

Enrolled House Bill 3161

Sponsored by Representative HOLVEY

CHAPTER

AN ACT

Relating to electric company’s plan to meet requirements of renewable portfolio standard; amending ORS 469A.075 and 469A.170.

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

SECTION 1. ORS 469A.075 is amended to read:

469A.075. (1) An electric company that is subject to a renewable portfolio standard shall *[develop an implementation]* **describe the electric company’s** plan for meeting the requirements of the renewable portfolio standard *[and file the implementation plan with the Public Utility Commission. Implementation plans must be revised and updated at least once every two years]* **as part of the electric company’s integrated resource plan filed with the Public Utility Commission.**

(2) At a minimum, *[an implementation]* **a plan for meeting the requirements of the renewable portfolio standard** must contain:

(a) Annual targets for acquisition and use of qualifying electricity; and

(b) The estimated cost of meeting the annual targets, including the cost of transmission, the cost of firming, shaping and integrating qualifying electricity, the cost of alternative compliance payments and the cost of acquiring renewable energy certificates.

(3) The commission shall *[acknowledge an implementation plan no later than six months after the implementation plan is filed with the commission. The commission may acknowledge the implementation plan subject to conditions specified by the commission]* **review a plan for meeting the requirements of the renewable portfolio standard and take appropriate action as part of the procedure for acknowledgment of an electric company’s integrated resource plan.**

(4) The commission shall adopt rules:

(a) Establishing requirements for the content of *[implementation]* plans **for meeting the requirements of the renewable portfolio standard;**

[(b) Establishing the procedure for acknowledgment of implementation plans under this section, including provisions for public comment;]

[(c)] (b) Providing for the *[integration of an implementation plan with the integrated resource planning guidelines established by the commission for the purpose of planning for the]* least-cost, least-risk acquisition of resources; and

[(d)] (c) Providing for the evaluation of competitive bidding processes that allow for diverse ownership of renewable energy sources that generate qualifying electricity.

(5) *[An implementation]* **A plan for meeting the requirements of the renewable portfolio standard** *[filed under this section]* may include procedures that will be used by the electric company to determine whether the costs of constructing a facility that generates electricity from a renewable energy source, or the costs of acquiring bundled or unbundled renewable energy certificates, are

consistent with the renewable portfolio standards of the commission relating to least-cost, least-risk planning for acquisition of resources.

SECTION 2. ORS 469A.170 is amended to read:

469A.170. (1) Each electric utility and electricity service supplier that is subject to a renewable portfolio standard shall make an annual compliance report for the purpose of detailing compliance, or failure to comply, with the renewable portfolio standard applicable in the compliance year. An electric company or electricity service supplier shall make the report to the Public Utility Commission. A consumer-owned utility shall make the report to the members or customers of the utility.

(2) The commission shall review each compliance report filed under this section by an electric company or electricity service supplier for the purposes of determining whether the company or supplier has complied with the renewable portfolio standard applicable to the company or supplier and the manner in which the company or supplier has complied. In reviewing the reports, the commission shall consider:

(a) The relative amounts of renewable energy certificates and other payments used by the company or supplier to meet the applicable renewable portfolio standard, including:

- (A) Bundled renewable energy certificates;
- (B) Unbundled renewable energy certificates;
- (C) Banked renewable energy certificates; and
- (D) Alternative compliance payments under ORS 469A.180.

(b) The timing of electricity purchases.

(c) The market prices for electricity purchases and unbundled renewable energy certificates.

(d) Whether the actions taken by the company or supplier are contributing to long term development of generating capacity using renewable energy sources.

(e) The effect of the actions taken by the company or supplier on the rates payable by retail electricity consumers.

(f) Good faith forecasting differences associated with the projected number of retail electricity consumers served and the availability of electricity from renewable energy sources.

(g) For electric companies, consistency with the *[implementation]* **company's** plan *[filed]* under ORS 469A.075, *as acknowledged* **for meeting the requirements of the renewable portfolio standard as described in the company's integrated resource plan and as reviewed** by the commission.

(h) Any other factors deemed reasonable by the commission.

(3) The commission by rule may establish requirements for compliance reports submitted by an electric company or electricity service supplier.

Passed by House March 7, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate April 24, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Shemia Fagan, Secretary of State