

Hearing Officer Report

To: Energy Planning and Innovation Division, Oregon Department of Energy
From: Wendy Simons, Hearing Officer
Date: January 10, 2019
Subject: Rulemaking to clarify and update rules related to the Large Electric Consumers Public Purpose Program (LECPPP), also known as the industrial self-direction program

Hearing Date and Location: October 24, 2018, 9:00 a.m., Oregon Department of Energy, 550 Capitol Street NE, Salem, OR, 97301

Title of Proposed Rule: Clarify and update industrial self-direction program rules relating to project applications and fees.

Background: The proposed rule changes would provide clarification and better align program rules with department practice regarding how program is administered and how fees are charged. Specifically, fees are charged only at time of new project or Green Tags applications and are collected for recovering all program administration costs, direct and indirect. Periodic adjustments may be made to the fee rate so that fees collected recover all costs to administer the program. The four percent of estimated project or Green Tags contract cost cap on fees is retained, and this rulemaking would not change the current fee percentage charged. Additionally, this rulemaking proposes to: remove the requirement for program participants to reapply annually in order to remain eligible; require each site to provide evidence (in lieu of annual renewal and eligibility verification) during the new project or Green Tags application process that site prior year electric usage is greater than statutorily required one average annual megawatt; add project completion as a requirement for certification from the department that a project site may claim a public purpose charge credit; confirm that sites may carry over self-direction credits as long as they have an obligation to pay public purpose charges; and make other minor housekeeping changes.

The department filed a Notice of Proposed Rulemaking and Hearing on September 26, 2018 with the Oregon Secretary of State. The notice was published in the October 2018 Oregon Bulletin.

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

Summary of October 24, 2018 Public Hearing:

The rulemaking hearing convened at 9:03 a.m. with one member of the public attending in person. Two department staff attended in person, including the hearing officer.

Attendees (telephone): none

Attendees (in person): Dan Janosec, Portland General Electric; Tom Elliott, Oregon Department of Energy; Wendy Simons, Oregon Department of Energy

Comments Received:

One comment was received at the public hearing, and no written comments were received during the public comment period.

Dan Janosec, Portland General Electric: The changes reflected in the proposed rules look agreeable and accurately reflect his and his firm's recommendations from the September stakeholder meeting about the rulemaking.

At the conclusion of the hearing, the hearing officer thanked those who participated in the rulemaking proceeding and stated that written comments would be accepted until 5 p.m. on October 31, 2018. The hearing ended at 9:32 a.m.

Summary of Written Comments:

No written comments were received during the public comment period.