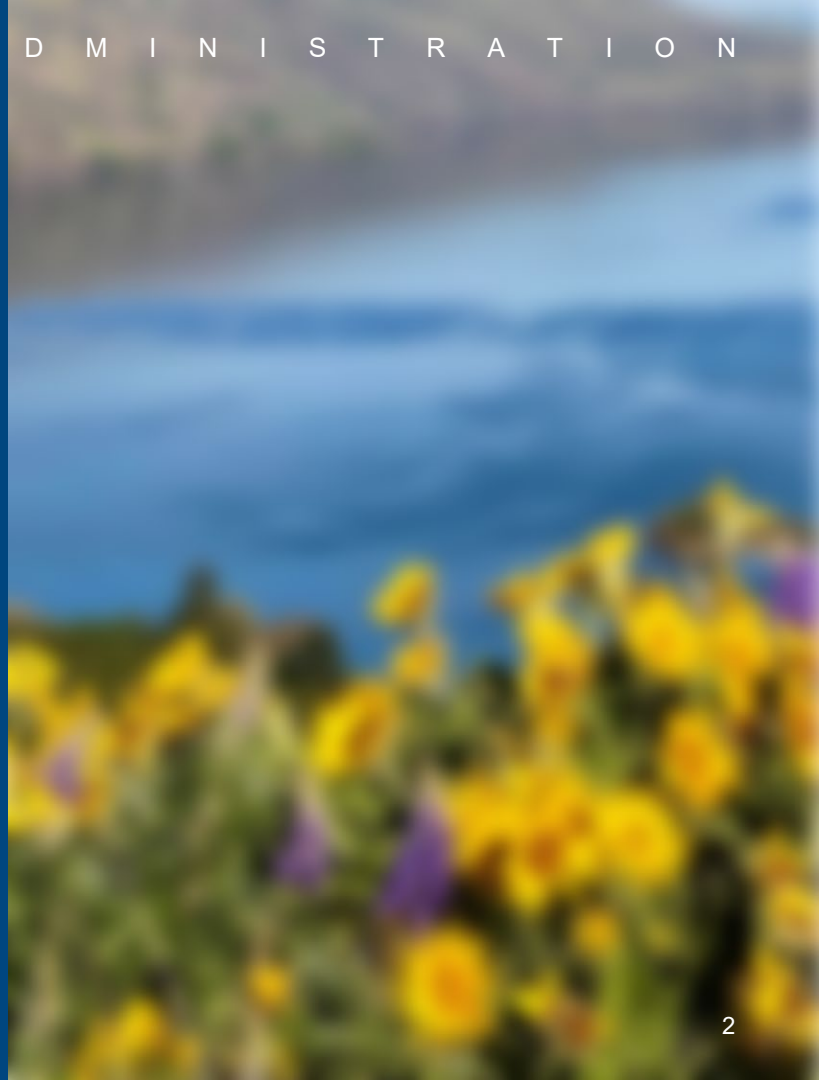
5(b)9(c) Policy
Workshop #2

Nov. 2, 2026

Welcome and opening remarks

Rob Burr

Customer Account Executive



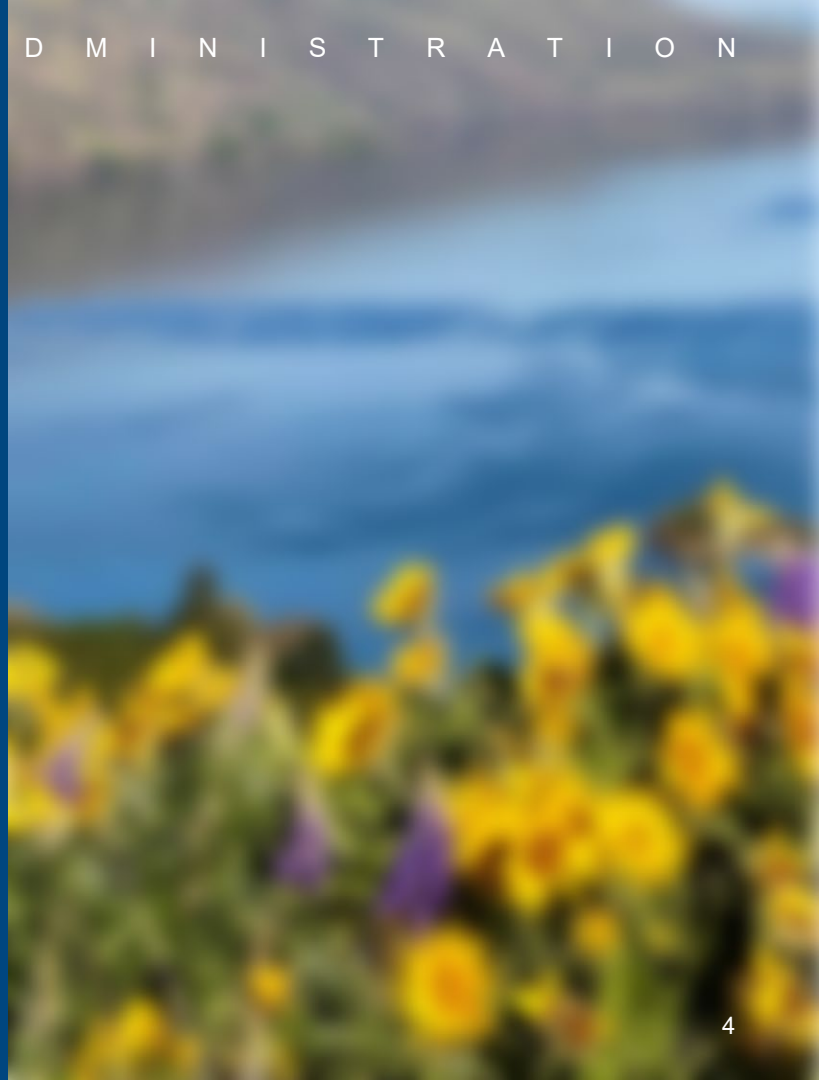
Agenda

Time	Topic	Presenters
9:00 a.m.	Welcome and Opening Remarks	Rob Burr
9:15 a.m.	5(b)9(c) Policy Refresh • Interim Feedback • Proposed Policy changes • Redline Review from RD to POC	Rob Burr Lindsay Bleifuss Rob Burr/Lindsay Bleifuss/ Mary Bodine Watts-OGC
10:30 a.m.	Next Steps, Workshop Calendar and Feedback	Rob Burr

Note: Times are approximate. Workshop may also include a 5 -10 min. break

Proposed Policy changes and Interim Feedback.

Rob Burr
– Account Specialist
Lindsay Bleifuss
– Customer Account Executive



October 14 Workshop – Interim Feedback

- **Focus on Narrow Policy Revision Scope:**
  - **Targeted Alignment:** Limit 5(b)/9(c) Policy revisions strictly to requirements for alignment with Provider of Choice (PoC) and Public Rate Design Methodology (PRDM).
  - **Preserve Current Policy:** Do not reopen broader 5(b)/9(c) policy topics at this time.
  - **Regional Bandwidth Constraints:** Both BPA and regional customers face significant workload from ongoing parallel initiatives.
  - **Low Benefit vs. High Friction:** Expanding Policy scope risks significant contention and delay given that POC Contract High Water Marks (CHWMs) and Above-CHWM elections are established until 2044.
