

DEPARTMENT OF ENERGY

DIVISION 160

ESTABLISH A RENEWABLE ENERGY CERTIFICATE SYSTEM FOR THE
OREGON RENEWABLE PORTFOLIO STANDARD (RPS)

330-160-0005

Purpose

The purpose of these rules is to establish a system of renewable energy certificates to provide a means of compliance with the Oregon Renewable Portfolio Standard (RPS).

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0015

Definitions

For the purposes of Oregon Administrative Rules, Chapter 330, Division 160, the following definitions apply unless the context requires otherwise:

- (1) “Banked Renewable Energy Certificate” has the meaning in ORS 469A.005.
- (2) “Bundled Renewable Energy Certificate” has the meaning in ORS 469A.005.
- (3) “Compliance Year” has the meaning in ORS 469A.005.
- (4) “Department” means the Oregon Department of Energy.
- (45) “Director” means the Director of the Oregon Department of Energy.
- (56) “Electricity Service Supplier” has the meaning in ORS 469A.005.
- (67) “Electric Utility” has the meaning in ORS 469A.005.
- (78) “Qualifying Electricity” has the meaning in ORS 469A.005.
- (89) “Renewable Energy Certificate” (REC or Certificate) means a unique representation of the environmental, economic, and social benefits associated with the generation of electricity from renewable energy sources that produce Qualifying Electricity. One Certificate is created in association with the generation of one megaWatt-hour (MWh) of Qualifying Electricity. While a Certificate is always directly associated with the generation of one MWh of electricity, transactions for Certificates may be conducted independently of transactions for the associated electricity.

- (9)10) “Renewable Energy Source” has the meaning in ORS 469A.005.
- (11) “RPS” means the Oregon renewable portfolio standard as established in ORS 469A.
- (12) “Stranded Electricity” means qualifying electricity that:
(a) was generated between January 1, 2007 and January 1, 2010 by a generating unit that was registered in WREGIS on or before January 1, 2010 and;
(b) which is not associated with a WREGIS-issued renewable energy certificate and;
(c) was reported to the Department on or before March 1, 2011.
- (13) “Unbundled Renewable Energy Certificate” has the meaning in ORS 469A.005.
- (14) “Vintage” means the month and year that qualifying electricity was created in accordance with WREGIS protocol or an interim tracking mechanism approved by the Department pursuant to OAR 330-160-0020(4).
- (15) “WREGIS” means the Western Renewable Energy Generation Information System which is the renewable energy certificate tracking and reporting system established by the California Energy Commission and the Western Governors Association and governed by the Western Electricity Coordinating Council for use by states and provinces throughout the western power interconnection.

Stat. Auth.: ORS 469A.130
Stats. Implemented: ORS 469A.130 - 469A.145
Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0020

Establishment of Renewable Energy Certificate System

- (1) ~~Renewable~~ Except as otherwise provided in OAR 330-160-0030(4), renewable energy certificates that are issued, monitored, accounted for and transferred by or through the regional renewable energy certificate system and trading mechanism known as the Western Renewable Energy Generation Information System (WREGIS) shall be the only renewable energy certificates that can be used by an electric utility or electricity service supplier to establish compliance with the Oregon Renewable Portfolio Standard (RPS).
- (2) All entities that wish to demonstrate compliance or participate in the renewable energy certificate system associated with the Oregon RPS must establish and maintain accounts in good standing with the WREGIS renewable energy certificate system. These entities must comply with all information, data reporting and verification requirements of WREGIS and the WREGIS Operating Rules, including costs required for compliance. These accounts must be established before January 1, 2009 or before the earliest vintage of Certificate to be used to comply with the Oregon RPS, whichever is later.

(3) All entities that wish to demonstrate compliance or participate in the renewable energy certificate system associated with the Oregon RPS must participate in the system in accordance with the WREGIS Operating Rules, except as otherwise provided in subsection (4) of this section. The Operating Rules for WREGIS are publicly available from the WREGIS web site at www.wregis.org/content/blogcategory/26/47/ under the “Operating Rules” section. If there are substantial changes to the WREGIS Operating Rules which, at the Director’s discretion, may significantly impact the ability of the WREGIS renewable energy certificate system to facilitate the Oregon RPS the Director may, after public consultation with interested parties, implement rulemaking to address those concerns.

(4) If, on July 1, 2011, the WREGIS system will not be able to retroactively create renewable energy certificates for each megawatt hour of stranded electricity, the Department may establish an interim tracking system for the singular purpose of ensuring that stranded electricity can be used to comply with Oregon’s RPS. The interim tracking system will issue, monitor, account for and permit transfer of renewable energy certificates associated with stranded electricity. Renewable energy certificates created by the interim tracking system may be used to establish compliance with the Oregon RPS to the same extent as renewable energy certificates issued by WREGIS.

(a) Eligibility for the interim tracking system requires that generating units must be currently registered in the WREGIS system.

(b) An electric utility or electricity service supplier shall electronically provide the Department the following information as part of the interim tracking system:

(1) WREGIS-type generation data, including metering data; and

(2) Attestation relating to WREGIS-type generation data from an officer of an electric utility or electricity service supplier stating that the information being provided pursuant 330-160-0020(4) is true and accurate to the best of their knowledge; and

(3) Additional information requested by the Department necessary to process a generating unit’s qualifying energy in the interim tracking system.

