House Bill 2852
Sponsored by COMMITTEE ON ENERGY AND ENVIRONMENT (at the request of Community Renewable Energy Association)

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.

Authorizes local governments to form authorities for purpose of implementing community choice aggregation programs. Places certain requirements on electric companies and Public Utility Commission related to implementation of community choice aggregation programs. Applies certain renewable portfolio standards to community choice aggregation programs implemented by authorities. Includes authorities in list of persons subject to public purpose charge.

A BILL FOR AN ACT

Relating to community choice aggregation; creating new provisions; and amending ORS 469A.005, 469A.065, 469A.210, 757.600, 757.612 and 757.627.

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

COMMUNITY CHOICE AGGREGATION AUTHORITIES
(Definitions)

SECTION 1. Sections 2 to 14 of this 2019 Act are added to and made a part of ORS chapter 757.

SECTION 2. Definitions. As used in sections 2 to 14 of this 2019 Act:
(1) “Allocated territory” has the meaning given that term in ORS 758.400.
(2) “Ancillary services” has the meaning given that term in ORS 757.600.
(3) “Authority” means a community choice aggregation authority formed pursuant to section 3 of this 2019 Act.
(4) “Community choice aggregation program” means a program for aggregating the loads of eligible retail electricity consumers in order to purchase or generate electricity on behalf of the retail electricity consumers.
(5)(a) “Economic utility investment” includes all electric company investments, including plants and equipment and contractual or other legal obligations, properly dedicated to generation or conservation, that were prudent at the time the obligations were assumed but the full benefits of which are no longer available to consumers as a direct result of creation and operation of an authority pursuant to sections 2 to 14 of this 2019 Act, absent a cost recovery mechanism adopted under section 11 of this 2019 Act.
(b) “Economic utility investment” does not include costs or expenses disallowed by the Public Utility Commission in a prudence review or other proceeding, to the extent of the disallowance, and does not include fines or penalties authorized and imposed under state or federal law.
(6) “Electric company” has the meaning given that term in ORS 757.600.

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.

LC 1142
(7) “Eligible retail electricity consumer” means a retail electricity consumer that is served through the distribution system of an electric company.

(8) “Interim market purchases” means purchases of electricity by an electric company in the wholesale power market from an electricity generation facility, the cost of which is not included in the rate base of the electric company purchasing the electricity.

(9) “Load” has the meaning given that term in ORS 757.600.

(10) “Local government” means a city, county, irrigation district organized under ORS chapter 545, the Port of Portland established by ORS 778.010 or a port organized under ORS 777.005 to 777.725 and 777.915 to 777.953.

(11) “Retail electricity consumer” has the meaning given that term in ORS 757.600.

(12)(a) “Uneconomic utility investment” includes all electric company investments, including plants and equipment and contractual or other legal obligations, properly dedicated to generation, conservation and workforce commitments, that were prudent at the time the obligations were assumed but the full costs of which are no longer recoverable as a direct result of creation and operation of an authority under sections 2 to 14 of this 2019 Act, absent a cost recovery mechanism adopted under section 11 of this 2019 Act.

(b) “Uneconomic utility investment” does not include costs or expenses disallowed by the Public Utility Commission in a prudence review or other proceeding, to the extent of the disallowance, and does not include fines or penalties authorized and imposed under state or federal law.

(Formation, Governance, Duties, Obligations, Dissolution)

SECTION 3. Formation of community choice aggregation authority. (1) A local government may, upon its own motion, consider whether it is advisable:

(a) To create an authority for the purpose of aggregating all or some of the loads of eligible retail electricity consumers located within the allocated territory of an electric company and within the jurisdictional boundaries of the unit of local government, in order to serve the eligible retail electricity consumers through a community choice aggregation program; or

(b) To agree with one or more other local governments to form an authority described in paragraph (a) of this subsection as a cooperative body between the local governments.

(2) If the local government, after public hearing according to the local government’s rules, determines that it is wise and desirable to create in an authority the powers and duties set forth in sections 2 to 14 of this 2019 Act, the local government shall by ordinance or resolution create such an authority. The ordinance or resolution shall set forth:

(a) The name of the authority.

(b) The number of directors of the authority, which must be an odd number not less than five.

(c) The names of the initial directors and their initial terms of service, which may not exceed four years.

(d) Other provisions that may be appropriate and not inconsistent with sections 2 to 14 of this 2019 Act or the laws of Oregon.

(3)(a) An authority shall be deemed established as a municipal corporation of the state and as a body corporate and politic exercising public powers:
(A) If formed by one local government, upon the adoption of an ordinance or resolution
under subsection (2) of this section by the local government; or

(B) If formed by two or more local governments, upon the adoption by ordinance or re-
solution of an intergovernmental agreement by each of the participating local governments.

(b) Notwithstanding any law to the contrary, the authority shall exist as a legal entity
separate from the local governments that created the authority.

(4) An authority organized under this section shall have all the powers and duties con-
tained in sections 2 to 14 of this 2019 Act.

SECTION 4. Board of directors; rules; quorum; personnel. (1) An authority shall be
managed and controlled by a board of directors. The initial board of directors shall be ap-
pointed by the local governments that created the authority. Subsequent directors shall be
appointed as provided in this section and the rules adopted by the authority.

(2) The regular term of a director is four years. The board may establish special terms
for positions that are shorter than four years for the purpose of staggering the terms of di-
rectors. Before the expiration of the term of a director, a successor shall be appointed
whose term begins on January 1 of the year next following. A director is eligible for reapp-
pointment but may serve no more than a total of three terms, including terms shorter than
four years. If there is a vacancy for any cause, a new director shall be appointed to complete
the unexpired term, subject to the requirements of subsection (3) of this section.

(3)(a) If the authority was created by one local government, the board of directors must
include at least one director who is also a member of the governing body of the local gov-
ernment that created the authority.

(b) An authority created by two or more local governments must:

(A) Include at least one director who is also a member of the governing body of each local
government that created the authority; and

(B) Be comprised such that a majority of the directors are elected officials of the local
governments that created the authority.

(4) The board shall hold an annual meeting. The board shall select from among them-
selves at the annual meeting a chairperson, vice chairperson, secretary, treasurer and other
officers as the board determines.

