# GENERAL RATE SCHEDULE PROVISIONS

## Section II. Adjustments, Charges, andSpecial Rate Provision

### J. Intentional Deviation Penalty Charge

**1.** **APPLICABILITY**

Except as otherwise provided, the Intentional Deviation Penalty Charge applies to Variable Energy Resources taking service at the ACS-20 Variable Energy Resources Balancing Service rate.

Exceptions:

a. New Variable Energy Resources undergoing testing before commercial operation are exempt from the Intentional Deviation Penalty Charge during testing for up to 90 days.

1. RATE

For each Intentional Deviation event, the Intentional Deviation Penalty Charge rate shall be $100 per megawatthour (MWh).

An Intentional Deviation event occurs when:

ABS(Intentional Deviation Measurement Value – Resource Schedule) > 1

(See section 3, below, for definition of terms.)

1. Billing Factor

The Billing Factor in MWh shall be:

ABS(Intentional Deviation Measurement Value – Resource Schedule) – 1

*Where:*

ABS = the absolute value of the term in parentheses.

Intentional Deviation Measurement Value = one of the following:

1) for wind generating customers taking VERBS under rate schedule section 2.a., the applicable schedule value provided by BPA;

2) for solar generating customers taking VERBS under rate schedule section 2.b., the applicable schedule value provided by BPA.

Resource Schedule = for each wind or solar resource, the amount in megawatts of generation that is scheduled by the customer integrated over the hour.

4. OTHER PROVISIONS

Exemption from Intentional Deviation Penalty Charge

A customer that schedules its resource to a value other than the Intentional Deviation Measurement Value is exempt from the Intentional Deviation Penalty Charge for a scheduling period if

ABS(Station Control Error) ≤ ABS(Intentional Deviation Measurement Value Error) + 1 MW

*Where:*

ABS(Intentional Deviation Measurement Value Error) = the absolute value of the Station Control Error that *would have resulted* from a schedule that was set equal to the resource’s applicable Intentional Deviation Measurement Value. Any interval in which a Variable Energy Resource that is a Participating Resource in the Energy Imbalance Market receives an instructed dispatch from the Market Operator is excluded from the calculation of Station Control Error and Intentional Deviation Measurement Value Error.

5. **WAIVER OR REDUCTION OF INTENTIONAL DEVIATION PENALTY CHARGE**

BPA may, in its sole discretion, waive or reduce an Intentional Deviation Penalty Charge if requested by a customer for good cause shown. In order to qualify for a waiver or reduction of an Intentional Deviation Penalty Charge, a customer must submit a request demonstrating that the events resulting in an Intentional Deviation Penalty Charge were:

a. Due to a technical error or malfunction that could not have been avoided through the exercise of reasonable care; and

b. Were immediately corrected upon discovery of the technical error or malfunction.

BPA will also consider the customer’s history of incurring Intentional Deviation Penalty Charge in deciding whether to waive or reduce an Intentional Deviation Penalty Charge.

### L. Persistent Deviation Penalty Charge

1. **GENERATION IMBALANCE SERVICE**

**a. APPLICABILITY**

For Dispatchable Energy Resources taking Generation Imbalance Service pursuant to ACS III.B and IV.B.2, the Persistent Deviation Penalty Charge applies to all hours or scheduled periods in which either a negative deviation (actual generation greater than scheduled) or positive deviation (generation is less than scheduled) exceeds:

(1) both 15 percent of the integrated hourly schedule and 20 MW in each scheduled period for four consecutive hours or more in the same direction;

(2) both 7.5 percent of the integrated hourly schedule and 10 MW in each scheduled period for six consecutive hours or more in the same direction;

(3) both 1.5 percent of the integrated hourly schedule and 5 MW in each scheduled period for twelve consecutive hours or more in the same direction; or

(4) both 1.5 percent of the integrated hourly schedule and 2 MW in each scheduled period for twenty-four consecutive hours or more in the same direction.

For Generation Imbalance Service pursuant to ACS IV.B.2, positive or negative deviations will be based on the measurement value used for determining Uninstructed Imbalance Energy pursuant to that section.

**b. RATE**

No credit is given for negative deviations (actual generation greater than scheduled) for any hour(s) that the imbalance is a Persistent Deviation (as determined by BPA).

For positive deviations (actual generation less than scheduled) that are determined by BPA to be Persistent Deviations, the charge is the greater of (i) 125 percent of either BPA’s highest incremental cost that occurs during that day for service under ACS III.B, or the LMP for service under ACS IV.B.2, or (ii) 100 mills per kilowatthour.

If the energy index is negative in any hour(s) in which there is a negative deviation (actual generation greater than scheduled) that BPA determines to be a Persistent Deviation, the charge is the energy index for that hour.

If BPA assesses a Persistent Deviation Penalty charge in any scheduled period for a positive deviation, BPA will not also assess a charge pursuant ACS II.B or ACS.IV.B.2.

New generation resources undergoing testing before commercial operation are exempt from the Persistent Deviation penalty charge for up to 90 days.

1. **ENERGY IMBALANCE SERVICE**
2. **APPLICABILITY**

For customers taking Energy Imbalance Service pursuant to ACS II.D and IV.B.1, the Persistent Deviation Penalty Charge applies to all hours or scheduled periods in which either a negative deviation (energy taken is less than the scheduled energy) or positive deviation (energy taken is greater than energy scheduled) exceeds:

(1) both 15 percent of the integrated hourly schedule and 20 MW in each scheduled period for four consecutive hours or more in the same direction;

(2) both 7.5 percent of the integrated hourly schedule and 10 MW in each scheduled period for six consecutive hours or more in the same direction;

(3) both 1.5 percent of the integrated hourly schedule and 5 MW in each scheduled period for twelve consecutive hours or more in the same direction; or

(4) both 1.5 percent of the integrated hourly schedule and 2 MW in each scheduled period for twenty-four consecutive hours or more in the same direction.

For Energy Imbalance Service pursuant to ACS IV.B.1, positive or negative deviations will be based on the measurement value used for determining Uninstructed Imbalance Energy pursuant to that section.

**b. RATE**

No credit is given when energy taken is less than the scheduled energy.

(2) When energy taken exceeds the scheduled energy, the charge is the greater of (i) 125 percent of either BPA’s highest incremental cost that occurs during that day for service under ACS II.D, or the LAP for service under ACS IV.B.1, or (ii) 100 mills per kilowatthour.

If the energy index is negative in any hour(s) in which there is a negative deviation (energy taken is less than the scheduled energy) that BPA determines to be a Persistent Deviation, the charge is the energy index for that hour.

If BPA assesses a persistent deviation penalty charge in any scheduled period for a positive deviation, BPA will not also assess a charge pursuant to ACS II.D or IV.B.1.

1. **Pattern of conduct**

A pattern of under- or over-delivery or over- or under-use of energy occurs generally or at specific times of day. For Generation Imbalance Service, the rate under section 1.b above shall apply, and for Energy Imbalance Service, the rate under section 2.b above shall apply.

1. **Reduction or Waiver of Persistent Deviation Penalty**

BPA, at its sole discretion, may waive all or part of the Persistent Deviation penalty charge if (i) the customer took mitigating action(s) to avoid or limit the Persistent Deviation, including but not limited to, changing its schedule to mitigate the magnitude or duration of the deviation, or (ii) the Persistent Deviation was caused by extraordinary circumstances

## Section III. Definitions