

SUBMITTED VIA ELECTRONIC FILING

December 14, 2018

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

RE: *PacifiCorp*, Docket No. ER19-____-000

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (FPA),¹ Part 35 of the Federal Energy Regulatory Commission's (FERC or the Commission) regulations,² and Order No. 714,³ PacifiCorp hereby submits proposed revisions to its Open Access Transmission Tariff (OATT).⁴ This filing revises Attachment M to the OATT to address newly adopted regulations by the Public Utility Commission of Oregon (OPUC) regarding retail access for certain large loads⁵ that had not previously taken retail electric service under the program. The new OPUC regulations allow new loads to take service from an Electric Service Supplier (ESS) without first becoming a retail customer of the utility. Given this development, PacifiCorp is proposing updates to its Attachment M which address retail access service in Oregon (Oregon Direct Access). In addition to reflecting the changes in the new OPUC regulations, PacifiCorp is also proposing changes to Attachment M to clarify certain Oregon Direct Access requirements and to more directly align the Oregon Direct Access monthly charge with existing rates in PacifiCorp's OATT.

¹ 16 U.S.C. § 824d (2012).

² 18 C.F.R. Part 35 (2018).

³ *Electronic Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008).

⁴ PacifiCorp's OATT is designated as PacifiCorp FERC Electric Tariff, Volume No. 11. On October 29, 2010, the Commission accepted by letter order PacifiCorp's Baseline OATT. *PacifiCorp*, Letter Order, Docket No. ER10-2562-000 (Oct. 29, 2010).

⁵ *In the Matter of Rulemaking Related to a New Large Load Direct Access Program*, Oregon Public Utility Commission, Order No. 18-341 (Sep. 14, 2018).

II. BACKGROUND

A. Description of PacifiCorp

PacifiCorp is an indirect, wholly-owned subsidiary of Berkshire Hathaway Energy, LLC. PacifiCorp provides delivery of electric power and energy to approximately 1.7 million retail electric customers in six western states. PacifiCorp consists of two core business units: (1) Pacific Power delivers electricity to retail customers in Oregon, Washington, and California; and (2) Rocky Mountain Power delivers electricity to retail customers in Utah, Wyoming, and Idaho. PacifiCorp's transmission operations and management personnel are headquartered in Portland, Oregon.

B. PacifiCorp's Current Attachment M

PacifiCorp first included the Oregon Direct Access program in its OATT in Docket No. ER02-653 which included Attachment M.⁶ PacifiCorp has updated Attachment M from time to time since then to reflect changes in how the Oregon rules allow retail customers to seek transmission service by self-qualifying as an ESS,⁷ and to reflect updates to the load ratio share which impact Attachment M.⁸

III. DESCRIPTION OF THE FILING

This filing updates Attachment M to implement the new OPUC regulations, clarify the process for Oregon Direct Access customers, and ensures that any new loads choosing Oregon Direct Access comply with the same process for including those loads in Network Integration Transmission (NIT) Service required of other PacifiCorp NIT Service customers. The following provides a section by section discussion of the updates to Attachment M.

A. Section 1 – Oregon Direct Access

PacifiCorp is proposing to incorporate a more specific reference to the Oregon law establishing retail access for certain customers. This addition provides transparency to potential transmission customers by referencing the specific Oregon statutes and regulations applicable to Oregon Direct Access. PacifiCorp also proposes the addition of statements to clarify that Oregon Direct Access includes both loads transitioning from bundled electric service and new loads not previously taking retail service from PacifiCorp. This change is in response to the new program

⁶ *PacifiCorp*, 98 FERC ¶ 61,224, at 61,882 (2002), (February 2002 Order), *order on reh'g*, 99 FERC ¶ 61,259 (2002) (June 2002 Rehearing Order). The Commission did not act on PacifiCorp's compliance filing in Docket No. ER02-653 until it issued a Show Cause order in 2013 where it accepted the compliance filing but did not alter any subsequent changes to PacifiCorp's OATT. *PacifiCorp*, 146 FERC ¶ 61,225 (2014).

⁷ *PacifiCorp*, 108 FERC ¶ 61,098 (2004).

⁸ See *PacifiCorp*, Letter Order, Docket No. ER07-1269 (Oct. 25, 2007); *PacifiCorp*, Letter Order, Docket No. ER10-759 (Apr. 2, 2010).

established by the OPUC. The distinction is also important to clarify the process requirements addressed in Section 6 – Notification, due to the different transmission service issues related to the transfer of loads already on the system with those associated with new loads not previously planned for by the transmission provider.

