

HOUSE AMENDMENTS TO HOUSE BILL 3546

By COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT

April 14

1 On page 1 of the printed bill, delete lines 4 through 28 and delete page 2 and insert:

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

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

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

9 **“(b) ‘Electric company’ and ‘retail electricity consumer’ have the meanings given those**
10 **terms in ORS 757.600.**

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

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

18 **“(2) The Public Utility Commission shall provide for a classification of service under ORS**
19 **757.230 for retail electricity consumers that are large energy use facilities. The classification**
20 **of service must be separate and distinct from classifications of service for other commercial**
21 **or industrial retail electricity consumers and have its own tariff schedule. Any tariff sched-**
22 **ule adopted by the commission for the class must:**

23 **“(a)(A) Allocate the costs of serving the class of retail electricity consumers that are**
24 **large energy use facilities to the class in a manner that is equal or proportional to the costs**
25 **of serving the class; or**

26 **“(B) Directly assign the costs of serving a retail electricity consumer that is a large en-**
27 **ergy use facility to the retail electricity consumer;**

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

30 **“(c) Mitigate the risk of:**

31 **“(A) Other classes of retail electricity consumers paying unwarranted costs; and**

32 **“(B) Shifting the costs, in an unwarranted manner, of serving a retail electricity con-**
33 **sumer that is a large energy use facility to other classes of retail electricity consumers, in-**
34 **cluding costs of an electric company to meet load requirements resulting from the provision**
35 **of electricity service to a retail electricity consumer that is a large energy use facility.**

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

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

6 “(b) Provide for equitable contributions to grid efficiency, reliability and resiliency bene-
7 fits;

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

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

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

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

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

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

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

26 “(A) Must:

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

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

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

31 “(iv) Obligate the retail electricity consumer to pay a minimum amount or percentage,
32 as determined by the commission, based on the retail electricity consumer’s projected elec-
33 tricity usage for the duration of the contract; and

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

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

36 “(2) If an electric company fails to begin to provide electricity service on or by the date
37 or estimated date specified in a contract entered into under this section due to causes within
38 the electric company’s reasonable control, the electric company shall provide the retail
39 electricity consumer notice of the delay as soon as reasonably practicable. A contract en-
40 tered into under this section may include terms and conditions that address the possibility
41 of a delay due to causes within the reasonable control of the parties to the contract.

42 “(3) A contract, as described under subsection (1) of this section, may not prevent the
43 commission from carrying out the commission’s duties under this section or section 2 of this
44 2025 Act.

45 “(4) Nothing in this section or section 2 of this 2025 Act is intended to limit or restrict

1 the ability of a retail electricity consumer that is a large energy use facility from using di-
2 rect access under ORS 757.603 to 757.667 or a green power rate under ORS 469A.205, a vol-
3 untary renewable energy tariff or a special contract, that is otherwise allowed under the
4 rules, regulations or orders of the commission, except the contract must meet the require-
5 ments and be consistent with the provisions of this section.

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

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

10 **“(2)** Enter into a contract for electricity service with an electric company before the ef-
11 fective date of this 2025 Act, if the provision of electricity service requires the electric
12 company to make significant investments or incur costs after the effective date of this 2025
13 Act that could result in increased costs or risks to other retail electricity consumers of the
14 electric company.

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

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

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