

**A-Engrossed**  
**House Bill 3546**

Ordered by the House April 14  
Including House Amendments dated April 14

Sponsored by Representatives MARSH, OWENS, Senator SOLLMAN, Representative GRAYBER; Representatives ANDERSEN, CHOTZEN, FAHEY, FRAGALA, HUDSON, MCDONALD, MCLAIN, NGUYEN H, WALTERS

**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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells the PUC to provide for a class of service for facilities that use large amounts of energy. (Flesch Readability Score: 66.3).

Directs the Public Utility Commission to provide for a classification of service for large energy use facilities. [*Directs the commission to require an electric company to assign*] **Requires any tariff schedule adopted for the class to allocate** the costs of serving large energy use facilities to the facilities and mitigate the risks to other classes of retail electricity consumers. Defines "large energy use facility."

**Directs the commission to require an electric company to use a contract when providing electricity service to a large energy use facility. Requires the contract to meet certain requirements and conditions.**

**Directs the commission to report each even-numbered year to the interim committees of the Legislative Assembly related to energy on trends in load requirements and other implications from large energy use facilities. Sunsets January 2, 2035.**

Declares an emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to large energy use facilities; and declaring an emergency.

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

4 **SECTION 1. Sections 2 and 5 of this 2025 Act are added to and made a part of ORS**  
5 **chapter 757.**

6 **SECTION 2. (1) As used in this section and section 5 of this 2025 Act:**

7 (a) "Costs of serving" includes, as applicable, the costs incurred by an electric company  
8 in providing transmission, distribution, energy, capacity or ancillary electricity services, and  
9 any related costs or associated risks with serving a class of retail electricity consumers or  
10 a retail electricity consumer.

11 (b) "Electric company" and "retail electricity consumer" have the meanings given those  
12 terms in ORS 757.600.

13 (c) "Facility" means all buildings, equipment, structures and other stationary items that  
14 are located on a single site or on contiguous or adjacent sites and that are owned or operated  
15 by the same person or by any person who controls, is controlled by or is under common  
16 control with such person.

17 (d) "Large energy use facility" means a facility that uses or is able to use 20 megawatts  
18 or more and is primarily engaged in providing a service described under code 518210 of the  
19 2022 North American Industry Classification System.

20 **(2) The Public Utility Commission shall provide for a classification of service under ORS**

**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.

1 757.230 for retail electricity consumers that are large energy use facilities. The classification  
2 of service must be separate and distinct from classifications of service for other commercial  
3 or industrial retail electricity consumers and have its own tariff schedule. Any tariff sched-  
4 ule adopted by the commission for the class must:

5 (a)(A) Allocate the costs of serving the class of retail electricity consumers that are large  
6 energy use facilities to the class in a manner that is equal or proportional to the costs of  
7 serving the class; or

8 (B) Directly assign the costs of serving a retail electricity consumer that is a large en-  
9 ergy use facility to the retail electricity consumer;

10 (b) Meet the same conditions the commission requires for a contract under section 5  
11 (1)(b)(A)(v) of this 2025 Act; and

12 (c) Mitigate the risk of:

13 (A) Other classes of retail electricity consumers paying unwarranted costs; and

14 (B) Shifting the costs, in an unwarranted manner, of serving a retail electricity consumer  
15 that is a large energy use facility to other classes of retail electricity consumers, including  
16 costs of an electric company to meet load requirements resulting from the provision of  
17 electricity service to a retail electricity consumer that is a large energy use facility.

18 (3) In deciding whether to approve a proposed tariff schedule of an electric company for  
19 a classification of service described under subsection (2) of this section, the commission shall  
20 consider whether the rates:

21 (a) Result in, or have the potential to result in, increased costs or unwarranted risk to  
22 other retail electricity consumers;

23 (b) Provide for equitable contributions to grid efficiency, reliability and resiliency bene-  
24 fits;

25 (c) Impede the electric company's ability to meet the clean energy targets set forth in  
26 ORS 469A.410 or reduce the emissions of greenhouse gases consistent with state policy;

27 (d) Allow for procurement of or contracts for generation resources that support the  
28 electric company's ability to meet the clean energy targets set forth in ORS 469A.410 or re-  
29 duce the emissions of greenhouse gases consistent with state policy; and

30 (e) Meet any other conditions the commission may require in the public interest.