- **Full Policy Revision Scope:**
  - **Support for Broad Revisions:** Recommends addressing all three proposed issues.
  - **Resource Rights & Capability:** Any increase in rights to, or capability of, a resource serving regional load should be dedicated to that customer's load (whether via transfer, recall, upgrade, or relicensing).

October 14 Workshop – Interim Feedback

- **BPA Received 6 comments**:
  - **3 commenters** oppose adding additional language for issues 1, 2 and 3**.**
  - **1 commenter** supports clarifying Issue 1 and opposes issues 2 and 3**.**
  - **1 commenter** advocates adding language for issues 1, 2 and 3.
  - **1 commenter** was neutral and highlighted risks of making substantial revisions.
- Comments Posted on BPA.gov: Interim Public Feedback - October 21, 2026

The 2027 Revised 5(b) 9(c) Policy

- **Issue 1: BPA intends to clarify existing policy intent in the 2027 Revised Policy and/or final ROD**
  - The Issue: The transfer and recall of resource rights of a 5(b)1(A) resource.
    - The current Policy acknowledges that if 5(b)(1)(A) resource rights are transferred to a customer to serve its load, then the resource will be dedicated in the purchasing customer's contract.
    - If the resource is recalled to the original owner to serve its load, then the resource should be dedicated by the original owner.

