



GREEN ENERGY INSTITUTE

Lewis & Clark Law School

November 2023

Ten Years Old This Year.

The brainchild of Lewis & Clark Law School Professor Melissa Powers, GEI began ten years ago as an organization focused on policies incentivizing renewable energy production. At the time of GEI's origination, nonhydroelectric renewable energy accounted for less than 8 percent of the total U.S. electricity-generating capacity. For a look back at where we started, check out [this Advocate](#) article.

In these ten years, GEI published dozens of white papers, ranging from [reevaluating utility resource planning principles](#) to increase renewable energy development, to identifying a [policy pathway to decarbonize Oregon's economy](#), to presenting options for [building decarbonization](#) policies for local governments. In the past three years, we focused on engaging in proceedings at the Oregon Department of Environmental Quality and Oregon Public Utility Commission to develop and implement decarbonization policies that will help achieve emissions reductions in the state while delivering health and economic benefits to its communities. And we have witnessed progress in our national and state climate policies this decade. The progress was incremental, often involving one step forward and two steps back, but [renewable generation exceeded coal and nuclear generation](#) in the United States last year.

One thing that hasn't changed--GEI's commitment to advancing the study of energy law and policy at Lewis & Clark. With three full-time attorneys on staff, our capacity to host law clerks, present to student organizations, and engage in conferences has never been stronger. Our educational objective remains to ensure that students and graduates gain practical experience working with advocates, regulated industries and utilities, and agency regulators, and that they learn the skills, knowledge, and experience to excel in the energy law field.

After getting her organization through its infant and early developmental years, Professor Melissa Powers officially passed the torch to me to direct the organization through its teenage and adult years. From the perch of this dynamic and collaborative organization, I am excited to see what developments the next decade brings, with the help of my colleagues Caroline Cilek (who just celebrated her first year with us) and Alex Houston (who joined us in September).

Thanks, as always, for all you do to support us.

Carra Sahler

Director and Staff Attorney, Green Energy Institute



Caroline Cilek, Carra Sahler, and Alex Houston

GEI is Often Like the Movie - -Everything Everywhere All at Once.

With three full-time staff attorneys, GEI is heavily engaged in gas and electric utility planning before the Public Utility Commission, rulemaking and stationary source GHG emissions abatement proceedings before the Department of Environmental Quality, and offering decarbonization guidance to local governments. All of our efforts focus on preventing new fossil fuel infrastructure, supporting an accelerated equitable

transition to a decarbonized energy system, and serving as an ongoing source of support and expertise to other organizations as they pursue strategies toward achieving a just energy transition.

Implementation of **Oregon's Climate Protection Plan** is underway. See our comments on NW Natural's Integrated Resource Plan [here](#), [here](#), and [here](#) where we highlighted problematic short-term investments in distribution system upgrades, the need to prioritize Community Climate Investments that will operate to reduce GHG emissions while offering health, safety, and comfort benefits, and the reasons to avoid investing in out-of-state offset-like investments in biomethane. Recognizing the serious risk of penalties if NW Natural exceeds its GHG emissions cap, we underscored the costs and risks associated with NW Natural's refusal to grapple with the reality that policies and market trends will drive its customers toward electrification, and that alternative fuels like green hydrogen and synthetic methane pose unacceptable costs and risks. The Commission agreed, identifying the concern that "a categorical refusal to look at electrification as a resource for CPP compliance may fail to protect and potentially harm customers, given that it appears to be a valid method for achieving CPP compliance." It concluded by expressing serious concerns with [NW Natural's long-term resource plan](#). GEI submitted similar comments on [Avista's](#) Integrated Resource Plan, and [Cascade's](#) Integrated Resource Plan. Those processes are ongoing.

Relatedly, Director and Staff Attorney Carra Sahler served on the Department of Environmental Quality's **2023 Climate Rulemaking Advisory Committee**. Carra urged DEQ to consider the purposes of the Climate Protection Program--to reduce GHG emissions and co-pollutants in Oregon while benefitting environmental justice communities--by imposing geographic boundaries on biomethane projects. See one of several comments [here](#). The Environmental Quality Commission will consider the proposed rules at its [hearing on Thursday, November 16](#). GEI also submitted [comments](#) on the first stationary source application to DEQ for a **Best Available Emissions Reduction assessment** of Amazon's proposal to use oxidized natural gas fuel cells to operate its data centers in Oregon.

Implementation of HB 2021, Oregon's 100% Clean Energy for All law, is also underway. Together with a large group of "Energy Advocates" we evaluated PGE's Clean Energy Plan [here](#) and [here](#), and Pacific Power's Clean Energy Plan [here](#).

