

Requested by Senator OLSEN

**PROPOSED AMENDMENTS TO
SENATE BILL 98**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1. Sections 2 to 6 of this 2019 Act are added to and made
4 a part of ORS chapter 757.**

5 **“SECTION 2. (1) The Legislative Assembly finds and declares that:**

6 **“(a) Renewable natural gas provides benefits to natural gas utility
7 customers and to the public; and**

8 **“(b) The development of renewable natural gas resources should be
9 encouraged to support a smooth transition to a low carbon energy
10 economy in Oregon.**

11 **“(2) The Legislative Assembly therefore declares that:**

12 **“(a) Natural gas utilities can reduce emissions from the direct use
13 of natural gas by procuring renewable natural gas and investing in
14 renewable natural gas infrastructure; and**

15 **“(b) Regulatory guidelines for the procurement of renewable na-
16 tural gas and investments in renewable natural gas infrastructure
17 should enable the procurements and investments while also protecting
18 Oregon consumers.**

19 **“SECTION 3. As used in sections 2 to 6 of this 2019 Act:**

20 **“(1) ‘Biogas’ means gas that is produced from organic waste or
21 other organic materials through anaerobic digestion, gasification,**

1 **pyrolysis or other technology that converts organic waste to gas.**

2 **“(2) ‘Large natural gas utility’ means a natural gas utility with**
3 **200,000 or more customer accounts in Oregon.**

4 **“(3) ‘Natural gas utility’ means a public utility providing natural**
5 **gas service to customers.**

6 **“(4) ‘Qualified investment’ means any expense or capital investment**
7 **incurred by a natural gas utility to procure renewable natural gas or**
8 **to interconnect with a renewable natural gas production facility, for**
9 **the purpose of providing gas utility service to customers in Oregon.**

10 **“(5) ‘Renewable energy sources’ means hydroelectric, geothermal,**
11 **solar photovoltaic, wind, tidal, wave or biogas energy sources.**

12 **“(6) ‘Renewable natural gas’ means biogas that has been upgraded**
13 **to natural gas pipeline quality or transportation fuel standards such**
14 **that the upgraded biogas may blend with, or be substituted for,**
15 **geologic natural gas.**

16 **“(7) ‘Small natural gas utility’ means a natural gas utility with**
17 **fewer than 200,000 customer accounts in Oregon.**

18 **“SECTION 4. (1) The Public Utility Commission shall adopt by rule**
19 **a large renewable natural gas program for large natural gas utilities**
20 **pursuant to the provisions of section 5 of this 2019 Act.**

21 **“(2) The commission shall adopt by rule a small renewable natural**
22 **gas program for small natural gas utilities pursuant to section 6 of**
23 **this 2019 Act.**

24 **“(3) Rules adopted by the commission under this section must in-**
25 **clude:**

26 **“(a) Rules for reporting requirements under the large renewable**
27 **natural gas program and the small renewable natural gas program;**
28 **and**

29 **“(b) Rules for establishing a process for natural gas utilities to fully**
30 **recover prudently incurred costs associated with the large renewable**

1 natural gas program and the small renewable natural gas program.

2 **“SECTION 5. (1) A large natural gas utility shall participate in the**
3 **large renewable natural gas program adopted by rule by the Public**
4 **Utility Commission under section 4 (1) of this 2019 Act. The program**
5 **shall require a large natural gas utility to make qualified investments**
6 **as necessary to meet the standard that at least _____ percent of**
7 **the gas sold by the large natural gas utility to retail gas customers in**
8 **Oregon by 2050 must be renewable natural gas.**

9 **“(2) The commission shall adopt ratemaking mechanisms that en-**
10 **sure the recovery of all prudently incurred costs that contribute to the**
11 **large natural gas utility’s meeting the standard set forth in subsection**
12 **(1) of this section. Pursuant to the ratemaking mechanisms adopted**
13 **under this subsection:**