The 2027 Revised 5(b) 9(c) Policy

- **No Revision- Issue 2: BPA has determined that Policy changes are not warranted.**
  - The Issue: How should BPA address in the Revised Policy how to treat an increase in output or capability resulting from improvements or upgrades to a resource?
    - The current policy does not address whether a customer should be required to dedicate any output resulting from improvements that increase the resource's output or capability.
    - The current policy does address that the customer can request resource removal from the Administrator for resource loss of resource (either full or partial loss).

The 2027 Revised 5(b) 9(c) Policy

- **No Revision - Issue 3: BPA has determined that policy changes are not warranted.**
  - The Issue: How should BPA address in the Revised Policy how to treat an increase in a customer's right to a resource through FERC relicensing?
    - If a customer's rights to a 5(b)(1) resource increases as a result of a FERC relicense, should BPA include language to address how to account for the increased portion?
    - If a customer's rights were reduced, the policy does address that the customer can request resource removal from the Administrator as loss of rights.

POC Contract Requirements

- Consistent with the POC Contract, BPA will track any increase in a resources output in the POC Contract.

1. Section 17.9 of the POC Contract addresses;

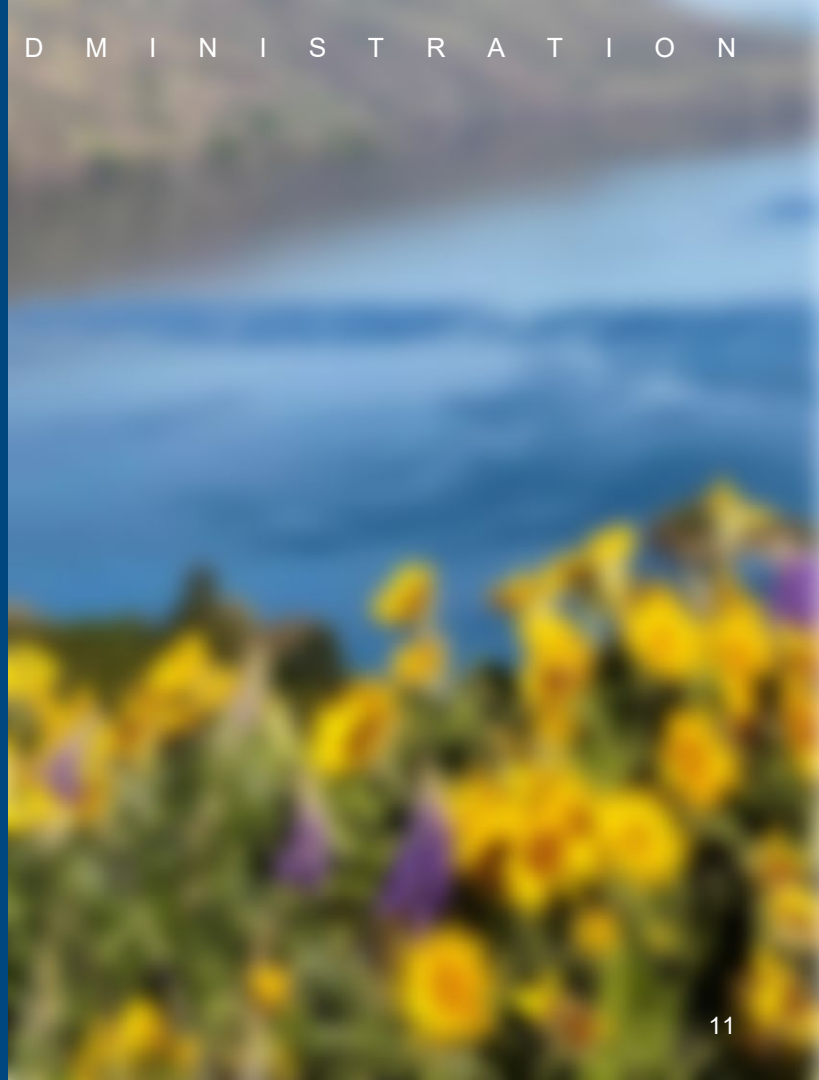
   "Resources Not Used to Serve Total Retail Load,

   "«Customer Name» shall list in section 6 of Exhibit A all Generating Resources «Customer Name» owns that are: (1) not Specified Resources listed in section 2 of Exhibit A, and (2) greater than 1.000 megawatt of nameplate capability. At BPA's request, «Customer Name» shall provide BPA with additional data if needed to verify the information listed in section 6 of Exhibit A."