(5) The board shall adopt and may amend rules for calling and conducting its meetings
and carrying out its business and may adopt an official seal. All decisions of the board shall
be by motion or resolution and shall be recorded in the board's minute book, which shall be
a public record. A majority of the directors of the board constitutes a quorum for the
transaction of business, and a majority is sufficient to pass a motion or resolution.

(6) The board may employ employees and agents as the board deems appropriate and
provide for their compensation. The employees and agents of the authority are not employees
or agents of the local government that created the authority.

(7) A director is not entitled to compensation for service on the board of an authority.

SECTION 5. General powers. (1) An authority shall have all powers necessary to accom-
plish the purposes of the authority, as set forth in section 3 (1) of this 2019 Act, including
without limitation the power to:

(a) Sue and be sued, plead and be impleaded in all actions, suits or proceedings brought
by or against the authority.

(b) Solicit bids and broker and contract for electricity and energy services for eligible
retail electricity consumers.

(c) Enter into agreements for services to facilitate the sale and purchase of electricity and certain ancillary services.

(d) Enter into contracts with any person.

(e) Borrow moneys and issue notes and revenue bonds for the purpose of carrying out the authority's powers.

(f) Invest moneys into property, securities or other instruments.

(g) Obtain insurance.

(h) Solicit and accept grants, gifts or other assistance from a public or private source.

(i) Develop and prepare plans or reports, including but not limited to the implementation plan required under section 9 of this 2019 Act, to evaluate the authority and to guide future improvements to the processes and operations of the authority.

(j) Adopt and amend ordinances and resolutions.

(2)(a) An authority may automatically enroll all eligible retail electricity consumers located within the service area of the authority to participate in the community choice aggregation program operated by the authority. The authority shall provide eligible retail electricity consumers an opportunity to decline being enrolled as a participant in the program. The authority may not assess a fee or penalty against an eligible retail electricity consumer that declines to participate in the program no later than 60 days following the date that the eligible retail electricity consumer became automatically enrolled in the program.

(b) The authority shall provide notice of automatic enrollment and the opportunity to opt out to eligible retail electricity consumers no less than:

(A) Twice during the 60-day period prior to the date that eligible retail electricity consumers will automatically become enrolled in the program; and

(B) Twice during the 60-day period following the date that eligible retail electricity consumers become automatically enrolled in the program.

(c) Notice required under paragraph (b) of this subsection may be accomplished by means that include but are not limited to direct mail to eligible retail electricity consumers or, with the consent of the electric company that provides billing to the eligible retail electricity consumers, inserts in utility bills. The notice must:

(A) Inform the eligible retail electricity consumer that they are to be automatically enrolled in a community choice aggregation program operated by the authority and that the eligible retail electricity consumer has the opportunity to decline being enrolled as a participant and instead continue to receive all electricity services from the electric company or its successor in interest;

(B) Explain the terms and conditions of the services offered by the authority; and

(C) Provide a mechanism for the eligible retail electricity consumer to decline being enrolled as a participant in the program, which may take the form of a self-addressed return postcard or other simple and readily understood mechanism.

(3) An authority shall register with the Public Utility Commission pursuant to rules adopted by the commission under section 10 of this 2019 Act.

(4)(a) An authority shall, no less than once every two years, prepare and submit a power supply plan to the commission for review pursuant to section 10 of this 2019 Act. The power supply plan shall include, at a minimum:

(A) A range of forecasts of the loads served by the authority for the year of the report
and at least the next following 10 years, based upon economic data and appropriate statistical
methods;

(B) An assessment of available conservation and efficiency resources, and other re-
sources available for meeting loads; and

(C) A short-term plan identifying the specific actions that the authority will take over
the next three years to ensure resource adequacy to meet its projected loads.

(b) An authority must publish the power supply plan required by this section in such a
manner that it is available to its customers. A power supply plan under this section may not
be a basis for legal action against an authority.

(5) Nothing in sections 2 to 14 of this 2019 Act shall be construed as authorizing an au-
thority or local government to restrict the ability of a retail electricity consumer to obtain
or receive electricity services in any manner consistent with law.

SECTION 6. Obligations of authority not obligations of local government; exception. (1)
Except as provided in subsection (2) of this section, the debts, obligations and other liabilities
of an authority are not a general or other obligation or liability of the local governments that
created the authority.

(2) A local government may incur debt, including the issuance of bonds under any bond-
ing authority available to the local government, on behalf of an authority created by the local
government and, by ordinance or resolution, deem a debt incurred under this subsection to
be a general obligation of the local government and a charge upon its tax revenues.

SECTION 7. Exemption from taxation. (1) Except as provided in subsection (2) of this
section, an authority, all assets owned by the authority, the income from the assets and all
bonds issued by the authority, together with the coupons applicable to the bonds and the
income from the bonds, shall be exempt from all taxation in the State of Oregon.

(2) The real and personal property owned by the authority and leased to a third party
shall be subject to property taxation if the property would be subject to taxation if owned
by the lessee.

SECTION 8. Dissolution. (1) Dissolution of an authority may be initiated:

(a) By resolution of the board of directors of the authority, filed with the local govern-
ments that created the authority, if the board determines that dissolution of the authority
is in the best interest of the community served by the authority; or

(b) By resolution of each of the local governments that created the authority:

(A) If, at the time of the annual meeting of the board, directors have not been appointed
to fill vacancies on the board as required by section 4 of this 2019 Act; or

(B) If each local government that created the authority determines that dissolution of
the authority is in the best interest of residents within the jurisdiction of the local govern-
ments.

(2) Within five days after a resolution of the board is filed or a resolution has been
adopted by each local government that created the authority as provided in subsection (1)(b)
of this section, a copy shall be filed with the secretary of the authority, if any, or with any
other officer of the authority who can with reasonable diligence be located.

(3) If there are no directors on the board of directors of the authority, the local govern-
ments shall act as or appoint a board of trustees to act on behalf of the authority to develop
and implement a plan for dissolution.

(4) Within 60 days after initiation of the dissolution proceeding, a plan of dissolution shall
be filed with the office of the clerk of the county in which the authority is located and shall be available for inspection by any interested person.

(5) Upon approval of dissolution by the governing body of each local government that created the authority, the authority shall be declared dissolved. If a board of trustees has not been appointed under subsection (3) of this section:

(a) The board of directors shall constitute a board of trustees that shall pay the debts or procure releases of the debts and dispose of the property of the authority; or

(b) The board of directors may designate a local government as the board of trustees for the purpose of winding up the affairs of the authority.

