GREEN ENERGY INSTITUTE
Lewis & Clark Law School

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Transmission lines near Sandy, Oregon. Photo by Annabel Sahler

One foot in front of the other. And gratitude.

Last year's newsletter reflected on what GEI had accomplished in a "best of" moment of fun before the chaos and drama of the next administration descended on us. **We never could have guessed what we were all about to face . . . .**

Now, when we see each other, we say with a knowing look, "How are you doing? Are you holding up?" Because the ravages of these eleven months have taken a toll on all of us, our relatives, our friends, our neighbors, our cities, our states, and our nation. My answer? "**Well, one foot in front of the other.**" It doesn't begin to capture the deep disappointment, sadness, frustration and anger we feel about the devastating consequences of . . . well . . . every decision being made. But that action of moving forward means faith in a better future. My team and all the many partners in this work are putting one foot in front of the other to achieve the future we want. And that buoys me every day.

To help the GEI staff attorneys and law clerks remain hopeful, I send good energy news tidbits every couple of days. Here are a handful in case you, too, need some help keeping your chin up:

Our own Professor Melissa Powers explained on Think Out Loud that Oregon can still act even in light of the EPA's rescission of the endangerment finding.

Australia launched a new plan to force energy companies to offer free electricity to households for three hours during the day to use excess solar power and push the grid away from coal and gas.

Idaho Power reduced rates for Oregon customers as a result of coal plant closures.

RMI issued a report showing that low-income ratepayer protections lower costs for everyone. And Rewiring America demonstrated that data center load growth could be accommodated by investing in household efficiency upgrades.

GEI's good news chat was also filled with energy wins from the Oregon legislature. We saw passage of ratepayer protections enshrined in the FAIR Act and the POWER Act, legislation to support microgrid development and the use of grid enhancing transmission technologies, as well as performance based ratemaking. Finalization of the Oregon Department of Energy's Energy Strategy also inspired celebration.

And now we have three Executive Orders issued by Governor Tina Kotek to celebrate, all of which demonstrate Oregon can be a climate leader. See (1) Accelerating Wind and Solar Energy Development in Advance of Elimination of Federal Clean Energy Tax Credits, (2) Directing State Agencies to Take Urgent Action to Promote the Resilience of our Communities and Natural and Working Lands and Waters, and (3) Executive Order on Reducing Greenhouse Gas Emissions and Advancing Oregon's Clean Energy Future. See how GEI is already using the Energy Strategy and EO 25-29 at the Oregon Public Utility Commission!

All of the news, these reports, and State legislative and executive action help us put one foot in front of the other to accomplish our mission of achieving a just transition to a sustainable, carbon-free energy grid.

Finally, if you are a law student interested in our work, check out our law clerk posting here and join our good-news g-chats. Our law clerks do amazing things! Check out this *Amicus Curiae* brief, which a law clerk helped us submit to challenge the Bonneville Power Administration's decision to join an electricity market that is not aligned with Western regional interests.

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

Carra Sahler
Director and Staff Attorney, Green Energy Institute
Lewis & Clark Law School

Settling with NW Natural.

Despite NW Natural's rates going up 25% for customers starting in the winter of 2024, the Company requested yet another rate increase of $59.3 million (7%) at the beginning of 2025. GEI intervened on behalf of Climate Solutions, Coalition of Communities of Color, Verde, Sierra Club, and the Oregon Environmental Council. Together with the other intervenors, including the Citizens' Utility Board, we kept

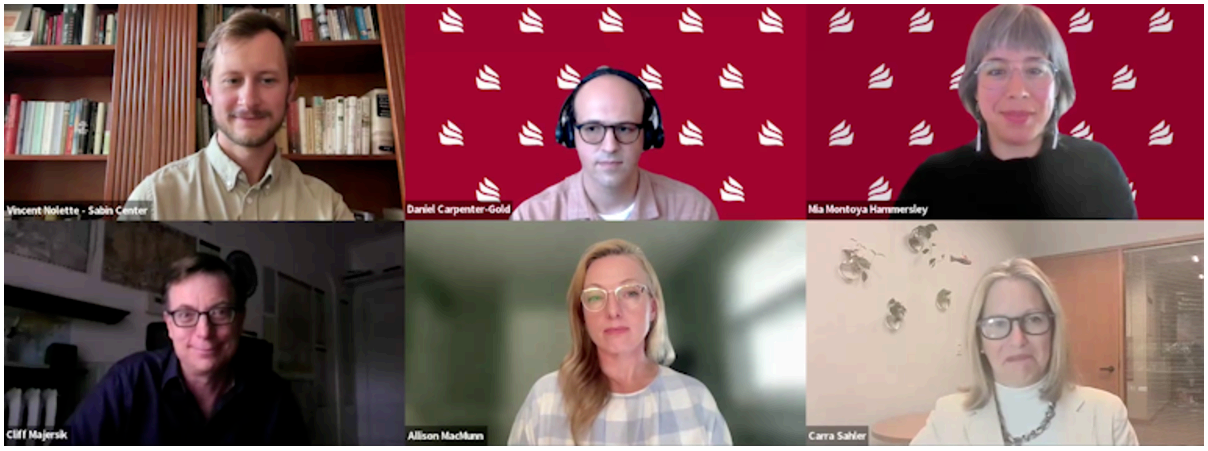
the increase to 2.42%—although the rising cost of natural gas flows directly to customers imposing a 5.53% hit.

