

Department of Energy
Build America, Buy America Act
Proposed Project-Specific Non-availability Waiver
For Advanced Metering Infrastructure (AMI) Technologies

Proposed Waiver Summary: The United States Department of Energy (DOE) – Office of Electricity (OE) is issuing a project specific nonavailability waiver of the manufactured products domestic preference requirements of section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) as applied to one federal financial assistance award to the California Energy Commission. This proposed limited nonavailability waiver allows the recipient/sub-recipient to purchase non-compliant AMI products and associated components.

Duration of the Waiver: The effective date of this waiver is from date of issue through the project performance period (estimated November 2028).

Applicability: The waiver will apply to eligible expenditures incurred by the recipient on or after the effective date of the final waiver for the period that the waiver is active.

Recipient: California Energy Commission (VKM2SF7167N9)

Sub-Recipient: PacifiCorp (KCTLQ9KTA2N8)

Total estimated project cost related to infrastructure: \$26,007,693

Waiver Type: Non-availability waiver of the BABA manufactured products requirement for the products listed below.

Waiver Level: Project-specific waiver for one sub-award.

Funding Mechanics: Funding for the infrastructure project is made available through the Funding Opportunity Announcement Infrastructure Investment and Jobs Act (IIJA) - Preventing Outages and Enhancing the Resilience of the Electric Grid Formula Grants to States and Indian Tribes (DE-FOA-0002736). The location of the project is within PacifiCorp's northern California service territory.

Description of Covered Items:

- AMI Meter: 2S CL 200 AMI Meter (PSC: 6625, NAICS: 334515)
- Firewall: PA-410R and possible 500-series (PSC: 5895, NAICS: 334220)
- Ethernet Access Point: 200-005800 Satellite terminal for use with ethernet AP (PSC: 5895, NAICS: 334220)
- Ethernet Access Point: 200-005001 Access Point 5.0, Ethernet (PSC: 5895, NAICS: 334220)
- Relay Meter Network: 210-005000 RELAY 5.0 (PSC: 5895, NAICS: 334220)
- Satellite Terminal: Performance Kit (PSC: 5985, NAICS: 334220)
- Satellite Terminal: Mini Kit (PSC: 5895, NAICS: 334220)

- Routing & Accessories: IR1101 & Antennae (PSC: 5895, NAICS: 334220)
- Routing & Accessories: IR3300 & Antennae (PSC: 5895, NAICS: 334220)

Description of Market Research and Justification: The subrecipient conducted a Request for Information (RFI) in August 2025 to survey available AMI meter suppliers. The findings of the RFI demonstrate an industry-wide gap: AMI meters existing today, and DI-Capable AMI meters are not available with BABA-Compliant manufacturing. In conclusion, the recipient is requesting strictly due to nonavailability.

DOE-NETL completed market research between March 2026 and July 2026. PacifiCorp's project requires AMI meters that are compatible with its existing communications network and support advanced DI applications, including high-impedance fault detection, outage identification, transformer load management, voltage monitoring, EV detection, and associated grid-edge analytics. For residential deployment, the project primarily relies on Form 2S, Class 200, 120/240V AMI meters.

AMI meters with distributed intelligence functionality represent the next generation of smart metering technology. Unlike traditional AMI devices that primarily transmit data to centralized utility systems, DI-enabled meters perform edge computing and local analytics directly at the meter. The Form 2S Class 200 meter is a widely adopted residential utility meter configuration used throughout the electric utility industry.

While other suppliers offer products capable of meeting PacifiCorp's operational and technical requirements, market research conducted by PacifiCorp and reviewed by DOE indicates these products rely upon globally sourced electronic components and currently do not satisfy the domestic content requirements.

PacifiCorp's findings are consistent with broader federal market research and previous AMI-related waiver determinations. While one U.S.-based manufacturer reportedly offers a BABA-compliant smart metering solution, the product is designed primarily for specialized industrial and substation applications. The significant functional and deployment limitations have resulted in minimal market adoption of the domestic product for large-scale residential AMI deployments. Consequently, no commercially viable, BABA-compliant alternative has been identified that satisfies PacifiCorp's technical, operational, interoperability, and economic requirement.

Impact Absent the waiver: If no waiver is issued, PacifiCorp's AMI modernization in California would be indefinitely stalled. This delay would halt deployment of AMI meters and remote connectivity devices designed to improve communication backhaul and situational awareness. These devices are critical for detecting outages before customer calls and for pinpointing energized, downed conductors—capabilities that directly support wildfire prevention and rapid restoration efforts. The absence of these technologies would significantly impair wildfire prevention and system resilience efforts. AMI meters and remote devices will allow for improved identification and isolation of faults, including energized downed conductors, which may be an ignition source for wildfires. By preventing timely detection and response, the delay would continue to be public safety risks.

PacifiCorp may be unable to fulfill state and federal expectations for resiliency, distributed energy resources (DER) integration, and advanced outage management. AMI enabled functions such as real-time outage detection, voltage monitoring, and high impedance fault location are essential for compliance with wildfire safety mandates and grid reliability standards. Noncompliance could result in regulatory penalties, reputational harm, and reduced eligibility for future funding opportunities.

Customers may continue to experience delayed outage restoration, reduced reliability, and limited access to grid modernization benefits. More critically, the absence of advanced situational awareness tools would hinder PacifiCorp's ability to quickly identify and isolate faults, increasing the risk of energized downed conductors, a major wildfire ignition hazard. This gap compromises both public safety and system resilience during extreme weather events. PacifiCorp's customer base in California is characterized primarily as rural and with low population density; typically, whenever there is an outage, critical time, cost, and truck rolls (patrolling long lines through dense, forested area) are required for identifying potential issues or potential to cause a high impedance fault, such as a broken downed conductor on line-to-line connected systems (typical in this region of California).

Assessment of Cost Advantage of a Foreign-Sourced Product: Under OMB M-24-02, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a nonavailability waiver. DOE's analysis has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Solicitation for Comments: DOE is seeking public comments for all interested parties, including industry members and current manufacturers of the covered product items listed above, regarding the potential availability of project-compliant products from domestic manufacturers. The proposed waiver is available for public comment for fifteen (15) calendar days. **Comments are due no later than Month Day, Year**, and must be submitted by email to the DOE Contracting Officer at BABAWaiverComment@netl.doe.gov. Please write "BABA WAV 2026-## - California – PacifiCorp" in the subject line of the email.