

Requested by Senator BROADMAN

**PROPOSED AMENDMENTS TO  
SENATE BILL 1102**

1 In line 2 of the printed bill, after “energy” insert “; creating new pro-  
2 visions; amending ORS 469A.410, 469A.400, 469A.415 and 469A.435; and pre-  
3 scribing an effective date”.

4 Delete lines 4 through 8 and insert:

5 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part**  
6 **of ORS 469A.400 to 469A.475.**

7 **“SECTION 2. If an electric company that is subject to ORS 469A.400**  
8 **to 469A.475 fails to show compliance as determined under ORS**  
9 **469A.435, or does not demonstrate continual improvement as provided**  
10 **in ORS 469A.415, the Public Utility Commission may impose a penalty**  
11 **against the company in an amount determined by the commission by**  
12 **rule as sufficient to deter noncompliance. A penalty under this section**  
13 **is in addition to any other payment required under ORS 469A.400 to**  
14 **469A.475. Notwithstanding ORS 756.990, moneys paid for penalties un-**  
15 **der this section shall be refunded pro rata to electricity ratepayers.**

16 **“SECTION 3. ORS 469A.400 is amended to read:**

17 **“469A.400. As used in ORS 469A.400 to 469A.475:**

18 **“(1) ‘Baseline emissions level’ means:**

19 **“(a) For an electric company, the average annual emissions of greenhouse**  
20 **gas for the years 2010, 2011 and 2012 associated with the electricity sold to**  
21 **retail electricity consumers as reported under ORS 468A.280, or rules adopted**

1 pursuant thereto.

2 “(b) Except as provided in paragraph (c) of this subsection, for an elec-  
3 tricity service supplier, 0.428 metric tons of carbon dioxide equivalent per  
4 megawatt-hour associated with the electricity sold by the electricity service  
5 supplier to retail electricity consumers as reported under ORS 468A.280, or  
6 rules adopted pursuant thereto.

7 “(c) For an electricity service supplier that is first certified under ORS  
8 757.649 on or after September 25, 2021, the baseline emissions level defined  
9 in paragraph (b) of this subsection shall be adjusted downward in the certi-  
10 fication of the electricity service supplier under ORS 757.649 to a level that:

11 “(A) Reflects the continual progress made by other electricity service  
12 suppliers toward meeting the clean energy targets set forth in ORS 469A.410,  
13 as demonstrated under ORS 469A.420 (3); and

14 “(B) Prevents the creation of a competitive disadvantage among electric-  
15 ity service suppliers.

16 “(2) ‘Community-based renewable energy’ means one or more renewable  
17 energy systems that interconnect to utility distribution or transmission as-  
18 sets and may be combined with microgrids, storage systems or demand re-  
19 sponse measures, or energy-related infrastructure that promotes climate  
20 resiliency or other such measures, and that:

21 “(a) Provide a direct benefit to a particular community through a  
22 community-benefits agreement or direct ownership by a local government,  
23 nonprofit community organization or federally recognized Indian tribe; or

24 “(b) Result in increased resiliency or community stability, local jobs,  
25 economic development or direct energy cost savings to families and small  
26 businesses.

27 “(3) ‘Electric company,’ ‘electricity service supplier’ and ‘electric utility’  
28 have the meanings given those terms in ORS 757.600.

29 “(4) ‘Environmental justice’ means equal protection from environmental  
30 and health hazards and meaningful public participation in decisions that af-

1   fect the environment in which people live, work, learn, practice spirituality  
2   and play.

3       “(5) ‘Environmental justice communities’ includes communities of color,  
4   communities experiencing lower incomes, tribal communities, rural commu-  
5   nities, coastal communities, communities with limited infrastructure and  
6   other communities traditionally underrepresented in public processes and  
7   adversely harmed by environmental and health hazards, including seniors,  
8   youth and persons with disabilities.

9       “(6) ‘Greenhouse gas’ has the meaning given that term in ORS 468A.210.

10      “(7) ‘Nonemitting electricity’ means electricity, including hydroelectricity,  
11   that is generated and may be stored in a manner that does not emit  
12   greenhouse gas into the atmosphere.

13      **“(8) ‘Renewable energy certificate’ means a certificate that is issued  
14   for the generation of renewable power, as a unique representation of  
15   the attributes of renewable energy, which are the environmental, cli-  
16   mate, economic and social benefits associated with the generation of  
17   electricity from renewable sources.**

18      “[(8)] (9) ‘Retail electricity consumer’ means a retail electricity consumer,  
19   as defined in ORS 757.600, that is serviced by a retail electricity provider and  
20   located in this state.