2. In Exhibit A of the POC Contract BPA tracks resources not dedicated to load which includes any increase or decrease in output from a non-federal resource. BPA requires this information be listed in section 6 of Exhibit A for all customers.

Redline Review from RD to POC

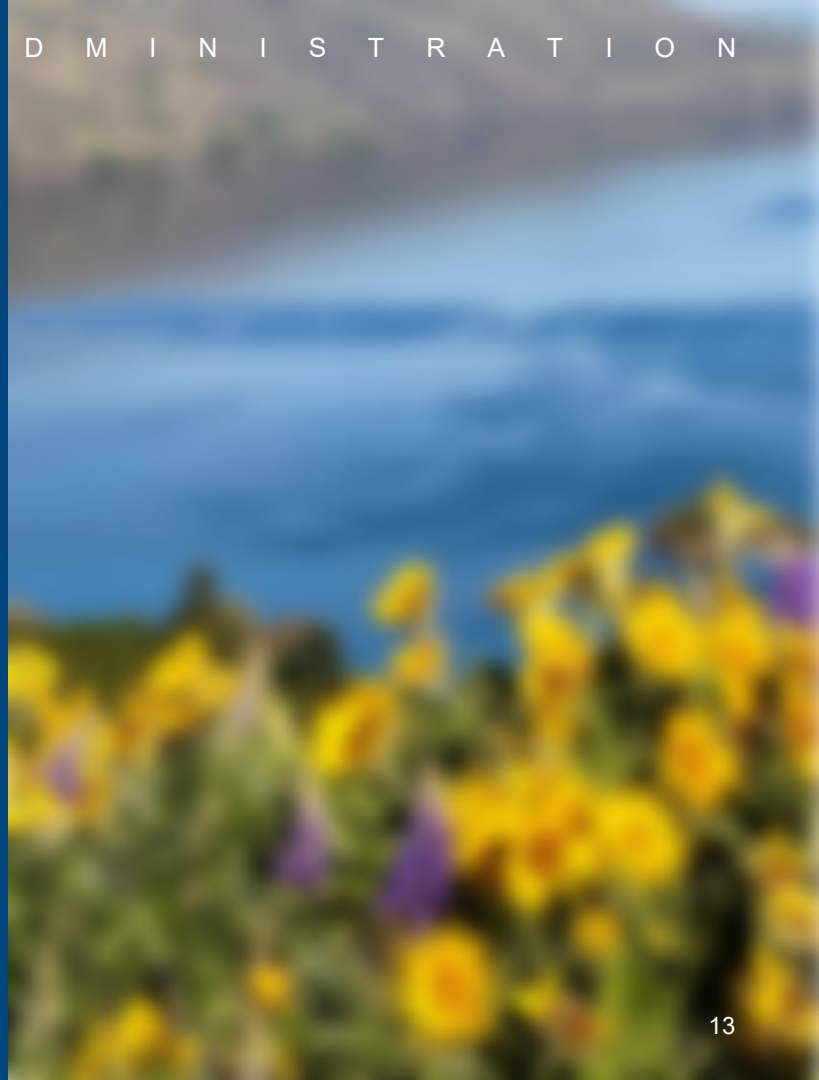
Rob Burr
– Account Specialist
Lindsay Bleifuss
– Customer Account Executive



The 2027 Revised 5(b)9(c) Policy

- The Revised Policy will include:
  - **Policy introduction**: For the 2027 Revised 5(b)9(c) Policy
  - **Changes and updates to align with terminology and definitions** for Provider of Choice (POC) and Public Rate Design Methodology (PRDM).
  - **Scroll through redlines** and take comments/questions.

Next steps



Next Steps

- At the upcoming 5(b)9(c) policy public workshop on ***November 17** BPA staff will share:
  - Interim feedback on 2027 Revised Policy redline
  - Review interim feedback from Today's workshop
- BPA will release workshop materials and redlined policy language for review at least three business days prior to the *Nov 17, 2026 workshop.

*Workshop Dates may be subject to change.

The 2027 Revised 5(b)9(c) Policy- Current Schedule

Date	Activity
17-Nov-26	Workshop 3
4-Jan-27	Publish draft policy for comment (minimum 10 business-day comment period)
19-Jan-27	Deadline to have comment period close.
31-Mar-27	Publish final policy and ROD

* Please note – provisional schedule may be subject to changes.

Interim public feedback

- Feedback on issues discussed today by COB Tuesday, Nov. 10, 2026
- Send feedback to Provider of Choice *post-2028@bpa.gov*

Thank you!