

Enrolled
House Bill 4126

Sponsored by Representative SMITH; Representative LININGER (Presession filed.)

CHAPTER

AN ACT

Relating to utilities.

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

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 469A.005 to 469A.210.

SECTION 2. Unless the exemption provided by ORS 469A.055 (1) terminated for the consumer-owned utility pursuant to ORS 469A.055 (5), a consumer-owned utility described in ORS 469A.052 (2) that is subject to the large utility renewable portfolio standard described in ORS 469A.052 (3) may use, notwithstanding ORS 469A.145 (1), unbundled renewable energy certificates, including banked unbundled renewable energy certificates, to meet:

- (1) Up to 100 percent of the standard described in ORS 469A.052 (3)(a); and
- (2) Up to 75 percent of the standard described in ORS 469A.052 (3)(b) or (c).

SECTION 3. (1) As used in this section, “electric company” has the meaning given that term in ORS 757.600.

(2) The Public Utility Commission shall conduct a study to consider the impact of allowing electric companies to offer voluntary renewable energy tariffs to their nonresidential customers. The study shall be subject to public comment in a manner determined by the commission.

(3) The commission shall consider the results of the study described in subsection (2) of this section in conjunction with the factors specified in this subsection to determine whether, and under what conditions, it is reasonable and in the public interest to allow electric companies to provide voluntary renewable energy tariffs to nonresidential customers. The factors the commission shall consider are:

- (a) Whether allowing electric companies to provide voluntary renewable energy tariffs to nonresidential customers promotes the further development of significant renewable energy resources;
- (b) The effect of allowing electric companies to offer voluntary renewable energy tariffs on the development of a competitive retail market;
- (c) Any direct or indirect impact, including any potential cost-shifting, on other customers of any electric company offering a voluntary renewable energy tariff;
- (d) Whether the voluntary renewable energy tariffs provided by electric companies to nonresidential customers rely on electricity supplied through a competitive procurement process; and
- (e) Any other reasonable consideration related to allowing electric companies to offer voluntary renewable energy tariffs to their nonresidential customers.

(4) If the commission determines under subsection (3) of this section to allow electric companies to offer voluntary renewable energy tariffs to nonresidential customers, the commission may authorize an electric company to file a schedule with the commission that establishes the rates, terms and conditions of services offered under the voluntary renewable energy tariff. All costs and benefits associated with a voluntary renewable energy tariff shall be borne by the nonresidential customer receiving service under the voluntary renewable energy tariff. Schedules shall be submitted and considered in accordance with ORS 757.205, 757.210, 757.212 and 757.215. The commission also shall consider the factors specified in subsection (3) of this section when determining whether to approve a schedule.

(5) ORS 757.646 (1) and rules adopted under ORS 757.646 (1) and 757.659 (7) pursuant to ORS 757.646 (1) do not bar the commission from approving a schedule for a voluntary renewable energy tariff that is consistent with this section and commission findings.

(6) Any qualifying electricity, as defined in ORS 469A.005, procured by an electric company to provide electricity pursuant to a voluntary renewable energy tariff described in this section may not be used by the electric company to comply with the requirements of the renewable portfolio standard described under ORS 469A.052 or 469A.055.

Passed by House February 11, 2014

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 28, 2014

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2014

Approved:

.....M.,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

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Kate Brown, Secretary of State