

From the Desk of
Senator Ted Ferrioli

Will Peter Courtney save the day - and his institution?: Editorial



Senate President Peter Courtney, D-Salem, listens to discussion during a legislative committee hearing at the state Capitol in Salem in July 2015. (AP Photo/Jonathan J. Cooper)



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Sen. Peter Courtney, D-Salem, is said to care deeply about the institution in which he has served for many years. He can't be happy, then, to know what's heading his way this week. It's a piece of legislation that makes a mockery of an institutional feature that he, perhaps more than anyone, **helped to create**: the short, even-year session. Supporters call the bill the Clean Electricity and Coal Transition Plan, and Courtney, as Senate president, is in the perfect position to do the right thing and stop it in its tracks.

Introduced as **House Bill 4036**, the proposal would apply to the state's two investor-owned utilities, Portland General Electric and PacifiCorp. It would require them gradually to stop selling their Oregon customers electricity generated by burning coal. It also would require half of the electricity they sell in Oregon to come from renewable sources by 2040.

This legislation is incredibly complex, which would make it ill-suited to a 35-day session even without, er, additional considerations (more about that below). The bill's many components touch on such arcane matters as the ability of utilities to recover decommissioning costs of coal plants in other states; the ability to bank renewable energy credits and the treatment of production tax credits. Changes to policies affecting such matters have consequences, potentially significant ones, for ratepayers. And because understanding the implications of such changes is no easy task for lawmakers with little expertise in utility regulation, complex proposals like HB4036 should not be run through the Legislature in a month. But that's what's happening.

Consider the following snapshot. The bill passed the House on Feb. 15. Seven days later, on Feb. 22, a Senate committee adopted a number of amendments designed to make the bill more consumer-friendly. One of these amendments lowered the cap on cost increases related to renewable energy generation from 4 percent to 3 percent. For ratepayers, this change was undoubtedly a good one.

Then, three days later, a House committee stuffed a different version of the same legislation into Senate Bill 1547 in a move to circumvent a Republican procedural obstacle. The new version restores the 4 percent cost cap. So much for consumer protection. And so much for legislating deliberately and carefully.

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Pushing such a complex bill through a short session is the legislative version of building a jumbo jet in a week. The end result might appear shiny and impressive, but just wait until you try to take off. But what the bill's creators, with the help of the governor's office, did is even more alarming. They pushed to build the jet in a week while keeping the public's engineers – the Public Utility Board – at arm's length. And when the PUC proposed to warn the public about serious problems with the bill, the governor's office **told the whistleblowers to clam up.**

If you have questions about the opinion section, contact Erik Lukens, editorial and commentary editor, at elukens@oregonian.com or 503-221-8142.

As soon as the House votes to approve the amended SB1547, it will land in Courtney's chamber. Only days will remain before the conclusion of the short session. Courtney and his colleagues know perfectly well that this bill is an affront both to government transparency and the ostensible purpose of short legislative sessions: making budget adjustments and considering legislation that can't wait for full-length sessions. Courtney must be appalled.

If so, he should do the right thing and put SB1547 on a high shelf. If the environmental groups that had helped investor-owned utilities create this proposal decide, instead, to pursue a ballot initiative this year, let them. Voters may or may not support it, but it will be their choice. In any case, that's not Courtney's problem. His problems at the moment include the potential debasement of the institution he leads, and there's a simple solution: Tell supporters of the so-called Clean Electricity and Coal Transition Plan to come back next year.

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