(c) The Department may conduct verification audits for all qualifying energy issued RECs through the interim tracking system or may designate an independent third party for verification services. Any electric utility or electricity service provider that has participated in the interim tracking system is subject to these verifications.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0025

Types of Renewable Energy Certificates

(1) A bundled or unbundled renewable energy certificate may be used to comply with the RPS when it is issued through the WREGIS renewable energy certificate system or from the interim tracking system described in 330-160-0020(4), is identified within the WREGIS as Oregon-

eligible, and is otherwise consistent with the rules and requirements of the Oregon RPS. The Department, acting through the appropriate WREGIS protocol, or from the interim tracking system described in 330-160-0020(4), will identify those generating facilities eligible for creation of Certificates that can be used to satisfy the Oregon RPS.

(+2) A bundled renewable energy certificate must include documentation that one megawatt-hour of energy was associated with the transfer of the renewable energy certificate to the electric utility or electricity service supplier. This documentation shall consist of a completed data field in the certificate issued by WREGIS or the interim tracking system described in 330-160-0020(4) that contains a valid North American Electric Reliability Corporation (NERC) electronic tagging number (“e-Tag”) or another unique identification value adopted by the WREGIS that indicates one megawatt-hour of energy was delivered to:

- (a) the transmission system of an ~~the~~ electric utility for the purposes of subsequent delivery to the electric utility; or
- (b) to a delivery point designated by an electric utility for the purposes of subsequent delivery to the electric utility; or
- (c) the Bonneville Power Administration for delivery, or subsequent delivery, to the electric utility.

(23) Notwithstanding the requirement in OAR 330-160-0025(2), qualifying electricity generated by the electric utility for which the certificate was issued and delivered to the electric utility or purchased under long term contract by the utility for the purposes of subsequent delivery to the electric utility shall be considered bundled. All other qualifying electricity that transfers across balancing authorities shall be accompanied by an “e-tag” as described in OAR 330-160-0025(2).

(a) The Department may conduct verification audits for all qualifying energy considered bundled under OAR 330-160-0025(3) or may designate an independent third party for verification services. Any electric utility or electricity service supplier claiming qualified energy as bundled under OAR 330-160-0025(3) is subject to these verifications.

(34) A bundled renewable energy certificate does not need to demonstrate that the electricity identified by the NERC e-Tag is qualifying electricity or that the originating source identified by the NERC e-Tag is a renewable energy source.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.135 - 469A.145

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0030

Allowed Vintage of Renewable Energy Certificates

- (1) The system of renewable energy certificates established through this rule may be used to comply with or participate in the Oregon RPS through the use of Certificates with a vintage of January 2007 or later.
- (2) No renewable energy certificate that derives from the WREGIS renewable energy certificate system or from the interim tracking system described in 330-160-0020(4) with a vintage before January 2007 will be eligible for compliance with the Oregon RPS.
- (3) Banked renewable energy certificates with a vintage of January 2007 or later, both bundled and unbundled, may be held for future use within the WREGIS renewable energy certificate system or the interim tracking system described in 330-160-0020(4) to comply with the Oregon RPS.
- (4) Generating facilities that produce qualifying electricity shall be eligible to receive certificates associated with generation beginning on January 1, 2007.

Stat. Auth.: ORS 469A.130

Stats. Implemented: ORS 469A.130

Hist.: DOE 6-2008, f. & cert. ef 9-3-08

330-160-0040

Low-impact Hydro Electric Facilities

Pursuant to ORS 469A.020(4), the Department recognizes the Low Impact Hydropower Institute (LIHI) as the national agency to certify hydroelectric facilities as low impact for purposes of the Oregon RPS. A hydroelectric generation facility with current certification from the Low Impact Hydropower Institute and that complies with other requirements of ORS 469A is eligible for the Oregon RPS.

Stat. Auth.: ORS 469A.025, OL 2010, Ch. 71(SS)

Stats. Implemented: ORS 469A.025

Hist.: DOE 11-2010(Temp), f. & cert. ef. 8-31-10 thru 2-26-11

330-160-0050

Hydroelectric Facility Upgrades

- (1) Efficiency improvement, in the context of Oregon RPS qualifying hydroelectric power, refers to incremental additional generation at an existing hydroelectric facility achieved through investments in upgrades to existing generators or turbines. Efficiency improvements do not include increased generation achieved through increased impoundments or increased appropriation or diversions of water.
- (2) For determining Oregon RPS qualifying incremental hydroelectric power production at an existing hydroelectric facility:

- (a) The determination shall not be based on any operational changes at the facility that are not directly associated with investments in upgrades to existing generators or turbines.
- (b) The determination shall be equal to the percentage of average annual hydroelectric power production at the facility attributable to the efficiency improvements involving investment, determined by using the historic average annual hydropower production baseline water flow information for such facility. Such percentage and baseline shall be certified by the Federal Energy Regulatory Commission or, for facilities not regulated by the Federal Energy Regulatory Commission, a percentage and baseline determined by the Department.
- (3) Capacity upgrades are not eligible for the Oregon RPS. For the purposes of the Oregon RPS, changing a facility's nameplate capacity is considered a capacity upgrade.

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