B. Section 6 – Notification

PacifiCorp proposes a number of updates to Section 6 – Notifications, to clarify the process and documentation required for Oregon Direct Access customers to obtain unbundled transmission service. PacifiCorp proposes certain additional information from the Retail End-User. Attachment M currently requires that a Retail End-User participating in Oregon Direct Access submit a signed statement authorizing and designating an ESS or a Scheduling ESS to obtain Oregon Direct Access transmission service on its behalf. Given the additional potential for confusion under the new direct access program in Oregon, PacifiCorp proposes to require certain additional information in the Retail End-User’s signed statement to clarify the process. First, PacifiCorp proposes to require the Retail End-User to include in its statement confirmation that the Retail End-User has indeed elected to participate in Oregon Direct Access and which loads will be participating. It is likely that Oregon Direct Access customers will have multiple facilities, some of which may be taking bundled retail service, some already receiving unbundled transmission service, and incremental retail access loads that have not previously been studied for NIT Service. Adding this requirement does not create a significant burden on transmission customers yet provides essential information necessary for transmission load planning and billing.

Second, PacifiCorp proposes a process clarification. Currently, the Retail End-User can become the transmission customer, or select an ESS (or Scheduling ESS) to become the transmission customer. Under the current Attachment M, the signed statement from the Retail End-User only required the Retail End-User to authorize an ESS or a Scheduling ESS to obtain Oregon Direct Access related Transmission Service from the transmission provider if applicable. PacifiCorp’s proposed update would require the Retail End-User to affirmatively authorize an ESS or Scheduling ESS to obtain transmission service or specifically state that the Retail End-User is choosing to become a transmission customer. This addition clarifies the available options to the Retail End-User. Again, this incremental requirement does not create any additional burden on the Retail End-User.

Third, PacifiCorp proposes two additional requirements for the signed statement related to specific loads in order to gather information to confirm that designated network loads are appropriately identified under all respective NIT Service Agreements. Specifically, PacifiCorp proposes that the Retail End-User identify, if applicable, the former transmission customer serving its load. This could be either PacifiCorp, via bundled retail electric service, a former ESS/Scheduling ESS, or the Retail End-User itself; or identify if the Retail End-User’s load is a new load that was not previously receiving bundled service. The provision is intended to identify when a retail load is switching from one transmission customer to another, so all parties have clarity regarding process and load is designated under the appropriate NIT Service Agreements.

Again, this additional statement does not create any additional burden on the Retail End-User, but provides additional information to the transmission provider that can be used to ensure all loads are included under the appropriate NIT Service Agreement and billed accordingly.

Finally, PacifiCorp proposes to add a clarifying statement to the end of Section 6 of Attachment M to address any subsequent changes in load (*i.e.*, increase or decrease) or designated resources. The intent of the proposal is to increase transparency by making it explicit that any subsequent changes to load or changes to resources must follow the process and obligations established under Part III of PacifiCorp's OATT. Again, this update merely clarifies existing obligations of any transmission customer.

C. Section 7– Oregon Direct Access Monthly Charge

PacifiCorp proposes to align the calculation of the monthly demand charge for Oregon Direct Access transmission customers with the calculation applicable to all other transmission customers. Currently, Oregon Direct Access transmission service is required to pay the transmission provider for any direct assignment facilities, ancillary services, state specific retail access charges described in Attachment M, and applicable study costs, along with: monthly demand charge, dispatch charges, and stranded costs.⁹ The monthly demand charge calculation for NIT Service under the OATT is based on the NIT Service customer's monthly network load (including losses) coincident with the transmission provider's monthly transmission system peak (including losses).¹⁰ In contrast, the current Attachment M determines the Oregon Direct Access Monthly demand charge by multiplying the total Oregon Direct Access Monthly Network Load times the rate established in Attachment H-1 to the OATT, allocated on a pro rata basis according to the non-coincident peak to Oregon Direct Access load. The result is similar to the calculation under Section 34 of the OATT but is based on non-coincident peaks.

