

**PROPOSED AMENDMENTS TO
B-ENGROSSED SENATE BILL 838**

1 On page 9 of the printed B-engrossed bill, delete lines 22 through 34 and
2 insert:

3 "(3) The Public Utility Commission shall establish an automatic adjust-
4 ment clause as defined in ORS 757.210 or another method that allows timely
5 recovery of costs prudently incurred by an electric company to construct or
6 otherwise acquire facilities that generate electricity from renewable energy
7 sources and for associated electricity transmission. Notwithstanding any
8 other provision of law, upon the request of any interested person the corn-
9 mission shall conduct a proceeding to establish the terms of the automatic
10 adjustment clause or other method for timely recovery of costs. The corn-
11 mission shall provide parties to the proceeding with the procedural rights
12 described in ORS 756.500 to 756.610, including but not limited to the oppor-
13 tunity to develop an evidentiary record, conduct discovery, introduce evi-
14 dence, conduct cross-examination and submit written briefs and oral
15 argument. The commission shall issue a written order with findings on the
16 evidentiary record developed in the proceeding.

17 "(4) An electric company must file with the commission for approval of
18 a proposed rate change to recover costs under the terms of an automatic
19 adjustment clause or other method for timely recovery of costs established
20 under subsection (3) of this section. Notwithstanding any other provision of
21 law, upon the request of any interested person the commission shall conduct
22 a proceeding to determine whether to approve a proposed change in rates

1 under the automatic adjustment clause or other method for timely recovery
2 of costs. The commission shall provide parties to the proceeding with the
3 procedural rights described in ORS 756.500 to 756.610, including but not
4 limited to the opportunity to develop an evidentiary record, conduct discov-
5 ery, introduce evidence, conduct cross-examination and submit written briefs
6 and oral argument. The commission shall issue a written order with findings
7 on the evidentiary record developed in the proceeding. A filing made under
8 this subsection is subject to the commission's authority under ORS 757.215
9 to suspend a rate, or schedule of rates, for investigation."

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1 On page 4 of the printed B-engrossed bill, line 30, delete "one and
2 one-half" and insert "three".

3 In line 42, delete "one and one-half" and insert "three".

4 In line 45, delete "one and one-half" and insert "three".

5 On page 5, line 4, delete "one and one-half" and insert "three".

6 Delete lines 24 through 30 and insert:

7 **"SECTION 7. Small electric utilities.** (1) Except as provided in this sec-
8 tion, an electric utility that makes sales of electricity to retail electricity
9 consumers in an amount that equals less than three percent of all electricity
10 sold to retail electricity consumers is not subject to sections 1 to 24 of this
ii 2007 Act.

12 "(2) Beginning in calendar year 2025, at least five percent of the elec-
13 tricity sold to retail electricity consumers in a calendar year by an electric
14 utility must be qualifying electricity if the electric utility makes sales of
15 electricity to retail electricity consumers in an amount that equals less than
16 one and one-half percent of all electricity sold to retail electricity consumers.

17 "(3) Beginning in calendar year 2025, at least 10 percent of the electricity
18 sold to retail electricity consumers in a calendar year by an electric utility
19 must be qualifying electricity if the electric utility makes sales of electricity
20 to retail electricity consumers in an amount that equals or is more than one
21 and one-half percent, and less than three percent, of all electricity sold to
22 retail electricity consumers."

1 In line 31, delete "(3)" and insert "(4)".

2 Delete lines 39 and 40 and insert:

3 "(c) Acquisition of electricity under a contract entered into before the
4 effective date of this 2007 Act;

5 "(d) A renewal or replacement contract for a contract for purchase of
6 electricity described in paragraph (c) of this subsection;"

7 In line 41, delete "(d)" and insert "(e)".

8 Delete line 43.

9 In line 4-4, delete "(e)" and insert "(f)".

10 On page 6, line 1, delete the period and insert "or entered into before the
effective date of this 2007 Act by an electric cooperative organized under
12 ORS chapter 62 of which the electric utility is a member, without regard to
13 whether the electricity is being used to serve the load of the electric utility
14 on the effective date of this 2007 Act; or

15 "(g) Investments in an electricity generating facility that uses coal as an
16 energy source if the investments are for the purpose of improving the facil-
17 ity's pollution mitigation equipment or the facility's efficiency or are neces-
18 sary to comply with requirements or standards imposed by governmental
19 entities."

20 In line 2, delete "(4)" and insert "(5)".

21 In line 5, delete "(5)" and insert "(6)".

22 In line 6, delete "(3) or (4)" and insert "(4) or (5)".

23 In line 9, delete "(6)" and insert "(7)".

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