(6) After the affairs of the authority have been fully settled, all books and records of the authority shall be deposited by the board of trustees in the office of the county clerk of the county in which the authority is located. At the same time, the board of trustees shall execute under oath, and file with each local government that created the authority, a statement that the authority has been dissolved and its affairs liquidated. From the date of the statement, the corporate existence of the authority is terminated for all purposes.

(Implementation of Community Choice Aggregation Program)

SECTION 9. Implementation plan. (1) An authority formed pursuant to section 3 of this 2019 Act shall, prior to implementing a community choice aggregation program:

(a) Prepare a proposed implementation plan for the community choice aggregation program that meets the requirements of subsection (3) of this section;

(b) Provide notice and the opportunity for public hearing and comment on the proposed implementation plan; and

(c) After taking into consideration the comments on the proposed implementation plan, adopt the implementation plan by order or resolution.

(2) An authority shall file with the Public Utility Commission an adopted implementation plan and any other information that the commission considers necessary to develop the cost recovery mechanism required by section 11 of this 2019 Act. An authority may not implement a community choice aggregation program pursuant to the adopted implementation plan until:

(a) At least three years after the date that the commission establishes by order the cost recovery mechanism required by section 11 of this 2019 Act if the authority is formed to serve eligible retail electricity consumers located within the boundaries of Multnomah County or a city with a population of 500,000 or more; or

(b) At least 90 days after the date that the commission establishes by order the cost recovery mechanism required by section 11 of this 2019 Act if the authority is formed to serve eligible retail electricity consumers located anywhere in this state other than the areas described in paragraph (a) of this subsection.

(3) An implementation plan must, at a minimum:

(a) Detail the process and consequences of aggregating all or some of the loads of eligible retail electricity consumers located within the boundaries of the authority in a community choice aggregation program;

(b) Describe the organizational structure of the authority;

(c) Describe the organizational structure, operations and funding of the community
choice aggregation program established by the authority;

(d) Include provisions for disclosures and due process in setting rates and allocating costs among eligible retail electricity consumers served by the authority;

(e) Describe the methods for the authority to enter into and terminate agreements with other entities;

(f) Describe the procedures established by the authority, pursuant to ORS 469A.065, for the authority to implement the renewable portfolio standards that are applicable to the authority;

(g) Detail the rights and responsibilities of program participants, including, but not limited to, procedures for consumer protection, credit issues and electricity shutoff;

(h) Include a statement of the authority's intent and methods for furnishing adequate and safe service, equipment and facilities, and for ensuring that the charges made by the authority for any service rendered or to be rendered are reasonable and just; and

(i) Include detailed procedures for termination of the community choice aggregation program and dissolution of the authority pursuant to section 8 of this 2019 Act.

SECTION 10. Duties of the Public Utility Commission. (1)(a) The Public Utility Commission shall, no later than 10 days after an authority files an adopted implementation plan with the commission under section 9 of this 2019 Act, provide notice of the implementation plan to the electric company furnishing utility service within the allocated territory that includes retail electricity consumers for whom an authority will aggregate load under the implementation plan. The notice required under this subsection must include a copy of the implementation plan filed with the commission.

(b) The commission shall review the implementation plan for the limited purpose of developing the cost recovery mechanism required by section 11 of this 2019 Act. The commission shall adopt the cost recovery mechanism no later than 180 days after the date that an authority files the implementation plan.

(2) The commission shall adopt by rule registration requirements for authorities. Rules adopted under this section may include rules for requiring an authority to regularly report to the commission on the procedures of the authority related to consumer protection.

(3) The commission shall review a power supply plan submitted by an authority to the commission under section 5 of this 2019 Act for the limited purpose of assessing whether the power supply plan demonstrates adequate resource planning by the authority to ensure that the authority will meet the reasonably forecast loads of eligible retail electricity consumers served by the authority. In assessing whether the power supply plan demonstrates adequate resource planning, the commission shall utilize a process consistent with the commission's process for acknowledgement of an integrated resource plan filed by an electric company.

SECTION 11. Cost recovery mechanism. (1) The Public Utility Commission shall, by order and pursuant to a hearing, adopt a cost recovery mechanism for each authority that files an implementation plan with the commission pursuant to section 9 of this 2019 Act. The purpose of the cost recovery mechanism shall be to prevent unwarranted shifting of costs to eligible retail electricity consumers not served by the authority.

(2) The cost recovery mechanism may take the form of an exit fee, a nonbypassable charge or a credit applied to retail electricity consumers served by the authority consistent with the requirements of this section. A cost recovery mechanism adopted under this section shall be calculated to apply for a period of five years following the date that an authority
commences service to the authority's first retail electricity consumer under a community choice aggregation program. The commission may not require a retail electricity consumer to continue to pay a charge pursuant to the cost recovery mechanism after the five-year period described in this section has elapsed.

(3) For purposes of developing the cost recovery mechanism, the commission shall estimate the net value of the share of all uneconomic utility investments and all economic utility investments of the electric company properly allocated to retail electricity consumers whose load will be served by an authority using a calculation that meets the following requirements:

(a) The calculation must be based only on information relevant to the period of five years following the date that an authority commences service to the authority's first retail electricity consumer under a community choice aggregation program.

(b) For the period described in paragraph (a) of this subsection, the calculation must:

(A) Compare the value of the output of the electric company's uneconomic utility investments and economic utility investments at projected market prices to an estimate of the revenue requirement of the electric company's uneconomic utility investments and economic utility investments; and

(B) Include a credit to the retail electricity consumers served by the authority for the avoided costs of new generation investments that will be unnecessary for the electric company to undertake due to the electric company's loss of load to the authority.

(c) The calculation may include only the uneconomic utility investments and economic utility investments that were incurred by the electric company prior to the time the electric company received notice under section 10 of this 2019 Act.

(d) The market prices utilized in the calculation must be the prices of wholesale electricity at trading hubs commonly used by the electric company and of any nonenergy attributes of the electricity. The commission may approve a direct transfer from the electric company to the authority of any nonenergy attributes of the electricity in lieu of including the forecasted value of those nonenergy attributes in the calculation of the cost recovery mechanism, if the commission finds that the nonenergy attributes are reasonably transferable and may be used or sold by the authority.