21      “[(9)] (10) ‘Retail electricity provider’ means an electric company or  
22   electricity service supplier.

23      **“SECTION 4.** ORS 469A.410 is amended to read:

24      “469A.410. (1) A retail electricity provider shall reduce greenhouse gas  
25   emissions, measured for an electric company as greenhouse gas emissions  
26   reported under ORS 468A.280, and measured for an electricity service sup-  
27   plier as greenhouse gas emissions per megawatt-hour as reported under ORS  
28   468A.280, to the extent compliance is consistent with ORS 469A.400 to  
29   469A.475, by the following targets:

30      **“(a) By 2028, not less than 50 percent below baseline emissions level.**

1 “[a] (b) By 2030, 80 percent below baseline emissions level.

2 “[b] (c) By 2035, 90 percent below baseline emissions level.

3 “[c] (d) By 2040, and for every subsequent year, 100 percent below  
4 baseline emissions level.

5 “(2) Nothing in ORS 469A.400 to 469A.475 may be construed as establish-  
6 ing a standard that requires a retail electricity provider to track electricity  
7 to end use retail customers.

8 **“SECTION 5.** ORS 469A.415 is amended to read:

9 “469A.415. (1) An electric company shall develop a clean energy plan for  
10 meeting the clean energy targets set forth in ORS 469A.410 concurrent with  
11 the development of each integrated resource plan.

12 “(2) The electric company shall submit the clean energy plan to the Public  
13 Utility Commission and the Department of Environmental Quality.

14 “(3)(a) A clean energy plan must be based on or included in an integrated  
15 resource plan filing *[made no earlier than January 1, 2022, and filed no later*  
16 *than 180 days after the integrated resource plan is filed, or]* developed within  
17 an integrated resource planning process and incorporated into the integrated  
18 resource plan filed with the commission.

19 “(b) Notwithstanding paragraph (a) of this subsection, a clean energy plan  
20 developed by a multistate jurisdictional electric company must be based on  
21 or contained in other information developed consistent with a cost-allocation  
22 methodology approved by the commission.

23 “(4) A clean energy plan must:

24 “(a) Incorporate the clean energy targets set forth in ORS 469A.410;

25 “(b) Include annual goals set by the electric company for actions that  
26 make progress towards meeting the clean energy targets set forth in ORS  
27 469A.410, including acquisition of nonemitting generation resources, energy  
28 efficiency measures and acquisition and use of demand response resources;

29 **“(c) Include historical data, for at least the three most recent years,**  
30 **on total greenhouse gas emissions by fuel source and annual**

1 **greenhouse gas emissions by fuel source, as attributable to serving**  
2 **Oregon retail electricity customers;**

3 “[~~(c)~~] **(d)** Include a risk-based examination of resiliency opportunities that  
4 includes costs, consequences, outcomes and benefits based on reasonable and  
5 prudent industry resiliency standards and guidelines established by the  
6 Public Utility Commission;

7 “[~~(d)~~] **(e)** Examine the costs and opportunities of offsetting energy gener-  
8 ated from fossil fuels with community-based renewable energy;

9 “[~~(e)~~] **(f)** Demonstrate the electric company is making continual progress  
10 within the planning period towards meeting the clean energy targets set  
11 forth in ORS 469A.410, including demonstrating a projected reduction of an-  
12 nual greenhouse gas emissions; and

13 “[~~(f)~~] **(g)** Result in an affordable, reliable and clean electric system.

14 “(5) Actions and investments proposed in a clean energy plan may include  
15 the development or acquisition of clean energy resources, acquisition of en-  
16 ergy efficiency and demand response, including an acquisition required by  
17 ORS 757.054, development of new transmission and other supporting  
18 infrastructure, retirement of existing generating facilities, changes in system  
19 operation and any other necessary action.

20 “(6) The commission shall ensure that an electric company demonstrates  
21 continual progress as described in subsection [~~(4)(e)~~] **(4)(f)** of this section and  
22 is taking actions as soon as practicable that facilitate rapid reduction of  
23 greenhouse gas emissions at reasonable costs to retail electricity consumers.