Via settlement, GEI successfully eliminated NW Natural's special rate to developers, who had previously been paying less per month and less per therm than other single family ratepayers. NW Natural also agreed to host a workshop prior to January 31, 2026 about how it plans to implement newly adopted legislation in Oregon requiring that natural gas utilities disclose to customers and the public details about plans to blend hydrogen into natural gas. NW Natural is also now required to report its research and development spending for three years beginning on May 15, 2026.

Also through settlement, NW Natural agreed that if energy assistance funding (LIHEAP) for Oregon is reduced or eliminated, NW Natural will increase its Oregon Low-Income Gas Assistance funding by $1.56 million, including a percentage for administration expenses. The utility is also now required to facilitate auto-enrollment of customers in the income-appropriate bill discount tier.

Unfortunately, the Oregon Public Utility Commission declined to adopt GEI's recommendation that low-income ratepayers have the choice to access home energy efficiency dollars to replace a broken furnace with a heat pump that can provide heating and cooling. It also declined to require NW Natural study decarbonization tools, like thermal energy networks and targeted electrification that are already being implemented by other utilities across the nation. Read the full decision here.

GEI is participating in NW Natural's Integrated Resource Plan, along with the Community Energy Project, Mobilizing Climate Action Together, Climate Solutions, and Oregon Business for Climate, urging the Commission to require NW Natural to provide a realistic consideration of supply-side and demand-side resources that would be least-cost and least-risk to customers, while planning to avoid an unmanaged transition that will harm customers. We will continue to offer common-sense solutions to stop investments in fossil fuel infrastructure while transitioning the most vulnerable off of the gas utility system.



Supporting Local Government Action on Climate.

The Ninth Circuit's decision invalidating Berkeley's prohibition on fossil fuel piping in new buildings left cities uncertain about how to regulate natural gas (methane) in buildings; GEI stepped in to assist local governments inside and outside of Oregon.

Carra Sahler joined experts from the Mitchell Hamline School of Law Public Health Law Center, the Institute for Market Transformation, the Sabin Center for Climate Change Law at Columbia Law School, and other guest professionals on webinars over the course of the year:

- Webinar 1: Legal Landscape of Building Decarbonization in 2024 Current Cases and the Paths Forward
- Webinar 2: Opportunities for Local Progress in Building Decarbonization: Updates from the Start of 2025
- Webinar 3: Building Electrification Updates from Coast to Coast

Please contact Carra if you are interested in watching any of the recordings: sahler@lclark.edu.

Additionally, in January, GEI worked with Ashland city staff, attorneys, and community partners, including Rogue Climate Action Team youth, to help secure the city's unanimous adoption of a Carbon Pollution Impact Fee. The ordinance applies a fee tied to the social cost of carbon for emissions from natural gas appliances in new homes. Three months later, the gas utility serving Ashland and other southern Oregon communities settled its rate case with GEI, Climate Solutions, and CUB, agreeing to study and launch a targeted electrification pilot instead of investing in new fossil fuel infrastructure.



Portland, Oregon. Photo by Brian Sahler

GEI Urges Customer Protections from Data Centers.

GEI intervened on behalf of itself, Climate Solutions, Columbia Riverkeeper, Community Energy Project, and Oregon Environmental Council offering a host of recommendations to the Oregon Public Utility Commission to protect customers from utility investments to serve new large loads. GEI's testimony recommends

long contract lengths depending on the size of the facility, a customer deposit based on minimum generation and transmission demand tied to the highest allocated system capacity, exceedance penalties, exit fees, and minimum generation and transmission demand set at 90% of allocated system capacity.

We are also urging the imposition of a 1 cent/kWh fee on the tariff for data centers, paid to the Energy Trust of Oregon (ETO), to fund energy efficiency upgrades and "enabling repairs" for priority customers. We also recommend that large loads make filings outlining their monthly energy and water usage to provide transparency around additional pathways to achieve greater efficiency in data centers.

To ensure PGE meets its clean energy mandates under HB 2021, we are advocating that any energy sources acquired be non-emitting, along with a confirmation that those energy sources not have been available via RFP for other customers. Additionally, we are asking the Commission to require that large load customers only use renewable energy resources and batteries for backup power.

GEI is Hiring Law Clerks!

GEI seeks law clerks for 2026 who are committed to and passionate about climate policy and energy law. The role will include working with our fantastic team of attorneys on climate policy and energy law-related proceedings before the Oregon Public Utility Commission and other state agencies. GEI is at the cutting edge of Oregon policy development and implementation in Oregon. We offer a fun, intellectually-stimulating, engaging, and pet-friendly atmosphere.

Please share this exciting opportunity with your law student colleagues. Check out the posting here.

Thank you for your continued support,

Carra Sahler, Alex Houston, Jamie Johnson and Cole Souder

The Green Energy Institute Team



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