one retail electricity consumer that in-**
15 **creases the electric utility's retail sales by:**

16 **(A) More than 10 percent of the electric utility's total electricity sales to retail electricity**
17 **consumers; or**

18 **(B) If the facilities operated by the consumer were to be operated at full capacity, more**
19 **than 20 average megawatts per year.**

20 **(5) If, after computing an increase described in subsection (4)(b) of this section, an elec-**
21 **tric utility's sales of electricity to retail electricity consumers are less than three percent**
22 **of all electricity sold to retail electricity consumers, any future increases in total electricity**
23 **sales resulting from increases in sales to the retail electricity consumer responsible for the**
24 **initial increase may not be included in any current or future calculation of the amount of**
25 **the electric utility's sales for the purposes of this section.**

26 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
28 **on its passage.**

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