24 **An electric company demonstrates continual progress under sub-**  
25 **section (4)(f) of this section by:**

26 **“(a) Procuring sufficient nonemitting energy resources to meet the**  
27 **clean energy targets set forth in ORS 469A.410; and**

28 **“(b) Having not more than a 20 percent variance in emissions in any**  
29 **given year from the straight line progression in emissions reductions**  
30 **that is required under ORS 469A.410, as determined using the Sep-**

1 **tember 25, 2021, level as the baseline emissions level and continuing**  
2 **through each of the targets required in ORS 469A.410.**

3 **“SECTION 6.** ORS 469A.435 is amended to read:

4 “469A.435. (1)(a) In determining whether a retail electricity provider has  
5 complied with the clean energy targets set forth in ORS 469A.410, the Public  
6 Utility Commission shall take into consideration unplanned emissions in  
7 excess of the amount projected in an electric company’s clean energy plan  
8 submitted under ORS 469A.415 or the information provided by an electricity  
9 service supplier under ORS 469A.420 (3), to the extent:

10 “(A) The emissions are in excess of the clean energy targets set forth in  
11 ORS 469A.410;

12 “(B) Generation of electricity from nonemitting resources forecasted to  
13 meet electricity demand is less than expected, including variability in the  
14 generation, transmission, constraints or other causes; and

15 “(C) The additional emissions are from the generation of electricity nec-  
16 essary to meet load.

17 “(b) A retail electricity provider that continues to be out of compliance  
18 with the clean energy targets set forth in ORS 469A.410 for more than 12  
19 months as a result of unplanned emissions as described in paragraph (a)(A)  
20 to (C) of this subsection shall include a detailed plan on how the retail  
21 electricity provider will return to compliance as soon as practicable, subject  
22 to approval by the commission, for an electric company, in a subsequent  
23 clean energy plan or, for an electricity service supplier, in a subsequent  
24 submission to the commission under ORS 469A.420 (3).

25 “(2) Greenhouse gas emissions associated with electricity acquired from  
26 net metering of customer resources or a qualifying facility under the terms  
27 of the **federal Public Utility Regulatory Policies Act of 1978, (P.L. 95-617)**  
28 shall be excluded from the determination of the retail electricity provider’s  
29 total greenhouse gas emissions.

30 “(3) For purposes of determining whether a retail electricity provider has

1 complied with the clean energy targets set forth in ORS 469A.410, electricity,  
2 other than unspecified market power, purchased from the Bonneville Power  
3 Administration for delivery to retail electricity consumers shall be deemed  
4 to have the Bonneville Power Administration asset controlling supplier  
5 emission factor reported to the Department of Environmental Quality under  
6 ORS 468A.280, or rules adopted pursuant thereto.

7 “(4)(a) For an electric company subject to ORS 469A.052, the commission  
8 shall initiate a process to update the avoided costs calculated pursuant to  
9 ORS 758.525 for a qualifying facility under ORS 758.505 to ensure avoided  
10 costs accurately reflect the characteristics of generators that contribute to  
11 compliance with ORS 469A.400 to 469A.475.

12 “(b) The process initiated by the commission under paragraph (a) of this  
13 subsection may commence no sooner than two calendar years before the  
14 calendar year identified in the electric company’s acknowledged integrated  
15 resource plan that shows the electric company will meet or exceed the re-  
16 quirements described in ORS 469A.052 (1)(h) and must conclude no later than  
17 the calendar year identified in the acknowledged integrated resource plan  
18 that shows the electric company will meet or exceed the requirements de-  
19 scribed in ORS 469A.052 (1)(h).

20 **“(5) Renewable energy certificates that are associated with the**  
21 **generation of nonemitting electricity:**

22 **“(a) Shall be denominated to align with the generation of one**  
23 **megawatt hour of electricity;**

24 **“(b) If associated with nonemitting electricity sold to retail cus-**  
25 **tomers as required for compliance with ORS 469A.400 to 469A.475, shall**  
26 **be retired upon sale; and**

27 **“(c) Shall be issued for the generation of renewable power and cer-**  
28 **tified as such by or through the Western Renewable Energy Gener-**  
29 **ation Information System or a successor regional system or trading**  
30 **program.**

1       **“SECTION 7. (1) Section 2 of this 2025 Act becomes operative on**  
2 **January 1, 2026.**

3       **“(2) The Public Utility Commission may take any action before the**  
4 **operative date specified in subsection (1) of this section necessary to**  
5 **enable the commission to exercise, on and after the operative date**  
6 **specified in subsection (1) of this section, all of the duties, functions**  
7 **and powers conferred on the commission by section 2 of this 2025 Act.**

8       **“SECTION 8. This 2025 Act takes effect on the 91st day after the**  
9 **date on which the 2025 regular session of the Eighty-third Legislative**  
10 **Assembly adjourns sine die.”.**

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