The OPUC's new Oregon Direct Access program allows new loads to go directly to unbundled retail access, which is similar to any new NIT Service request and should be priced similarly to avoid discriminatory treatment among transmission customers. The impact to the system would be the same as any new NIT Service transmission customer, which, under current Commission policy, is allocated on a coincident peak basis. However, if Oregon Direct Access NIT Service for new load is as currently contemplated under Attachment M, it would create two different pricing mechanisms for Oregon Direct Access customers in Oregon – those with new loads and those leaving bundled retail service. It could also lead to different pricing for different loads under the same NIT Service Agreement or, alternatively, require separate NIT Service Agreements for individual loads served by the same transmission customer. The latter alternative would lead to increased inefficiencies because of the requirement to designate specific network resources that can be dispatched to serve the designated network loads, limiting the ability of the ESS to serve Oregon Direct Access Load that is switching from bundled retail service and new

⁹ PacifiCorp OATT Section 34.

¹⁰ PacifiCorp OATT Section 34.2.

loads using the same network resource. Accordingly, PacifiCorp proposes to simplify this process by moving all Oregon Direct Access customers to standard OATT pricing for NIT Service.¹¹ Under PacifiCorp's proposal, each load would be metered and included in a NIT Service Agreement as a designated network load. This would allow the transmission customer to combine loads for service from the same portfolio of network resources. The calculation of charges would be in accordance with Part III of the OATT.

PacifiCorp's proposal streamlines the NIT Service process and makes current Section 8 of Attachment M redundant to the established process in the OATT. Section 7 provides the notification required to track which transmission customer is responsible for serving that load, and to support requests for modification of the NIT Service Agreements. Once loads are appropriately assigned under the NIT Service Agreement, there is no need to restate how loads served under the NIT Service Agreement are combined to determine the appropriate charges. Accordingly, PacifiCorp proposes to delete the current Section 8 of Attachment M.

D. Section 8 – Oregon Transmission Integration

PacifiCorp proposes a slight modification to Section 9 of the current Attachment M, renumbered as Section 8 in the proposal, to clarify that new loads are responsible for securing any transmission across third-party transmission systems to deliver energy from off-system network resources to serve that load. The OPUC did not direct electric utilities to arrange all transmission service for Oregon Direct Access customers. Such a finding would result in discriminatory treatment among transmission customers in that Oregon Direct Access customers, or their ESS, would be able to shift the cost of securing and managing transmission service to the electric utility. The update is required to reflect the current state of Oregon Direct Access requirements.

E. Non-Material Updates

PacifiCorp proposes two non-material edits to correct inconsistencies in the reference to Oregon Direct Access related Transmission Service (Section 3) and the reference to transmission customer in Section 9 (formerly Section 10).

IV. CONTENTS OF FILING

This filing consists of the following documents:

- This transmittal letter;
- **ATTACHMENT A:** Revised sheets to PacifiCorp's OATT Attachment M (clean version);

¹¹ *PacifiCorp*, 142 FERC ¶ 63,023 (2013).

- **ATTACHMENT B:** Revised sheets to PacifiCorp's OATT Attachment M (black-lined version);

V. EFFECTIVE DATE

PacifiCorp respectfully requests that the Commission accept the revisions for filing to become effective 60 days after the date of filing, February 14, 2019, with the changes to the Oregon Direct Access charges to be made effective on the first day of the month following such acceptance for filing (*i.e.*, March 1, 2019). As noted, because PacifiCorp is proposing to treat all transmission customers on an equal basis and assess them pursuant to their Commission approved NITS-rate,¹² a suspension of the rates is not justified.¹³

VI. COMMUNICATIONS

All communications and correspondence regarding this filing should be forwarded to the following persons:

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¹² *PacifiCorp*, 142 FERC ¶ 63,023 (2013).

¹³ See *West Texas Utilities Company*, FERC ¶ 61,189 (1982) (“*West Texas*”). The purpose of the *West Texas* policy is to encourage utilities to submit reasonable rate proposals and design their rates in accordance with Commission precedent. As explained, PacifiCorp is simply proposing to utilize its Commission approved NITS rate to its Oregon Direct Access customers. As a result, there is no need for the Commission to suspend the rates. Moreover, the Commission has recognized that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. See *California Independent System Operator Corp.*, 105 FERC ¶ 61,406 (2003), *order on reh'g*, 107 FERC ¶ 61,048 (2004). PacifiCorp has received requests from potential Oregon Direct Access customers seeking to select unbundled retail access for new facilities under the OPUC's new program. PacifiCorp is concerned that without the proposed updates, inclusion of those loads would result in unjust and unreasonable rates absent the modifications to Attachment M as proposed. Consistent with this precedent, to the extent the Commission does suspend, it should no more than a nominal suspension.