(e) The calculation shall result in a cost recovery mechanism that is expressed as a volumetric rate assessed per unit of electric energy served to each eligible retail electricity consumer of the authority during the period described in paragraph (a) of this subsection.

(4) The commission may not allow recovery of costs under this section by an electric company unless the electric company demonstrates in a proceeding under this section, by clear and convincing evidence, that:

(a) The electric company has used and will use all diligent and prudent efforts to mitigate the costs and all included uneconomic utility investments; and

(b) The electric company is unable to recover the costs from new retail electricity consumers of the electric company without unreasonably increasing the rates of the new retail electricity consumers above the level that would have been charged to the departing retail electricity consumers that are to be served by an authority under the authority's implementation plan.

(5)(a) The commission shall reduce the amount to be charged to retail electricity consumers under a cost recovery mechanism established pursuant to this section as necessary to reflect any credits resulting from implementation of 16 U.S.C. 839c(c) as provided for in
18 C.F.R. part 301. A reduction under this subsection may be no less than the ratio of the
projected amounts recoverable through the cost recovery mechanism that are related to the
costs of the electric company’s resources, to the electric company’s total cost of resources
filed with the Bonneville Power Administration and included in the costs upon which the
credits are based, multiplied by the total credits provided to the electric company.

(b) The commission shall, consistent with federal law, continue to pass through to the
retail electricity consumers served by an authority the credits, if any, that are related to
costs that the electric company charges for services provided by the electric company to
retail electricity consumers served by the authority.

SECTION 12. Duties of electric companies. (1) An electric company shall transfer all ac-
counts to be served by the community choice aggregation program to the authority that will
implement the program no later than 30 days after the close of the most recent normally
scheduled monthly metering and billing cycle after the date that the Public Utility Commis-

(2) An electric company shall:

(a) Provide transmission services, distribution services and ancillary services for retail
electricity consumers whose load is served by an authority. The electric company must pro-
vide the services described in this paragraph subject to the same rates, terms and conditions
that apply for retail electricity consumers whose load is served by the electric company.

(b) Continue to provide all metering, billing, collection and customer service to retail
electricity consumers whose load is served by an authority.

(c) Indicate as a separate line item on the billing statement for a retail electricity con-
sumer served by an authority the costs attributable to the services provided by the authority
and any other information that the authority considers necessary to a retail electricity
consumer’s understanding of the authority’s costs.

(d) At the request and expense of an authority and on terms agreed upon between the
authority and the electric company, install, maintain and calibrate metering devices and any
associated software or other systems available and reliable, at locations within or adjacent
to the authority’s boundaries, so long as providing metering at the locations would not re-
quire the alteration or modification of a circuit in a manner that would compromise the
safety, reliability or operational flexibility of the facilities of the electric company.

(e) Serve the load for retail electricity consumers that decline to participate in the
community choice aggregation program operated by the authority.

(3) Notwithstanding ORS 757.603, an electric company shall serve the load for retail
electricity consumers that decline to participate in a community choice aggregation program
through interim market purchases until the electric company has planned for, and acquired
resources necessary, to provide the retail electricity consumers with a regulated, cost-of-

(4) On terms and at rates established by the commission, an electric company shall re-
cover:

(a) From an authority, all costs that are reasonably attributable to the authority of im-
plemeting subsection (1) of this section; and

(b) From an authority or the eligible retail electricity consumers served by the authority,
all reasonable transaction-based costs of notices, billing, metering, collections and customer
communications or other services provided by the electric company to the authority or the
retail electricity consumers served by the authority.

(5) The commission shall adopt rules for requiring electric companies to cooperate fully with any local government or authority in actions taken by the local government or the authority to investigate, pursue or implement a community choice aggregation program. Rules adopted under this subsection shall:

(a) Set forth requirements and procedures for an electric company to provide a local government or authority with appropriate and timely billing and load data, including information at a customer-specific level and including, but not limited to, data detailing electricity needs and patterns of usage.

(b) Preclude an electric company from marketing or lobbying against a community choice aggregation program using funds collected through rates.

(c) Prohibit an electric company from using, for marketing or lobbying purposes not precluded pursuant to paragraph (b) of this subsection, customer-specific information that is available to the electric company due to the electric company’s provision of services to the customers.

SECTION 13. Authority’s access to electric company’s distribution facilities. (1) Every authority is authorized to use the distribution facilities of an electric company on a nondiscriminatory basis after the date that the authority begins serving retail electricity consumers under a community choice aggregation program.

(2) To the extent permissible under federal law, the Public Utility Commission shall ensure that an electric company:

(a) Provides an authority with access to the electric company’s transmission facilities and distribution system comparable to that provided for the electric company’s own use; and

(b) Provides an authority with timely access to information about the electric company’s transmission facilities and distribution system, metering and loads comparable to that provided to the electric company’s own nondistribution divisions, affiliates and related parties.

SECTION 14. Rules and reporting. (1) The Public Utility Commission shall adopt rules necessary for the commission and electric companies to implement the duties of the commission and electric companies under sections 2 to 14 of this 2019 Act.

(2) The commission shall, no later than September 15 of each even-numbered year, prepare and submit to the Legislative Assembly a report on the implementation of sections 2 to 14 of this 2019 Act. The report must include a description of:

(a) The number of authorities formed under section 3 of this 2019 Act serving retail electricity consumers during the two years immediately preceding the date of the report;

(b) The number of retail electricity consumers in this state served by authorities;

(c) The third-party suppliers of energy to authorities;

(d) Compliance by authorities and electric companies with the provisions of sections 2 to 14 of this 2019 Act;

(e) The effectiveness of aggregating the load of retail electricity consumers in community choice aggregation programs established by authorities; and

(f) Recommendations, if any, for legislation to increase the effectiveness of sections 2 to 14 of this 2019 Act.

APPLICATION OF RENEWABLE PORTFOLIO STANDARDS
SECTION 15. ORS 469A.005 is amended to read:

469A.005. As used in ORS 469A.005 to 469A.210:

(1) “Acquires service territory” does not include an acquisition by a city of a facility, plant, equipment or service territory within the boundaries of the city, pursuant to ORS 225.020 or city charter, if the city:

(a) Already owns, controls or operates an electric light and power system for supplying electricity to the inhabitants of the city and for general municipal purposes;

(b) Provides fair, just and reasonable compensation to the electric company whose service territory is acquired that:

(A) Gives consideration for the service territory rights and the cost of the facility, plant or equipment acquired and for depreciation, fair market value, reproduction cost and any other relevant factor; and

(B) Is based on the present value of the service territory rights and the facility, plant and equipment acquired, including the value of poles, wires, transformers and similar and related appliances necessarily required to provide electric service; and

(c) Pays any stranded costs obligation established pursuant to ORS 757.483.

