HB 2021-A30
(LC 3683)
4/23/21 (DJ/cpa/ps)

Requested by Representative SMITH DB

PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2021

On page 1 of the printed A-engrossed bill, line 2, after "energy" delete the rest of the line and insert a period.

Delete line 3.

Delete pages 2 through 27 and insert:

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

"SECTION 2. (1) As used in this section, 'renewable energy certificates' means bundled renewable energy certificates and unbundled renewable energy certificates.

"(2)(a) The Legislative Assembly declares that the State of Oregon has a substantial state interest in:

"(A) Creating a more resilient supply of electricity used to serve retail electricity consumers; and

"(B) Ensuring that efforts to reduce the greenhouse gas emissions attributable to this state provide direct environmental benefits in this state.

"(b) The Legislative Assembly further finds and declares that:

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

"(i) Increases resilience without causing the harmful side effects

of emissions emitted from electricity generating facilities;

"(ii) Reduces the costs and delays associated with constructing additional transmission capacity to connect remote electricity generating and storage facilities; and

"(iii) Reduces the wildfire-related resiliency risks to the electricity grid that increase with the remoteness of electricity generating and storage facilities; and

"(B) Replacing electricity generating facilities that utilize petroleum, natural gas or coal as an energy source with electricity generating and storage facilities that utilize renewable energy sources can result in the reduction or avoidance of emissions of air contaminants other than greenhouse gases and can provide particular benefits to historically disadvantaged communities that have been traditionally and disproportionately burdened with the health, financial and other adverse impacts associated with air contaminants other than greenhouse gases emitted from electricity generating facilities and other waste products from power generation.

"(3) In pursuit of the substantial state interests set forth in subsection (2)(a) of this section and in addition to the requirements of ORS 469A.135:

"(a) Out of the renewable energy certificates used by an electric utility to meet the renewable portfolio standard applicable to that electric utility in a compliance year, 50 percent of the renewable energy certificates that were issued for electricity generated by a facility constructed on or after the effective date of this 2021 Act must be for electricity generated by a facility that provides direct energy resiliency or environmental benefits in this state; and

"(b) Out of the electricity available to an electric utility from an electricity storage facility and used by the electric utility to offset the renewable portfolio standard in a compliance year, 50 percent of the

stored electricity must be from an electricity storage facility constructed on or after the effective date of this 2021 Act that provides direct energy resiliency or environmental benefits in this state.

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

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

"(A) Increased reliability in parts of this state that typically experience more frequent or longer service disruptions or that are more likely to be impacted by a catastrophic event;

"(B) Greater penetration of electricity generating and storage resources in remote communities;

"(C) Reduced exposure to the costs of service disruptions;

"(D) Modernization to the electrical grid in this state;

"(E) Reduced reliance on long-distance transmission;

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

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

"(b) Contributes to a reduction in or avoidance of emissions of any air contaminant or water contaminant in this state other than a greenhouse gas; or

"(c) Contributes to an improvement in the health of natural and working lands in this state.

"(5) There is a rebuttable presumption that an electricity generating or storage facility provides direct energy resiliency or environmental benefits in this state for purposes of this section if the facility:

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

"(b) Is directly interconnected to the Bonneville Power Administration contiguous transmission grid serving this state;

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

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

"(e) Is a solar energy resource connected behind the meter of a retail electricity consumer that includes battery storage capable of providing temporary electric power in the event of a power outage; or

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

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

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