14 **“(a) Qualified investments and operating costs associated with**
15 **qualified investments that contribute to the large natural gas utility’s**
16 **meeting the standard set forth in subsection (1) of this section shall**
17 **be recovered by means of an automatic adjustment clause, as defined**
18 **in ORS 757.210.**

19 **“(b) Costs of procurement of renewable natural gas from third**
20 **parties that contributes to the large natural gas utility’s meeting the**
21 **standard set forth in subsection (1) of this section may be recovered**
22 **by means of an automatic adjustment clause, as defined in ORS**
23 **757.210, or other recovery mechanism authorized by rule.**

24 **“(3) When a large natural gas utility makes a qualified investment**
25 **in the production of renewable natural gas, the costs associated with**
26 **the qualified investment shall include the cost of capital established**
27 **by the commission in the large natural gas utility’s most recent gen-**
28 **eral rate case.**

29 **“(4) If the large natural gas utility’s total incremental annual cost**
30 **to meet the standard of the large renewable natural gas program ex-**

1 ceeds five percent of the large natural gas utility’s total revenue re-
2 quirement for an individual year, the large natural gas utility may no
3 longer be authorized to make additional qualified investments under
4 the large renewable natural gas program for that year without ap-
5 proval from the commission.

6 “(5) The total incremental annual cost to meet the standard under
7 the large renewable natural gas program must account for:

8 “(a) Any value received by a large natural gas utility upon any re-
9 sale of renewable natural gas, including any environmental credits
10 that the renewable natural gas producer chooses to include with the
11 sale of the renewable natural gas to the large natural gas utility; and

12 “(b) Any savings achieved through avoidance of conventional gas
13 purchases or development, such as avoided pipeline costs or carbon
14 costs.

15 **“SECTION 6. (1) Upon a filing by a small natural gas utility to**
16 **participate in the small renewable natural gas program adopted by**
17 **rule by the Public Utility Commission under section 4 (2) of this 2019**
18 **Act, the commission shall establish a rate cap limiting the small na-**
19 **tural gas utility’s costs of procuring renewable natural gas from third**
20 **parties and qualified investments in renewable natural gas**
21 **infrastructure. The rate cap must be expressed as a percentage of the**
22 **small natural gas utility’s total revenue requirement as approved by**
23 **the commission in the public utility’s most recent general rate case.**
24 **For the purposes of establishing a rate cap under this subsection, the**
25 **commission shall account for:**

26 “(a) Any value received by the small natural gas utility upon any
27 resale of renewable natural gas, including any environmental credits
28 that the renewable natural gas producer chooses to include with the
29 sale of renewable natural gas to the small natural gas utility; and

30 “(b) Any savings achieved through avoidance of conventional gas

1 purchases or development, such as avoided pipeline costs or carbon
2 costs.

3 “(2)(a) A filing by a small natural gas utility under subsection (1)
4 of this section must include, but need not be limited to:

5 “(A) A proposal to procure a total volume of renewable natural gas
6 over a specific period; and

7 “(B) Identification of the qualified investments that the small na-
8 tural gas utility may make in renewable natural gas infrastructure.

9 “(b) A small natural gas utility may from time to time revise the
10 filing submitted to the commission under this section.

11 “(3) Any prudently incurred costs incurred by a small natural gas
12 utility pursuant to a filing submitted under this section may be re-
13 covered by means of an automatic adjustment clause, as defined in
14 ORS 757.210.

15 “(4) When a small natural gas utility makes a qualified investment
16 in the production of renewable natural gas, the costs associated with
17 that qualified investment shall include the cost of capital established
18 by the commission in the small natural gas utility’s most recent gen-
19 eral rate case.

20 “SECTION 7. The Public Utility Commission shall adopt rules pur-
21 suant to sections 4 to 6 of this 2019 Act no later than July 31, 2020.

22 “SECTION 8. This 2019 Act takes effect on the 91st day after the
23 date on which the 2019 regular session of the Eightieth Legislative
24 Assembly adjourns sine die.”.

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