

# Hearing Officer Report

**To:** Energy Planning and Innovation Division, Oregon Department of Energy  
**From:** Wendy Simons, Hearing Officer  
**Date:** December 13, 2017  
**Subject:** Rulemaking for Renewable Portfolio Standard Program

**Hearing Date and Location:** November 29, 2017, 9:00 a.m., Oregon Department of Energy, 550 Capitol Street NE, Salem, OR, 97301

**Title of Proposed Rule:** Implementing legislation regarding renewable energy certificates under the Renewable Portfolio Standard Program.

**Background:** The proposed rule changes make permanent an existing temporary rule (filed July 21, 2017) and add rule language to further clarify implementation of Oregon Laws 2016, chapter 28 (SB 1547). The proposed rule language extends the deadline by five months for stakeholders to apply for thermal renewable energy certificates (T-RECs) associated with qualifying thermal generation that occurred between the effective date of Oregon Laws 2016, chapter 28 (SB 1547), March 8, 2016, and the date that relevant Oregon Department of Energy (ODOE) rules were effective, December 21, 2016. The proposed rule also removes the requirement that generator representatives must be registered for thermal generation by the deadline.

Additionally, the proposed language aligns department rule with changes made to statute by Senate Bill 1547:

- Adds a definition for “distribution utility”
- Updates provisions on renewable energy certificate (REC) banking to reflect the statutory removal of unlimited REC banking
- Updates provisions on the types of RECs to include a newly allowable pathway for generating bundled RECs when electricity service suppliers and distribution utilities mutually agree upon a delivery point for generation

The department filed a Notice of Proposed Rulemaking and Hearing on October 25, 2017 with the Oregon Secretary of State. The notice was published in the November 2017 Oregon Bulletin. The department emailed notice of the hearing to ODOE’s list of individuals and organizations interested in department rulemakings on November 3, 2017.

This report summarizes the testimony and public input received during the public hearing and written comment period as required under ORS Chapter 183.

**Comments Received:**

No oral or written comments were received at the public hearing.

**Summary of November 29, 2017 Public Hearing:**

The rulemaking hearing convened at 9:02 a.m. with two members of the public attending on the telephone. Three department staff attended in person, including the hearing officer.

**Attendees (telephone):** Michael O'Brien, Renewable Northwest; Laura Wilkinson, Pacific Power

**Attendees (in person):** Rebecca Smith, Oregon Department of Energy; Andrew Warren, Oregon Department of Energy; Wendy Simons, Oregon Department of Energy

At the conclusion of the hearing, the hearing officer thanked stakeholders for their participation in the rulemaking proceeding and stated that written comments would be accepted until 5 p.m. on November 29, 2017. The hearing ended at 9:10 a.m.

**Summary of Written Comments:**

No written comments were received during the public comment period.