

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 603

In the Matter of)	
COMMUNITY SOLAR RULEMAKING)	FINAL COMMENTS OF SMALL
(SB1547))	BUSINESS UTILITY ADVOCATES
)	
)	
)	
)	

SBUA appreciate the process and the prospects Commission Staff endeavor to incorporate in this docket to implement community solar provisions of SB 1547. SBUA reiterates its original comments and focuses these final comments here on a few points. As a specific note of support, SBUA appreciates the 2 MW limit placed on access to the program as that appears fair to enable access to the program by a wider number of participants.

Generally, SBUA is concerned by a lack of differentiation between private and public nonresidential customers and that private small nonresidential ratepayers will pay the costs yet not enjoy any benefits of the program unless more protection is put into place for small private nonresidential ratepayers. Already small nonresidential ratepayers, despite being by far the second largest ratepayer class of the two largest utilities, have a very difficult time being at the table in general rate revisions which reflect the expenses utilities incur in implementing Oregon energy policy such as SB 1547’s community solar provision.

SBUA respectfully requests that Staff consider its rationale not to distinguish between public and private nonresidential in the Proposed Rules. SBUA urges that Staff utilize data provided in, for example, the current publicly available PGE rate case information available in UE 319 / PGE/ 1201, 1202, 1206, and especially 1206, Dammen-Ritter 1, or perhaps in Energy Trust reports, to extrapolate numbers for the public sector to determine some fair ratio of commercial projects divided between the public and private sector. Public projects may be funded very differently than private projects with a greater array of options, such as bonds or other public fi-

nancing, and also have a requirement 1.5% solar to implement as an additional driver of a potential source of community projects. This will be particularly true as state and federal incentives to private commercial renewable energy development and investment wane.

SBUA respectfully requests that Staff review the extent to which small private nonresidential customers can practically avail and do avail themselves as a ratepayer class such as Schedule 32 of the “direct access” option. Staff states that “Staff cannot allow the program to enable significant load transition through these customers not only because of the concerns described above, but also because nonresidential customers, including municipalities, have the opportunity to procure part or all of their respective energy requirements through their utility's direct access program.” While technically correct that nonresidential consumers may choose direct access per OAR 860-038-0260(1), SBUA urges Staff, if it has not already done so, to examine Energy Trust of Oregon or other Commission reports to learn more about the profile of entities which avail themselves of direct access, and whether small nonresidential do in fact avail themselves of this option. SBUA further urges Staff to incorporate this data-based information into Staff’s conclusions leading into finalizing these rules.

Finally, SBUA is concerned that the base data of how this rule making will impact small business generally is not reflective of Oregon’s small business economy as it participates in the solar energy industry. The required cost statement does not seem to take into account certain materials available through OPUC’s sister agency Business Oregon’s website, <http://www.oregon4biz.com/assets/e-lib/IndRpt/CT/NtnlSolarJobs17.pdf> in arriving at the number of businesses impacted. SBUA stands ready to assist the Commission to review its methodology in determining impact on small business.

RESPECTFULLY SUBMITTED,

Date: June 2, 2017

Diane Henkels

Diane Henkels
Of Counsel, Cleantech Law Partners PC
Counsel for Small Business Utility Advocates