

Requested by Representative SMITH DB

**PROPOSED AMENDMENTS TO
HOUSE BILL 2021**

1 In line 2 of the printed bill, delete “; and prescribing an effective date”.

2 Delete lines 4 through 11 and insert:

3 **“SECTION 1. Section 2 of this 2021 Act is added to and made a part**
4 **of ORS 469A.005 to 469A.210.**

5 **“SECTION 2. (1) As used in this section, ‘renewable energy certifi-**
6 **icates’ means bundled renewable energy certificates and unbundled**
7 **renewable energy certificates.**

8 **“(2)(a) The Legislative Assembly declares that the State of Oregon**
9 **has a substantial state interest in:**

10 **“(A) Creating a more resilient supply of electricity used to serve**
11 **retail electricity consumers; and**

12 **“(B) Ensuring that efforts to reduce the greenhouse gas emissions**
13 **attributable to this state provide direct environmental benefits in this**
14 **state.**

15 **“(b) The Legislative Assembly further finds and declares that:**

16 **“(A) Locating low-emissions and no-emissions electricity generating**
17 **and storage facilities close to retail electricity consumers served with**
18 **the electricity generated or stored by those facilities:**

19 **“(i) Increases resilience without causing the harmful side effects**
20 **of emissions emitted from electricity generating facilities;**

21 **“(ii) Reduces the costs and delays associated with constructing ad-**

1 **ditional transmission capacity to connect remote electricity generating**
2 **and storage facilities; and**

3 **“(iii) Reduces the wildfire-related resiliency risks to the electricity**
4 **grid that increase with the remoteness of electricity generating and**
5 **storage facilities; and**

6 **“(B) Replacing electricity generating facilities that utilize petro-**
7 **leum, natural gas or coal as an energy source with electricity gener-**
8 **ating and storage facilities that utilize renewable energy sources can**
9 **result in the reduction or avoidance of emissions of air contaminants**
10 **other than greenhouse gases and can provide particular benefits to**
11 **historically disadvantaged communities that have been traditionally**
12 **and disproportionately burdened with the health, financial and other**
13 **adverse impacts associated with air contaminants other than**
14 **greenhouse gases emitted from electricity generating facilities and**
15 **other waste products from power generation.**

16 **“(3) In pursuit of the substantial state interests set forth in sub-**
17 **section (2)(a) of this section and in addition to the requirements of**
18 **ORS 469A.135:**

19 **“(a) Out of the renewable energy certificates used by an electric**
20 **utility to meet the renewable portfolio standard applicable to that**
21 **electric utility in a compliance year, 35 percent of the renewable en-**
22 **ergy certificates that were issued for electricity generated by a facility**
23 **constructed on or after the effective date of this 2021 Act must be for**
24 **electricity generated by a facility that provides direct energy resiliency**
25 **or environmental benefits in this state; and**

26 **“(b) Out of the electricity available to an electric utility from an**
27 **electricity storage facility and used by the electric utility to offset the**
28 **renewable portfolio standard in a compliance year, 35 percent of the**
29 **stored electricity must be from an electricity storage facility con-**
30 **structed on or after the effective date of this 2021 Act that provides**

1 **direct energy resiliency or environmental benefits in this state.**

2 **“(4) For the purposes of this section, an electricity generating or**
3 **storage facility provides direct energy resiliency or environmental**
4 **benefits in this state if the facility:**

5 **“(a) Provides direct local resiliency benefits to retail electricity**
6 **consumers through one or more of the following:**

7 **“(A) Increased reliability in parts of this state that typically experi-**
8 **ence more frequent or longer service disruptions or that are more**
9 **likely to be impacted by a catastrophic event;**

10 **“(B) Greater penetration of electricity generating and storage re-**
11 **sources in remote communities;**

12 **“(C) Reduced exposure to the costs of service disruptions;**

13 **“(D) Modernization to the electrical grid in this state;**

14 **“(E) Reduced reliance on long-distance transmission;**

15 **“(F) Investment in communities and households in this state that**
16 **are least able to afford technologies that improve the reliability of**
17 **electricity service; or**

18 **“(G) Other local resiliency augmenting benefits for retail electricity**
19 **consumers as may be identified by rule by the State Department of**
20 **Energy, in consultation with the Public Utility Commission;**

21 **“(b) Contributes to a reduction in or avoidance of emissions of any**
22 **air contaminant or water contaminant in this state other than a**
23 **greenhouse gas; or**

24 **“(c) Contributes to an improvement in the health of natural and**
25 **working lands in this state.**

26 **“(5) There is a rebuttable presumption that an electricity generat-**
27 **ing or storage facility provides direct energy resiliency or environ-**
28 **mental benefits in this state for purposes of this section if the facility:**

29 **“(a) Is directly interconnected in this state to the electrical grid of**
30 **an electric utility serving retail electricity consumers;**

1 **“(b) Is directly interconnected to the Bonneville Power Adminis-**
2 **tration contiguous transmission grid serving this state;**

3 **“(c) Is used to comply with the requirements of ORS 469A.210;**

4 **“(d) Is a community solar project from which electricity is procured**
5 **pursuant to the program adopted under ORS 757.386;**

6 **“(e) Is a solar energy resource connected behind the meter of a re-**
7 **tail electricity consumer that includes battery storage capable of pro-**
8 **viding temporary electric power in the event of a power outage; or**

9 **“(f) Relies on transmission facilities to transmit electricity for no**
10 **more than 50 miles to reach the contiguous border of this state from**
11 **an adjoining state in order to serve retail electricity consumers.**

12 **“SECTION 3. (1) The Public Utility Commission may not cause to**
13 **delay, due to the pendency of any rulemaking or other proceeding**
14 **necessary to implement one or more provisions of section 2 of this 2021**
15 **Act, any procurement or request for proposals that will result in the**
16 **procurement by an electric utility of electricity from a facility that**
17 **meets the statutory criteria set forth in section 2 (5) of this 2021 Act.**

18 **“(2) The enactment of section 2 of this 2021 Act is not intended to**
19 **modify, delay or alter the timeline for any procurement or request for**
20 **proposals initiated on, before or after the effective date of this 2021**
21 **Act for which rulemaking is not necessary to determine whether the**
22 **procurement or request for proposals will count toward compliance by**
23 **an electric utility with section 2 of this 2021 Act.”.**

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