VII. SERVICE

PacifiCorp has posted a copy of this filing to the “Oregon Direct Access” portal of the public portion of PacifiCorp’s OASIS.¹⁴ PacifiCorp has emailed a copy of this transmittal letter, along with a link to this filing, to all OATT customers that have provided PacifiCorp an email contact address. To the extent that customers have not provided PacifiCorp a contact email, PacifiCorp has served such customers with a hard copy of this transmittal letter with instructions on how to access this filing on PacifiCorp’s OASIS.

PacifiCorp has also served a copy of this filing on each of the following state public utility commissions regulating PacifiCorp’s retail service operations: California Public Utilities Commission; Idaho Public Utilities Commission; Oregon Public Utility Commission; Public Service Commission of Utah; Washington Utilities and Transportation Commission; and Wyoming Public Service Commission.

VIII. INFORMATION REQUIRED BY SECTION 35.13

The following information is required for filings of changes in rate schedules or tariffs, pursuant to Section 35.13(a)(1) of the Commission’s regulations:

A. Additional Section 35.13 Filing Requirements

18 C.F.R. § 35.13(b) Requirements:

A list of documents submitted with the filing.

See Section IV.

The date on which the utility proposes to make the rate effective.

PacifiCorp requests a February 14, 2019 effective date.

The names and addresses of persons to whom a copy of the rate change has been posted.

See Section VII.

Brief description of the rate schedule.

See Section III.

A statement of the reasons for the rate change.

¹⁴ PacifiCorp’s Oregon Direct Access Portal can be found at: <http://www.oasis.pacificorp.com/oasis/ppw/main.htmlx>.

See Section III.

A showing that all requisite agreement to the rate change, or to the filing of the rate change, including any agreement required by contract, has in fact been obtained.

No agreement from any other entities, including any agreement required by contract, must be obtained in order for PacifiCorp to file or implement the rate changes proposed herein.

A statement showing any expenses or costs that have been alleged or judged in any administrative or judicial proceeding to be illegal, duplicative, or unnecessary costs that are demonstrably the product of discriminatory employment practices.

No such expenses or costs exist.

18 C.F.R. § 35.13(c) Requirements:

A table or statement comparing sales and services and revenues from sales and services.

PacifiCorp is modifying the Oregon Direct Access rate to match its Commission-approved Network Rate contained in Attachment H-1 to its OATT. *See* request for waiver in section VIII.B.

A comparison of the rate change and the utility's other rates for similar wholesale for resale and transmission services.

PacifiCorp is modifying the Oregon Direct Access rate to match its Commission-approved Network Rate contained in Attachment H-1 to its OATT. *See* request for waiver in section VIII.B.

If any specifically assignable facilities have been or will be installed or modified in order to supply service under the rate change.

No specifically assignable facilities have been or will be installed or modified in order to supply service under the rate schedule.

Cost of Service Information (18 C.F.R. § 35.13(d)).

See request for waiver described below in section VIII.B.

B. Request for Waivers

To the extent this filing may require waivers of Section 35.13 of the Commission's regulations, and specifically 18 C.F.R § 35.13(d), PacifiCorp respectfully requests such waivers,

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as the rate PacifiCorp will charge its Oregon Direct Access customers is its Commission-approved Network Service rate.¹⁵ As the Commission has already approved this rate no additional information is necessary to be filed. PacifiCorp also respectfully requests waiver of any other requirements of the Commission's rules and regulations, as well as any authorizations as may be necessary or required, to permit the proposed changes to Attachment M to be accepted by FERC and made effective in the manner proposed herein.

X. CONCLUSION

PacifiCorp respectfully requests that the Commission: (1) accept these proposed tariff sheet revisions for filing; (2) allow such revisions to become effective 60 days after filing, February 14, 2019, with billing at the updated rates effective on the first day of the month following such acceptance for filing (*i.e.*, March 1, 2019), without suspension, condition, or modification; and (3) grant any other waivers or authorizations necessary to make the revised tariff sheets effective upon the date requested.

