

Requested by SENATE COMMITTEE ON BUSINESS AND TRANSPORTATION

**PROPOSED AMENDMENTS TO  
SENATE BILL 979**

1 On page 2 of the printed bill, delete lines 42 through 45.

2 On page 3, delete lines 1 through 3 and insert:

3 “(22) ‘New commercial load’ means the load of one or more nonresidential  
4 retail electricity consumers at a new delivery point that was created through  
5 the development of commercial or industrial infrastructure.”.

6 On page 4, line 22, restore the bracketed material and delete the boldface  
7 material.

8 Delete lines 41 through 45 and delete page 5.

9 On page 6, delete lines 1 through 8 and insert:

10 **“SECTION 3.** ORS 757.607 is amended to read:

11 “757.607. (1) The Public Utility Commission shall ensure that direct ac-  
12 cess programs offered by electric companies meet the following conditions:

13 “[*(1)*] (a) The provision of direct access to some retail electricity con-  
14 sumers [*must*] **of the electric company may** not cause the unwarranted  
15 shifting of costs to other retail electricity consumers of the electric company.  
16 [*The commission may,*] In establishing any rates and charges under ORS  
17 757.600 to 757.667, **the commission may** consider and mitigate the rate im-  
18 pact on **retail electricity** consumers **resulting** from the reduction or elimi-  
19 nation of subsidies in existing rate structures.

20 “[*(2)*] (b) The direct access, portfolio of rate options and cost-of-service  
21 rates may include transition charges or transition credits that reasonably

1 balance the interests of retail electricity consumers [*and*], **electric** utility  
2 investors. The commission may determine that full or partial recovery of the  
3 costs of uneconomic utility investments, or full or partial pass-through of the  
4 benefits of economic utility investments to retail electricity consumers, is in  
5 the public interest.

6 “[3] (c) The commission shall allow recovery, through a transition  
7 charge, of any otherwise unrecoverable costs arising from or related to an  
8 electric company’s contractual or other legal obligations to the Bonneville  
9 Power Administration under ORS 757.663, or arising from or related to a  
10 failure of the Bonneville Power Administration to meet its contractual or  
11 other legal obligations to the electric company, from those classes of con-  
12 sumers for which electric power was purchased from the Bonneville Power  
13 Administration.

14 “[4] (d) Notwithstanding ORS 757.355, the commission may allow a re-  
15 turn on the unamortized balance of an uneconomic utility investment or an  
16 economic utility investment that is included in rates.

17 **“(2) The commission shall ensure that renewable direct access pro-  
18 grams offered by electric companies meet the following conditions:**

19 **“(a) Electricity generated for a renewable direct access program  
20 must be generated by an eligible renewable energy resource, except  
21 that electricity necessary for ancillary services may be generated by  
22 a resource that is not an eligible renewable energy resource if unbun-  
23 dled renewable energy certificates, as defined in ORS 469A.005, associ-  
24 ated with an amount of qualifying electricity, as defined in ORS  
25 469A.005, that is equivalent to the amount of electricity necessary for  
26 ancillary services are retired by or on behalf of the electric retail  
27 consumer that is receiving the electricity.**

28 **“(b) Transition charges and transition credits may not be applied  
29 to any renewable direct access service serving a new commercial load,  
30 provided that the retail electricity consumer provides the commission**

1 with notice in a form and manner prescribed by the commission before  
2 the retail electricity consumer purchases the renewable direct access  
3 service.

4 “(c) Electricity sold by an electricity service supplier under a  
5 renewable direct access program may not be included in the calcu-  
6 lation of how much electricity the electricity service supplier sold  
7 during a calendar year for purposes of complying with ORS 469A.005  
8 to 469A.210.

9 “(d) Renewable energy certificates, as defined in ORS 469A.005,  
10 transferred or sold to an electric retail consumer that is receiving  
11 electricity through a renewable direct access program from an elec-  
12 tricity service supplier must be retired and may not be resold, trans-  
13 ferred to a third party or used for compliance with ORS 469A.070 or  
14 any other law, rule or administrative program, except for purposes  
15 related to verifying the renewable attributes of the electric retail  
16 consumer’s use of electricity.”.

17 In line 11, delete “In establishing”.

18 In line 12, delete “the terms and conditions,” and insert “To hold electric  
19 retail consumers who do not use direct access harmless when establishing  
20 the terms and conditions for renewable direct access for new commercial and  
21 industrial customers,”.

22 In line 35, after “structure” delete the rest of the line.

23 In line 36, delete “of eligible renewable energy resources”.

24 On page 10, after line 9, insert:

25 **“SECTION 9. The Public Utility Commission shall establish a public  
26 process for the purpose of investigating:**

27 **“(1) Whether it is appropriate for transition charges to be imposed  
28 for a period of time exceeding five years after the date on which an  
29 electric retail consumer first obtained direct access;**

30 **“(2) Whether it is appropriate for transition charges to include costs**

1 or expenses anticipated to be incurred by an electric company for a  
2 period of time exceeding five years after the date on which an electric  
3 retail consumer first obtained direct access; and

4 “(3) Whether electric companies reasonably mitigate uneconomic  
5 utility investment.”.

6 In line 10, delete “9” and insert “10”.

7 In line 17, delete “10” and insert “11”.

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