The Commission also opened proceedings to solicit input from stakeholders and the regulated utilities to flesh out the meaning of several statutory provisions. In the most recent proceeding, GEI highlighted the need for the Commission to address whether renewable

energy certificates generated or procured from renewable energy used to comply with HB 2021 (beyond Oregon's Renewable Portfolio Standards) must be retired by the utilities under the law. Oral argument on this question, and other important related policy questions, will occur on November 17, 2023. See our in-depth briefing [here](#) and [here](#). We also pointed out to PGE the risks it faces under the U.S. Fair Trade Commission Act if it does not retire those RECs. Under the FTC Act, marketers, including utilities, should only make renewable energy claims if they substantiate the claim with RECs or make proper qualifications. This means that if PGE and Pacific Power sell the renewable energy certificates produced from the renewable energy used to meet HB 2021's clean energy targets, they must disclose that fact. See our comments to PGE [here](#) and [here](#).

GEI Hosts its First Conference Since COVID-19 and Presents at a Number of Conferences.

GEI attorneys have been busy sharing knowledge with anyone who will listen--college and law students, lawyers, advocates, and energy professionals.

We hosted a conference at the law school to celebrate our tenth anniversary. Our panelists dove into equity considerations in transportation electrification investments, what wholesale electricity market-based options might look like in Oregon, and legal job opportunities in the energy sector. It was the perfect way to celebrate GEI's anniversary!

Carra Sahler, Director and Staff Attorney, was thrilled to join Eugene Mayor Lucy Vinis, Multnomah County's Senior Energy Policy and Legal Analyst Silvia Tanner, and Oregon Citizens' Utility Board (CUB) General Counsel Mike Goetz at CUB's fall conference. Carra provided an overview of local authority, and the barriers and potential pathways for local governments to regulate natural gas.

Finally, Caroline Cilek, GEI's Staff Attorney, presented at a Center for Resource Solutions' webinar on the Legal Basis for Renewable Energy Certificates. She explained how RECs, as an example, are implicated in HB 2021 implementation. You may access that webinar [here](#).



Eugene Mayor Lucy Vinis, Silvia Tanner, Mike Goetz and Carra Sahler at the CUB Conference

Transportation Electrification Goes to the Streets!

In 2023, Staff Attorney Caroline Cilek engaged in three transportation electrification (TE) dockets before the Oregon Public Utility Commission (PUC). Idaho Power, Pacific Power, and PGE submitted TE plans under the new Oregon Administrative Rules that implement transportation electrification policies established by Executive Order 20-04 and House Bills 2165



Photo credit: Portland General Electric

(2021) and 3055 (2021). GEI frequently collaborated with the NW Energy Coalition, Oregon Citizens' Utility Board (CUB), and Verde to achieve meaningful additions or modifications to support accessible charging for all EV drivers.

In Pacific Power's TE plan, GEI's comments led to Pacific Power including in its Municipal and Community Grant Program **up to \$30,000 per project to support an electric school bus champion** who would dedicate time and effort to a school bus electrification project. In addition, based on GEI and other advocates' feedback, Pacific Power updated its ranking of counties for utility-owned charging investments to ensure that communities experiencing lower incomes and areas with multi-family housing will be the first to access utility-owned charging infrastructure. Finally, Pacific Power included in its utility-owned public infrastructure pilot program the potential for resiliency investments, such as solar pods, to provide backup power at company-owned locations.

In PGE's TE plan, GEI, CUB and Verde supported modifications to PGE's Business and Multi-family Solutions Program to support **rate parity** between EV drivers charging at a multi-family location and drivers charging at home. PGE was agreeable and will now offer a financial incentive to multi-family housing managers to keep the "price to charge" reasonable. Moreover, the company will seek **to expand its utility-pole charging infrastructure in locations around multi-family housing stock**.

GEI advocated for a uniform uptime standard throughout Pacific Power and PGE's TE plan stakeholder engagement processes. Uptime is a standard to measure the reliability of EV charging equipment. A uniform uptime standard will ensure that the PUC uses the same yardstick when comparing the reliability of utility-owned charging infrastructure across the state. Uptime can also provide insight into the customer's charging experience. GEI anticipates that PUC staff will engage the utilities and advocates to develop a uniform uptime standard for utility-owned charging infrastructure shortly.

For more insights, see GEI's comments on Pacific Power's TE plan [here](#) and [here](#) and GEI's comment on PGE's TE plan [here](#) and [here](#).



[Join GEI at the NW Energy Coalition's 2023 Clean & Affordable Energy Conference!](#)

Wednesday, December 6

8 am - 7 pm PT

Doubletree by Hilton Hotel Portland

Keynote speakers: **Kate Lieber**,

Majority Leader in the Oregon State Senate, and **Rich Glick**, former Commissioner with the Federal Energy Regulatory Commission and now principal of GQ New Energy Strategies.

Panel topics include: how utility planning should change to deliver equitable and affordable outcomes, the role of energy efficiency and distributed energy resources for vulnerable populations, and how the Bonneville Power Administration needs to modernize to drive forward the clean energy transition.

At the reception afterward, GEI is pleased to announce that NW Energy Coalition selected us to receive the **Bob Olsen Memorial Conservation Eagle Award** to recognize our leadership

for a clean, affordable, and equitable energy future. You may see previous award winners [here](#). Register for the conference [here](#).

Thank you for your continued support,
Carra Sahler, Caroline Cilek, and Alex Houston
The Green Energy Institute Team



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