(2) “Banked renewable energy certificate” means a bundled or unbundled renewable energy certificate that is not used by an electric utility or electricity service supplier to comply with a renewable portfolio standard in a calendar year, and that is carried forward for the purpose of compliance with a renewable portfolio standard in a subsequent year.

(3) “BPA electricity” means electricity provided by the Bonneville Power Administration, including electricity generated by the Federal Columbia River Power System hydroelectric projects and electricity acquired by the Bonneville Power Administration by contract.

(4) “Bundled renewable energy certificate” means a renewable energy certificate for qualifying electricity that is acquired:

(a) By an electric utility or electricity service supplier by a trade, purchase or other transfer of electricity that includes the renewable energy certificate that was issued for the electricity; or

(b) By an electric utility by generation of the electricity for which the renewable energy certificate was issued.

(5) “Community choice aggregation authority” means an authority formed pursuant to section 3 of this 2019 Act.

(6) “Compliance year” means the calendar year for which the electric utility or electricity service supplier seeks to establish compliance with the renewable portfolio standard applicable to the electric utility or electricity service supplier in the compliance report submitted under ORS 469A.170.

(7) “Consumer-owned utility” means a municipal electric utility, a people's utility district organized under ORS chapter 261 that sells electricity or an electric cooperative organized under ORS chapter 62.

(8) “Distribution utility” has the meaning given that term in ORS 757.600.

(9) “Electric company” has the meaning given that term in ORS 757.600.

(10) “Electric utility” has the meaning given that term in ORS 757.600.

(11) “Electricity service supplier” has the meaning given that term in ORS 469A.010.

(12) “Qualifying electricity” means electricity described in ORS 469A.025.

(13) “Retail electricity consumer” means a retail electricity consumer, as defined in ORS
757.600, that is located in Oregon.

[(14) (15)] “Unbundled renewable energy certificate” means a renewable energy certificate for qualifying electricity that is acquired by an electric utility or electricity service supplier by trade, purchase or other transfer without acquiring the electricity that is associated with the renewable energy certificate.

SECTION 16. ORS 469A.065 is amended to read:

469A.065. (1) An electricity service supplier must meet the requirements of the renewable portfolio standards that are applicable to the electric utilities that serve the territories in which the electricity service supplier sells electricity to retail electricity consumers. The Public Utility Commission shall establish procedures for implementation of the renewable portfolio standards for electricity service suppliers that sell electricity in the service territory of an electric company. If an electricity service supplier sells electricity in territories served by more than one electric company, the commission may provide for an aggregate standard based on the amount of electricity sold by the electricity service supplier in each territory.

(2) Pursuant to ORS 757.676, a consumer-owned utility may establish procedures for the implementation of the renewable portfolio standards for electricity service suppliers that sell electricity in the territory served by the consumer-owned utility.

(3) A community choice aggregation authority must meet the requirements of the renewable portfolio standards that are applicable to the electric company that serves the territory in which the community choice aggregation authority serves the electricity load of retail electricity consumers. A community choice aggregation authority shall establish procedures for implementation of the renewable portfolio standards for the community choice aggregation authority.

SECTION 17. ORS 469A.210 is amended to read:

469A.210. (1) The Legislative Assembly finds that community-based renewable energy projects, including but not limited to marine renewable energy resources that are either developed in accordance with the Territorial Sea Plan adopted pursuant to ORS 196.471 or located on structures adjacent to the coastal shorelands, are an essential element of this state’s energy future.

(2) For purposes related to the findings in subsection (1) of this section, by the year 2025, at least eight percent of the aggregate electrical capacity of all electric companies and community choice aggregation authorities that make sales of electricity to 25,000 or more retail electricity consumers in this state must be composed of electricity generated by one or both of the following sources:

(a) Small-scale renewable energy projects with a generating capacity of 20 megawatts or less that generate electricity utilizing a type of energy described in ORS 469A.025; or

(b) Facilities that generate electricity using biomass that also generate thermal energy for a secondary purpose.

(3) Regardless of the facility’s nameplate capacity, any single facility described in subsection (2)(b) of this section may be used to comply with the requirement specified in subsection (2) of this section for up to 20 megawatts of capacity.

INTERACTION WITH DIRECT ACCESS

SECTION 18. ORS 757.600 is amended to read:

757.600. As used in ORS 757.600 to 757.689, unless the context requires otherwise:
(1) “Aggregate” means combining retail electricity consumers into a buying group for the purchase of electricity and related services.

(2) “Ancillary services” means services necessary or incidental to the transmission and delivery of electricity from generating facilities to retail electricity consumers, including but not limited to scheduling, load shaping, reactive power, voltage control and energy balancing services.

(3) “Commission” means the Public Utility Commission.

(4) “Consumer-owned utility” means a municipal electric utility, a people’s utility district or an electric cooperative.

(5) “Default supplier” means an electricity service supplier or electric company that has a legal obligation to provide electricity services to a consumer, as determined by the commission.

(6) “Direct access” means the ability of a retail electricity consumer to purchase electricity and certain ancillary services, as determined by the commission for an electric company or the governing body of a consumer-owned utility, directly from an entity other than the distribution utility.

(7) “Direct service industrial consumer” means an end user of electricity that obtains electricity directly from the transmission grid and not through a distribution utility.

(8) “Distribution” means the delivery of electricity to retail electricity consumers through a distribution system consisting of local area power poles, transformers, conductors, meters, substations and other equipment.

(9) “Distribution utility” means an electric utility that owns and operates a distribution system connecting the transmission grid to the retail electricity consumer.

(10) “Economic utility investment” means all electric company investments, including plants and equipment and contractual or other legal obligations, properly dedicated to generation or conservation, that were prudent at the time the obligations were assumed but the full benefits of which are no longer available to consumers as a direct result of ORS 757.600 to 757.667, absent transition credits. “Economic utility investment” does not include costs or expenses disallowed by the commission in a prudence review or other proceeding, to the extent of such disallowance, and does not include fines or penalties authorized and imposed under state or federal law.