Respectfully Submitted,

/s/ Matthew D. McVee

Matthew D. McVee

Chief Regulatory Counsel,

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Enclosures

¹⁵ *PacifiCorp*, 142 FERC ¶ 63,023 (2013).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list [or the restricted service list, if applicable] compiled by the Secretary in this proceeding.

Dated at Portland, Oregon, this 14th day of December, 2018.

/s/ Matthew McVee

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ATTACHMENT M

Special Conditions Associated with Transmission Service Provided Pursuant to State Mandated Retail Access Programs

A. Retail Access in the State of Oregon

1. **Oregon Direct Access:** Retail Access in the State of Oregon is provided under Oregon Revised Statute 757.600 *et seq*, and Oregon Administrative Rules Chapter 860, Division 38. Oregon Direct Access includes Retail End-Users where the load is either: (i) transitioning from bundled electric service from Transmission Provider under a retail service tariff; or (ii) new load that has not previously been provided bundled utility service from the Transmission Provider.
2. **Eligibility:** Only those Retail End-Users (or their designated agents) qualified and choosing to participate in Oregon Direct Access shall be allowed to purchase Retail Access related Transmission Service from the Transmission Provider. Except in the role of designated agent to a Retail End-User, an Eligible Customer that is (i) a reseller of electric energy, (ii) a wholesale customer of bundled or unbundled electric service taken from the Transmission Provider or any other transmission provider or (iii) a retail customer (or former retail customer) of another transmission provider; shall not be permitted to take Retail Access related Transmission Service from the Transmission Provider. The above exclusion shall in no way limit such customers from seeking eligibility to acquire Point-To-Point Transmission Service under Part II of the Tariff or Network Integration Transmission Service under Part III of the Tariff pursuant to the applicable rules and regulations subject to the jurisdiction of the Commission.
3. **Oregon Direct Access Related Transmission Service:** Participants in Oregon Direct Access shall be required to acquire Network Integration Transmission Service from the Transmission Provider pursuant to Part III of the Tariff and Attachment M. Only a Retail End-User participating in Oregon Direct Access (or an ESS or a Scheduling ESS designated by such Retail End-User) may acquire such Oregon Direct Access related Transmission Service and only a Scheduling ESS may schedule such transmission service with the Transmission Provider. Any Retail End-User participating in Oregon Direct Access must either be

certified as an ESS or have a certified ESS or Scheduling ESS as a designated agent. Any ESS participating in Oregon Direct Access must either be certified as a Scheduling ESS or have a certified Scheduling ESS as a designated agent.

4. **Electric Service Supplier ("ESS"):** An ESS is any person or entity (including any Transmission Provider affiliates) offering to sell electricity services to one or more Retail End-Users in accordance with Oregon Direct Access. Any such entity must be certified by the state of Oregon as an ESS pursuant to Public Utility Commission of Oregon Rule No. 860-038-400.
5. **Scheduling Electric Service Supplier ("SESS"):** A SESS is any ESS certified by the state of Oregon as a Scheduling ESS pursuant to Public Utility Commission of Oregon Rule No. 860-038-410.
6. **Notification:** Any request for Oregon Direct Access related Transmission Service must include copies of any Oregon mandated certification documents. Such documents shall include but shall not be limited to the following:
 - a) A signed statement from any Retail End-User participating in Oregon Direct Access:
 - 1) that the Retail End-User has elected to participate in Oregon Direct Access and specifying its specific Oregon Direct Access load(s);
 - 2) either: (i) authorizing an ESS or a Scheduling ESS to obtain Oregon Direct Access related Transmission Service from the Transmission Provider on its behalf in accordance with the Tariff; or (ii) stating that the Retail End-User is requesting Oregon Direct Access related Transmission Service as an Eligible Customer;
 - 3) if applicable, designating its ESS and/or Scheduling ESS;
 - 4) if applicable, identifying the former bundled utility service provider, ESS, or Scheduling ESS, if the Retail End-User is changing its ESS or Scheduling ESS, or is a former bundled utility service customer of Transmission Provider electing Oregon Direct Access; and

5) if applicable, stating that the Retail End-User load is new load not previously receiving bundled utility service from Transmission Provider.

- b) A copy of any Oregon state document certifying an ESS or a Scheduling ESS.
- c) If applicable, a signed statement from any ESS authorizing a Scheduling ESS to schedule Oregon Direct Access related Transmission Service on its behalf in accordance with the Tariff.