31 **SECTION 3.** An electric company and a retail electricity consumer that is a large energy  
32 use facility are not required to use a classification of service provided for under section 2  
33 of this 2025 Act if the Public Utility Commission has not approved for the electric company  
34 a tariff schedule for the classification of service.

35 **SECTION 4.** Section 3 of this 2025 Act is repealed on January 2, 2028.

36 **SECTION 5.** (1)(a) The Public Utility Commission shall require an electric company that  
37 is providing electricity service to a retail electricity consumer that is a large energy use fa-  
38 cility to enter into a contract with the retail electricity consumer that covers the provision  
39 of the electricity service, including, as applicable, transmission, distribution, energy, capacity  
40 or ancillary electricity services.

41 (b) Any contract for the provision of electricity service entered into between an electric  
42 company and a retail electricity consumer that is a large energy use facility:

43 (A) Must:

44 (i) Be consistent with the criteria listed under section 2 (3) of this 2025 Act;

45 (ii) Specify the duration of the contract and be for a duration for 10 years or longer;

1 (iii) Specify the date or estimated date that the electric company will begin to provide  
2 electricity service to the retail electricity consumer;

3 (iv) Obligate the retail electricity consumer to pay a minimum amount or percentage,  
4 as determined by the commission, based on the retail electricity consumer's projected elec-  
5 tricity usage for the duration of the contract; and

6 (v) Meet any other conditions the commission may require in the public interest; and

7 (B) May include a charge for excess demand that is in addition to the tariff schedule.

8 (2) If an electric company fails to begin to provide electricity service on or by the date  
9 or estimated date specified in a contract entered into under this section due to causes within  
10 the electric company's reasonable control, the electric company shall provide the retail  
11 electricity consumer notice of the delay as soon as reasonably practicable. A contract en-  
12 tered into under this section may include terms and conditions that address the possibility  
13 of a delay due to causes within the reasonable control of the parties to the contract.

14 (3) A contract, as described under subsection (1) of this section, may not prevent the  
15 commission from carrying out the commission's duties under this section or section 2 of this  
16 2025 Act.

17 (4) Nothing in this section or section 2 of this 2025 Act is intended to limit or restrict the  
18 ability of a retail electricity consumer that is a large energy use facility from using direct  
19 access under ORS 757.603 to 757.667 or a green power rate under ORS 469A.205, a voluntary  
20 renewable energy tariff or a special contract, that is otherwise allowed under the rules,  
21 regulations or orders of the commission, except the contract must meet the requirements  
22 and be consistent with the provisions of this section.

23 **SECTION 6.** Section 5 of this 2025 Act applies to retail electricity consumers that are  
24 large energy use facilities that:

25 (1) Enter into a contract for electricity service with an electric company on or after the  
26 effective date of this 2025 Act; or

27 (2) Enter into a contract for electricity service with an electric company before the ef-  
28 fective date of this 2025 Act, if the provision of electricity service requires the electric  
29 company to make significant investments or incur costs after the effective date of this 2025  
30 Act that could result in increased costs or risks to other retail electricity consumers of the  
31 electric company.

32 **SECTION 7.** No later than September 1 of each even-numbered year, the Public Utility  
33 Commission shall submit a report in the manner provided by ORS 192.245, and may include  
34 recommendations for legislation, to the interim committees of the Legislative Assembly re-  
35 lated to energy. The report shall review trends in load requirements and other implications  
36 from retail electricity consumers that are large energy use facilities, as defined in section 2  
37 of this 2025 Act, and other retail electricity consumers that use large amounts of electricity.  
38 In providing the report, the commission must protect proprietary information as provided  
39 for under rules or orders of the commission.

40 **SECTION 8.** Section 7 of this 2025 Act is repealed on January 2, 2035.

41 **SECTION 9.** This 2025 Act being necessary for the immediate preservation of the public  
42 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect  
43 on its passage.