(11) “Electric company” means an entity engaged in the business of distributing electricity to retail electricity consumers in this state, but does not include a consumer-owned utility.

(12) “Electric cooperative” means an electric cooperative corporation organized under ORS chapter 62 or under the laws of another state if the service territory of the electric cooperative includes a portion of this state.

(13) “Electric utility” means an electric company or consumer-owned utility that is engaged in the business of distributing electricity to retail electricity consumers in this state.

(14) “Electricity” means electric energy, measured in kilowatt-hours, or electric capacity, measured in kilowatts, or both.

(15) “Electricity services” means electricity distribution, transmission, generation or generation-related services.

(16)(a) “Electricity service supplier” means a person or entity that offers to sell electricity services available pursuant to direct access to more than one retail electricity consumer.

(b) “Electricity service supplier” does not [include] mean:

(A) An electric utility selling electricity to retail electricity consumers in its own service territory; or

(B) A community choice aggregation authority formed pursuant to section 3 of this 2019 Act.
(17) “Governing body” means the board of directors or the commissioners of an electric cooperative or people’s utility district, or the council or board of a city with respect to a municipal electric utility.

(18) “Load” means the amount of electricity delivered to or required by a retail electricity consumer at a specific point of delivery.

(19) “Low-income weatherization” means repairs, weatherization and installation of energy efficient appliances and fixtures for low-income residences for the purpose of enhancing energy efficiency.

(20) “Municipal electric utility” means an electric distribution utility owned and operated by or on behalf of a city.

(21) “New renewable energy resource” means a renewable energy resource project, or a new addition to an existing renewable energy resource project, or the electricity produced by the project, that is not in operation on July 23, 1999. “New renewable energy resource” does not include any portion of a renewable energy resource project under contract to the Bonneville Power Administration on or before July 23, 1999.

(22) “One average megawatt” means 8,760,000 kilowatt-hours of electricity per year.

(23) “People’s utility district” has the meaning given that term in ORS 261.010.

(24) “Portfolio access” means the ability of a retail electricity consumer to choose from a set of product and pricing options for electricity determined by the governing board of a consumer-owned utility and may include product and pricing options offered by the utility or by an electricity service supplier.

(25) “Power generation company” means a company engaged in the production and sale of electricity to wholesale customers, including but not limited to independent power producers, affiliated generation companies, municipal and state authorities, provided the company is not regulated by the commission.

(26) “Qualifying expenditures” means those expenditures for energy conservation measures that have a simple payback period of not less than one year and not more than 10 years, and expenditures for the above-market costs of new renewable energy resources, provided that the State Department of Energy by rule may establish a limit on the maximum above-market cost for renewable energy that is allowed as a credit.

(27) “Renewable energy resources” means:

(a) Electricity generation facilities fueled by wind, waste, solar or geothermal power or by low-emission nontoxic biomass based on solid organic fuels from wood, forest and field residues.

(b) Dedicated energy crops available on a renewable basis.

(c) Landfill gas and digester gas.

(d) Hydroelectric facilities located outside protected areas as defined by federal law in effect on July 23, 1999.

(28) “Residential electricity consumer” means an electricity consumer who resides at a dwelling primarily used for residential purposes. “Residential electricity consumer” does not include retail electricity consumers in a dwelling typically used for residency periods of less than 30 days, including hotels, motels, camps, lodges and clubs. As used in this subsection, “dwelling” includes but is not limited to single family dwellings, separately metered apartments, adult foster homes, manufactured dwellings, recreational vehicles and floating homes.

(29) “Retail electricity consumer” means the end user of electricity for specific purposes such as heating, lighting or operating equipment, and includes all end users of electricity served through
the distribution system of an electric utility on or after July 23, 1999, whether or not each end user
purchases the electricity from the electric utility.

(30) “Site” means a single contiguous area of land containing buildings or other structures that
are separated by not more than 1,000 feet, or buildings and related structures that are intercon-
nected by facilities owned by a single retail electricity consumer and that are served through a
single electric meter.

(31) “Transition charge” means a charge or fee that recovers all or a portion of an uneconomic
utility investment.

(32) “Transition credit” means a credit that returns to consumers all or a portion of the benefits
from an economic utility investment.

(33) “Transmission facility” means the plant and equipment used to transmit electricity in
interstate commerce.

(34) “Undue market power” means the unfair or improper exercise of influence to increase or
decrease the availability or price of a service or product in a manner inconsistent with competitive
markets.

(35) “Uneconomic utility investment” means all electric company investments, including plants
and equipment and contractual or other legal obligations, properly dedicated to generation, conserv-
ation and workforce commitments, that were prudent at the time the obligations were assumed but
the full costs of which are no longer recoverable as a direct result of ORS 757.600 to 757.667, absent
transition charges. “Uneconomic utility investment” does not include costs or expenses disallowed
by the commission in a prudence review or other proceeding, to the extent of such disallowance, and
does not include fines or penalties as authorized by state or federal law.

SECTION 19. ORS 757.627 is amended to read:

757.627. (1) An electric company shall permit retail electricity consumers that are eligible for
direct access to voluntarily aggregate their electricity loads.

(2) A retail electricity consumer that is eligible for direct access may voluntarily aggregate its
electricity load with:

(a) The electricity load of any other retail electricity consumer that is eligible for direct
access[]; or

(b) The electricity load of a community choice aggregation authority formed under sec-
tion 3 of this 2019 Act if the retail electricity consumer is located within the area served by
the community choice aggregation authority.

(3) A direct service industrial consumer may voluntarily aggregate its electricity load
with the electricity load of a community choice aggregation authority if the direct service
industrial consumer is located within the area served by the community choice aggregation
authority.

SECTION 20. ORS 757.612 is amended to read:

757.612. (1) There is established an annual public purpose expenditure standard for electric
companies and Oregon Community Power to fund new cost-effective energy conservation, new mar-
ket transformation efforts, the above-market costs of new renewable energy resources and new
low-income weatherization. The public purpose expenditure standard shall be funded by the public
purpose charge described in subsection (2) of this section.