Any subsequent changes to loads or resources of a Retail End-User participating in Oregon Direct Access must follow the process under Part III of this Tariff for changes to load and/or resources, as applicable to the Transmission Customer.

- 7. **Oregon Direct Access Monthly Charge:** Participants in Oregon Direct Access shall pay the rates and charges identified in Part III of the Tariff.
- 8. **Oregon Transmission Integration:** To the extent that the Transmission Provider is required under Oregon Direct Access to acquire transmission service from other transmission providers and make such service available to Retail End-Users participating in Oregon Direct Access where the Retail End-User load was formerly served by the Transmission Provider as the provider of last resort, such Transmission Customers participating in Oregon Direct Access shall share in these third party wheeling costs on a pro rata basis.
- 9. **Summary of Charge Obligations:** Charges for Oregon Direct Access related Transmission Service provided under this Tariff shall be the obligation of the following party:
 - a) Scheduling, System Control and Dispatch Service as described in Schedule 1 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
 - b) Reactive Support and Voltage Control from Generation Sources as described in Schedule 2 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).

- c) Regulation and Frequency Response Service as described in Schedule 3 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- d) Energy Imbalance Service as described in Schedule 4 shall be the obligation of the designated Scheduling ESS.
- e) Operating Reserves - Spinning Reserve Service as described in Schedule 5 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- f) Operating Reserves - Supplemental Reserve Service as described in Schedule 6 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- g) Charges for Network Integration Transmission Service shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).

ATTACHMENT M

Special Conditions Associated with Transmission Service Provided Pursuant to State Mandated Retail Access Programs

A. Retail Access in the State of Oregon

1. **Oregon Direct Access:** Retail Access ~~shall be provided in the State of Oregon by~~ is provided under Oregon Revised Statute 757.600 et seq, and Oregon Administrative Rules Chapter 860, Division 38. Oregon Direct Access includes Retail End-Users where the load is either: (i) transitioning from bundled electric service from Transmission Provider pursuant to the rules and regulations pertaining to such participation as are under a retail service tariff; or (ii) new load that has not previously been provided by the Public Utility Commission of Oregon in accordance with Order AR 380 bundled utility service from the Transmission Provider.
2. **Eligibility:** Only those Retail End-Users (or their designated agents) qualified and choosing to participate in Oregon Direct Access shall be allowed to purchase Retail Access related Transmission Service from the Transmission Provider. Except in the role of designated agent to a Retail End-User, an Eligible Customer that is (i) a reseller of electric energy, (ii) a wholesale customer of bundled or unbundled electric service taken from the Transmission Provider or any other transmission provider or (iii) a retail customer (or former retail customer) of another transmission provider; shall not be permitted to take Retail Access related Transmission Service from the Transmission Provider. The above exclusion shall in no way limit such customers from seeking eligibility to acquire Point-To-Point Transmission Service under Part II of the Tariff or Network Integration Transmission Service under Part III of the Tariff pursuant to the applicable rules and regulations subject to the jurisdiction of the Commission.
3. **Oregon Direct Access Related Transmission Service:** Participants in Oregon Direct Access shall be required to acquire Network Integration Transmission Service from the Transmission Provider pursuant to Part III of the Tariff and Attachment M. Only a Retail End-User participating in Oregon Direct Access (or an ESS or a Scheduling ESS designated by such Retail End-User) may acquire such Oregon Direct Access ~~R~~elated Transmission Service and only a

Scheduling ESS may schedule such transmission service with the Transmission Provider. Any Retail End-User participating in Oregon Direct Access must either be certified as an ESS or have a certified ESS or Scheduling ESS as a designated agent. Any ESS participating in Oregon Direct Access must either be certified as a Scheduling ESS or have a certified Scheduling ESS as a designated agent.

