

**Annotated Version of
SB 38 Section 2 (Authority for Expanded Reporting)
9/23/09**



Senate Bill 38

Section 2

Authority to require registration or reporting:

(1) In addition to any registration and reporting that may be required under ORS 468A.050, the Environmental Quality Commission by rule may require registration and reporting by:

- (a) Any person who imports, sells, allocates or distributes for use in this state electricity, the generation of which emits greenhouse gases.
- (b) Any person who imports, sells or distributes for use in this state fossil fuel that generates greenhouse gases when combusted.

Authority to collect information needed to determine GHG emissions:

(2) Rules adopted by the commission under this section for electricity that is imported, sold, allocated or distributed for use in this state may require reporting of information necessary to determine greenhouse gas emissions from generating facilities used to produce the electricity and related electricity transmission line losses.

Third party allowed to report on behalf of COUs:

(3)(a) The commission shall allow consumer-owned utilities, as defined in ORS 757.270, to comply with reporting requirements imposed under this section by the submission of a report prepared by a third party. A report submitted under this paragraph may include information for more than one consumer-owned utility, but must include all information required by the commission for each individual utility.

(b) For the purpose of determining greenhouse gas emissions related to electricity purchased from the Bonneville Power Administration by a consumer-owned utility, as defined in ORS 757.270, the commission may require only that the utility report:

- (A) The number of megawatt-hours of electricity purchased by the utility from the Bonneville Power Administration, segregated by the types of contracts entered into by the utility with the Bonneville Power Administration; and
- (B) The percentage of each fuel or energy type used to produce electricity purchased under each type of contract.

Key concepts:

- ***Voluntary reporting by Bonneville Power Administration may satisfy reporting requirement for COUs***
- ***Bonneville Power Administration may submit one report for multiple COUs***
- ***Limits what information needs to be reported by the utility***

Restrictions on reporting that may be required from electric company

(4)(a) Rules adopted by the commission pursuant to this section for electricity that is purchased, imported, sold, allocated or distributed for use in this state by an electric company, as defined in ORS 757.600, must be limited to the reporting of:

- (A) Greenhouse gas emissions emitted from generating facilities owned or operated by the electric company;
- (B) Greenhouse gas emissions emitted from transmission equipment owned or operated by the electric company;

(C) The number of megawatt-hours of electricity purchased by the electric company for use in this state, including information, if known, on:

- (i) The seller of the electricity to the electric company; and
- (ii) The original generating facility fuel type or types; and

(D) An estimate of the amount of greenhouse gas emissions, using default greenhouse gas emissions factors established by the commission by rule, attributable to:

- (i) Electricity purchases made by a particular seller to the electric company;
- (ii) Electricity purchases from an unknown origin or from a seller who is unable to identify the original generating facility fuel type or types;
- (iii) Electricity purchases for which a renewable energy certificate under ORS 469A.130 has been issued but subsequently transferred or sold to a person other than the electric company;
- (iv) Electricity transmitted for others by the electric company; and
- (v) Total energy losses from electricity transmission and distribution equipment owned or operated by the electric company.

(b) Pursuant to paragraph (a) of this subsection, a multijurisdictional electric company may rely upon a cost allocation methodology approved by the Public Utility Commission for reporting emissions allocated in this state.

Key concepts:

- ***“Electric company” means an entity engaged in the business of distributing electricity to retail electricity consumers in this state, but does not include a consumer-owned utility***
- ***The electricity company is only required to report information known by the company***
- ***Estimates with default emission factors may be used for unspecified power***

Restrictions on reporting that may be required from fuel suppliers

(5) Rules adopted by the commission under this section for fossil fuel that is imported, sold or distributed for use in this state may require reporting of the type and quantity of the fuel and any additional information necessary to determine the carbon content of the fuel. For the purpose of determining greenhouse gas emissions related to liquefied petroleum gas, the commission shall allow reporting using publications or submission of data by the American Petroleum Institute but may require reporting of such other information necessary to achieve the purposes of the rules adopted by the commission under this section.

Key concepts:

- ***Data from the American Petroleum Institute may be used by sources to determine greenhouse gas emissions from liquefied petroleum gas***

Measures to Streamline Reporting

(6) To an extent that is consistent with the purposes of the rules adopted by the commission under this section, the commission shall minimize the burden of the reporting required under this section by:

- (a) Allowing concurrent reporting of information that is also reported to another state agency;
- (b) Allowing electronic reporting;
- (c) Allowing use of good engineering practice calculations in reports, or of emission factors published by the United States Environmental Protection Agency;
- (d) Establishing thresholds for the amount of specific greenhouse gases that may be emitted or generated without reporting;
- (e) Requiring reporting by the fewest number of persons in a fuel distribution system that will allow the commission to acquire the information needed by the commission; or
- (f) Other appropriate means and procedures determined by the commission.

Definition for Greenhouse Gas

(7) As used in this section, 'greenhouse gas' has the meaning given that term in ORS 468A.210.