(2)(a) Beginning on the date an electric company or Oregon Community Power offers direct ac-
cess to retail electricity consumers, except residential electricity consumers, the electric company
or Oregon Community Power shall collect a public purpose charge from all of the retail electricity
consumers located within the electric company's or Oregon Community Power's service area until January 1, 2026. Except as provided in paragraph (b) of this subsection, the public purpose charge shall be equal to three percent of the total revenues collected by the electric company, Oregon Community Power or the community choice aggregation authority formed under section 3 of this 2019 Act from retail electricity consumers for electricity services, distribution services, ancillary services, metering and billing, transition charges and other types of costs included in electric rates on July 23, 1999.

(b) For an aluminum plant that averages more than 100 average megawatts of electricity use per year, the electric company or Oregon Community Power, whichever serves territory that abuts the greatest percentage of the site of the aluminum plant, shall collect from the aluminum company a public purpose charge equal to one percent of the total revenue from the sale of electricity services to the aluminum plant from any source.

(3)(a) The Public Utility Commission shall establish rules implementing the provisions of this section relating to electric companies and Oregon Community Power.

(b) Except as provided in paragraph (e) of this subsection, funds collected through public purpose charges under subsection (2) of this section shall be allocated as follows:

(A) Sixty-three percent for new cost-effective energy conservation and new market transformation efforts.

(B) Nineteen percent for the above-market costs of constructing and operating new renewable energy resources with a nominal electric generating capacity, as defined in ORS 469.300, of 20 megawatts or less.

(C) Thirteen percent for new low-income weatherization.

(D) Five percent for deposit in the Housing and Community Services Department Electricity Public Purpose Charge Fund established by ORS 456.587 (1) for the purpose of providing grants as described in ORS 458.625 (2).

(c) The costs of administering subsections (1) to (6) of this section for an electric company or Oregon Community Power shall be paid out of the funds collected through public purpose charges. The commission may require an electric company or Oregon Community Power to direct funds collected through public purpose charges to state agencies responsible for implementing subsections (1) to (6) of this section in order to pay the costs of administering subsections (1) to (6) of this section.

(d) The commission shall direct the manner in which public purpose charges are collected and spent by an electric company or Oregon Community Power and may require an electric company or Oregon Community Power to expend funds through competitive bids or other means designed to encourage competition, except that funds dedicated for new low-income weatherization shall be directed to the Housing and Community Services Department for purposes related to new low-income weatherization. The commission may also require funds collected through public purpose charges to be paid to a nongovernmental entity for investment in public purposes described in subsection (1) of this section. Notwithstanding any other provision of this subsection:

(A) If an electric company collected the funds, at least 80 percent of the funds allocated for new cost-effective energy conservation shall be spent within the service area of the electric company; or

(B) If Oregon Community Power collected the funds, at least 80 percent of the funds allocated for new cost-effective energy conservation shall be spent within the service area of Oregon Community Power.

(e)(A) The first 10 percent of funds collected each year by an electric company or Oregon
Community Power under subsection (2) of this section shall be distributed to school districts that are located in the service territory of the electric company or Oregon Community Power. The funds shall be distributed to individual school districts according to the weighted average daily membership (ADMw) of each school district for the prior fiscal year as calculated under ORS 327.013. The commission shall establish by rule a methodology for distributing a proportionate share of funds under this paragraph to school districts that are only partially located in the service territory of the electric company or Oregon Community Power.

(B) A school district that receives funds under this paragraph shall use the funds first to pay for energy audits for schools located within the school district. A school district may not expend additional funds received under this paragraph on a school until an energy audit has been completed for that school. To the extent practicable, a school district shall coordinate with the State Department of Energy and incorporate federal funding in complying with this paragraph. Following completion of an energy audit for an individual school, the school district may expend funds received under this paragraph to implement the energy audit. Once an energy audit has been conducted and completely implemented for each school within the school district, the school district may expend funds received under this paragraph for any of the following purposes:

(i) Conducting additional energy audits. A school district shall conduct an energy audit prior to expending funds on any other purpose authorized under this paragraph unless the school district has performed an energy audit within the three years immediately prior to receiving the funds.

(ii) Weatherizing school district facilities and upgrading the energy efficiency of school district facilities.

(iii) Energy conservation education programs.

(iv) Purchasing electricity from environmentally focused sources.

(v) Investing in renewable energy resources.

(f) The commission may not establish a different public purpose charge than the public purpose charge described in subsection (2) of this section.

(g) If the commission requires funds collected through public purpose charges to be paid to a nongovernmental entity, the entity shall:

(A) Include on the entity's board of directors an ex officio member designated by the commission, who shall also serve on the entity's nominating committee for filling board vacancies.

(B) Require the entity's officers and directors to provide an annual disclosure of economic interest to be filed with the commission on or prior to April 15 of each calendar year for public review in a form similar to the statement of economic interest required for public officials under ORS 244.060.

(C) Require the entity's officers and directors to declare actual and potential conflicts of interest at regular meetings of the entity's governing body when such conflicts arise, and require an officer or director to abstain from participating in any discussion or voting on any item where that officer or director has an actual conflict of interest. For the purposes of this subparagraph, “actual conflict of interest” and “potential conflict of interest” have the meanings given those terms in ORS 244.020.

(D) Annually, arrange for an independent auditor to audit the entity's financial statements, and direct the auditor to file an audit opinion with the commission for public review.

(E) Annually file with the commission the entity's budget, action plan and quarterly and annual reports for public review.

(F) At least once every five years, contract for an independent management evaluation to review the entity's operations, efficiency and effectiveness, and direct the independent reviewer to file a
(h) The commission may remove from the board of directors of a nongovernmental entity an officer or director who fails to provide an annual disclosure of economic interest, or who fails to declare an actual or potential conflict of interest, as described in paragraph (g)(B) and (C) of this subsection, if the failure is connected to the allocation or expenditure of funds collected through public purpose charges and paid to the entity.

(4)(a) An electric company that satisfies its obligations under this section:
(A) Has no further obligation to invest in new cost-effective energy conservation, new market transformation or new low-income weatherization, or to provide a commercial energy conservation services program; and
(B) Is not subject to ORS 469.631 to 469.645 and 469.860 to 469.900.

(b) Oregon Community Power, for any period during which Oregon Community Power collects a public purpose charge under subsection (2) of this section:
(A) Has no further obligation to invest in new cost-effective energy conservation, new market transformation or new low-income weatherization, or to provide a commercial energy conservation services program; and
(B) Is not subject to ORS 469.631 to 469.645 and 469.860 to 469.900.