4. **Electric Service Supplier ("ESS"):** An ESS is any person or entity (including any Transmission Provider affiliates) offering to sell electricity services to one or more Retail End-Users in accordance with Oregon Direct Access. Any such entity must be certified by the state of Oregon as an ESS pursuant to Public Utility Commission of Oregon Rule No. 860-038-400.
5. **Scheduling Electric Service Supplier ("SESS"):** A SESS is any ESS certified by the state of Oregon as a Scheduling ESS pursuant to Public Utility Commission of Oregon Rule No. 860-038-410.
6. **Notification:** Any request for Oregon Direct Access related Transmission Service must include copies of any Oregon mandated certification documents. Such documents shall include but shall not be limited to the following:
 - a) ~~If applicable, a~~ signed statement from any Retail End-User participating in Oregon Direct Access:
 - 1) that the Retail End-User has elected to participate in Oregon Direct Access and specifying its specific Oregon Direct Access load(s);
 - 2) either: (i) authorizing an ESS or a Scheduling ESS to obtain Oregon Direct Access related Transmission Service from the Transmission Provider on its behalf in accordance with the Tariff-; or (ii) stating that the Retail End-User is requesting Oregon Direct Access related Transmission Service as an Eligible Customer;
 - b) ~~If~~ 3) if applicable, a signed statement from any Retail End-User participating in Oregon Direct Access designating its ESS and/or Scheduling ESS-;
 - e) 4) if applicable, identifying the former bundled utility service provider, ESS, or Scheduling ESS, if the Retail End-User is changing its ESS or Scheduling

ESS, or is a former bundled utility service customer of Transmission Provider electing Oregon Direct Access; and

5) if applicable, stating that the Retail End-User load is new load not previously receiving bundled utility service from Transmission Provider.

- eb) A copy of any Oregon state document certifying an ESS or a Scheduling ESS.
- dc) If applicable, a signed statement from any ESS authorizing a Scheduling ESS to schedule Oregon Direct Access related Transmission Service on its behalf in accordance with the Tariff.

Any subsequent changes to loads or resources of a Retail End-User participating in Oregon Direct Access must follow the process under Part III of this Tariff for changes to load and/or resources, as applicable to the Transmission Customer.

7. Oregon Direct Access Monthly Demand Charge: Participants in Oregon Direct Access shall pay the ~~Oregon Direct Access Monthly Demand Charge~~. ~~The Oregon Direct Access Monthly Demand Charge shall be determined as follows:~~

- a. ~~The Oregon Direct Access Monthly Revenue Requirement shall be determined by multiplying the total Oregon Retail Access Monthly Network Load (as defined in Section 34.2 of this Tariff) times the Transmission Provider's monthly transmission rate as established rates and charges identified in Attachment H-1 Part III of this the Tariff.~~
- b. ~~The average monthly non-coincidental peak for all loads participating in Oregon Direct Access shall be added to determine the total Oregon Direct Access Non-Coincidental Peak.~~
- e. ~~The Oregon Direct Access Monthly Demand Charge shall be equal to the Oregon Direct Access Monthly Revenue Requirement as calculated in a) above divided by the total Oregon Direct Access Non-Coincidental Peak as calculated in b) above.~~

~~8. **Oregon Direct Access Charge:** For each Retail End User, ESS or Scheduling ESS taking Oregon Direct Access related Transmission Service, the Transmission Provider shall calculate the sum of the non-coincidental peaks for each of the Retail End User meters served by such Retail End User, ESS or Scheduling ESS. Each Retail End User, ESS or Scheduling ESS shall pay its Oregon Direct Access Charge which shall be equal to the product of the Oregon Direct Access Monthly Demand Charge and its total non-coincidental peak (as measured at the meters).~~

98. **Oregon Transmission Integration:** To the extent that the Transmission Provider is required under Oregon Direct Access to acquire transmission service from other transmission providers and make such service available to all participants in Oregon Direct Access, Retail End-Users participating in Oregon Direct Access where the Retail End-User load was formerly served by the Transmission Provider as the provider of last resort, such Transmission Customers participating in Oregon Direct Access shall share in these third party wheeling costs in proportion to their Oregon Direct Access Monthly Network Load on a pro rata basis.

109. **Summary of Charge Obligations:** Charges for Oregon Direct Access related Transmission Service provided under this Tariff shall be the obligation of the following party:

- a) Scheduling, System Control and Dispatch Service as described in Schedule 1 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- b) Reactive Support and Voltage Control from Generation Sources as described in Schedule 2 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- c) Regulation and Frequency Response Service as described in Schedule 3 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- d) Energy Imbalance Service as described in Schedule 4 shall be the obligation of the designated Scheduling ESS.

- e) Operating Reserves - Spinning Reserve Service as described in Schedule 5 shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- f) Operating Reserves - Supplemental Reserve Service as described in Schedule 6 shall be the obligation of the ~~designated~~ Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).
- g) Charges for Network Integration Transmission Service shall be the obligation of the Transmission Customer (either the Retail End-User, ESS or the Scheduling ESS).