(5)(a) A retail electricity consumer that uses more than one average megawatt of electricity at any site in the prior year shall receive a credit against public purpose charges billed by an electric company or Oregon Community Power for that site. The amount of the credit shall be equal to the total amount of qualifying expenditures for new cost-effective energy conservation, not to exceed 68 percent of the annual public purpose charges, and the above-market costs of new renewable energy resources incurred by the retail electricity consumer, not to exceed 19 percent of the annual public purpose charges, less administration costs incurred under this paragraph and paragraphs (b) and (c) of this subsection. The credit may not exceed, on an annual basis, the lesser of:
(A) The amount of the retail electricity consumer’s qualifying expenditures; or
(B) The portion of the public purpose charge billed to the retail electricity consumer that is dedicated to new cost-effective energy conservation, new market transformation or the above-market costs of new renewable energy resources.

(b) To obtain a credit under paragraph (a) of this subsection, a retail electricity consumer shall file with the State Department of Energy a description of the proposed conservation project or new renewable energy resource and a declaration that the retail electricity consumer plans to incur the qualifying expenditure. The State Department of Energy shall issue a notice of precertification within 30 days of receipt of the filing, if such filing is consistent with paragraph (a) of this subsection. The credit may be taken after a retail electricity consumer provides a letter from a certified public accountant to the State Department of Energy verifying that the precertified qualifying expenditure has been made.

(c) Credits earned by a retail electricity consumer as a result of qualifying expenditures that are not used in one year may be carried forward for use in subsequent years.

(d)(A) A retail electricity consumer that uses more than one average megawatt of electricity at any site in the prior year may request that the State Department of Energy hire an independent auditor to assess the potential for conservation investments at the site. If the independent auditor determines there is no available conservation measure at the site that would have a simple payback of one to 10 years, the retail electricity consumer shall be relieved of 54 percent of its payment obligation for public purpose charges related to the site. If the independent auditor determines that
there are potential conservation measures available at the site, the retail electricity consumer shall be entitled to a credit against public purpose charges related to the site equal to 54 percent of the public purpose charges less the estimated cost of available conservation measures.

(B) A retail electricity consumer shall be entitled each year to the credit described in this paragraph unless a subsequent independent audit determines that new conservation investment opportunities are available. The State Department of Energy may require that a new independent audit be performed on the site to determine whether new conservation measures are available, provided that the independent audits occur no more than once every two years.

(C) The retail electricity consumer shall pay the cost of the independent audits described in this paragraph.

(6) Electric utilities and retail electricity consumers shall receive a fair and reasonable credit for the public purpose expenditures of their energy suppliers. The State Department of Energy shall adopt rules to determine eligible expenditures and the method by which such credits are accounted for and used. The State Department of Energy also shall adopt methods to account for eligible public purpose expenditures made through consortia or collaborative projects.

(7)(a) In addition to the public purpose charge provided under subsection (2) of this section, an electric company or Oregon Community Power shall collect funds for low-income electric bill payment assistance in an amount determined under paragraph (b) of this subsection.

(b) The commission shall establish the amount to be collected by each electric company from retail electricity consumers, and the rates to be charged by each electric company to retail electricity consumers, so that the forecasted collection by all electric companies in calendar year 2018 is $20 million. In subsequent calendar years, the commission may not decrease the rates below those established for calendar year 2018. The commission may temporarily adjust the rates if forecasted collections or actual collections are less than $20 million in any calendar year. A retail electricity consumer may not be required to pay more than $500 per month per site for low-income electric bill payment assistance.

(c) Funds collected through the low-income electric bill payment assistance charge shall be paid into the Housing and Community Services Department Low-Income Electric Bill Payment Assistance Fund established by ORS 456.587 (2). Moneys deposited in the fund under this paragraph shall be used by the Housing and Community Services Department solely for purposes related to low-income electric bill payment assistance and for the Housing and Community Services Department’s cost of administering this subsection. Funds collected by an electric company or Oregon Community Power under this subsection shall be expended in the service area of the electric company or Oregon Community Power from which the funds are collected.

(d)(A) The Housing and Community Services Department shall determine the manner in which funds collected under this subsection will be allocated by the Housing and Community Services Department to energy assistance program providers for the purpose of providing low-income bill payment and crisis assistance.

(B) The Housing and Community Services Department, in consultation with electric companies, shall investigate and may implement alternative delivery models to effectively reduce service disconnections and related costs to retail electricity consumers and electric utilities.

(C) Priority assistance shall be directed to low-income electricity consumers who are in danger of having their electricity service disconnected.

(D) The Housing and Community Services Department shall maintain records and provide those records upon request to an electric company, Oregon Community Power and the Citizens’ Utility
Board established under ORS chapter 774 on a quarterly basis. Records maintained must include the numbers of low-income electricity consumers served, the average amounts paid to low-income electricity consumers and the type of assistance provided to low-income electricity consumers. Electric companies and Oregon Community Power shall, if requested, provide the Housing and Community Services Department with aggregate data relating to low-income electricity consumers served on a quarterly basis to support program development.

(e) Interest on moneys deposited in the Housing and Community Services Department Low-Income Electric Bill Payment Assistance Fund established by ORS 456.587 (2) may be used to provide bill payment and crisis assistance to electricity consumers whose primary source of heat is not electricity.

(f) Notwithstanding ORS 757.310, the commission may allow an electric company or Oregon Community Power to provide reduced rates or other bill payment or crisis assistance or low-income program assistance to a low-income household eligible for assistance under the federal Low Income Home Energy Assistance Act of 1981, as amended and in effect on July 23, 1999.

(8) For purposes of this section, “retail electricity consumers” includes any direct service industrial consumer that purchases electricity without purchasing distribution services from the electric utility.

(9) For purposes of this section, funds collected by Oregon Community Power through public purpose charges are not considered moneys received from electric utility operations.

**MISCELLANEOUS**

**SECTION 21.** The Public Utility Commission shall adopt rules under sections 10, 11 and 12 of this 2019 Act not later than 180 days after the effective date of this 2019 Act. A local government may not take action to form a community choice aggregation authority pursuant to section 3 of this 2019 Act until after the date that the commission adopts rules pursuant to this section and sections 10, 11 and 12 of this 2019 Act.

**SECTION 22.** The unit and section captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.