



Oregon Public Utility Commission  
201 High Street SE, Suite 100  
Salem, OR 97301-3398

August 3, 2022

Re: UM 1930, Agent subscription models, additional comments

Commissioners Decker, Tawney and Thompson:

Oregon Solar + Storage Industries Association (OSSIA) appreciates the work of the Public Utility Commission (PUC) Staff and the Program Administrator (PA) to explore agent subscription models in the Oregon Community Solar Program (CSP) to ensure maximum benefits to program participants. OSSIA agrees with staff that the CSP should establish an equitable opportunity for consumers that have not been able to access customer generation opportunities and incentives. We agree with the need and desire to protect low-income subscribers and the CSP program as a whole. However, we respectfully disagree with many of staff's assertions in the memo and are concerned that the proposed motion in the staff report is too broad and approaches concerns regarding the agency subscription model in a way that discourages participation in Oregon's program. OSSIA respectfully recommends several changes to the motion before the Commission.

### **Narrowing the proposed motion**

In order to facilitate a clear and streamlined free market program, OSSIA recommends that the Commission's motion detail requirements and/or restrictions for companies using the Model to participate in Oregon, instead of banning the Model entirely. A clear set of requirements for participation in the Oregon market would allow companies to adjust their practices in order to participate in the market, or leave the market if their business model cannot accommodate Oregon's requirements. Banning the model all together may have the impact of picking winners and losers in a program that was developed as a free market program. The Program Administrator (PA) has always been aware of the use of the Model in other markets and a ban of the practice in Oregon has not been contemplated in the first three years of the program. This gave a market signal to companies using the Model that the practices they use in other states would be allowed in Oregon.

A different approach to addressing staff's concerns would increase clarity in the proposed motion. For example, staff's concerns regarding customer account access could be addressed by a motion that includes a requirement that customers always have access to their utility account and receive all messages, providing that the subscribers contact information is accurate. A motion that clearly describes what is and is not allowed in the CSP will enable innovation and provide the chance for companies to continue to operate in the market.

### **Clarity regarding practices allowed**

Due to the broad nature of the proposed motion, there is a great deal of confusion regarding what practices would be allowed or not allowed if the staff motion was adopted as suggested. In addition to the suggestion stated



above, OSSIA requests that the Commission's motion be revised to state what will be allowed in the program moving forward.

In particular, OSSIA requests that the benefits Staff outlined in the memo be stated as allowed:

1. The ability of Subscription Managers to size a customer's subscription
2. The ability of Subscription Managers change subscription sizes as needed and;
3. The ability of Subscription Managers to move subscribers between projects

### **Clarity on the status of signed contracts to date**

OSSIA members have concerns about the impact of such a broad motion on already existing signed contracts. If any motion passed by the Commission retroactively impact existing contracts it would have a serious and detrimental impact on the program. If existing signed contracts have to be changed and re-signed, projects will most certainly lose subscribers in the process. OSSIA believes that any motion made by the Commission that retroactively impacts signed contracts would negatively impact subscribers, the viability of projects, the low-income subscriber requirement, and the residential subscriber requirement in Tier 2 projects. OSSIA respectfully requests that any Commission motion only apply to contracts moving forward.

### **Clarity on the process of revising the standard contract**

The staff report states that staff will work with the PA to amend CSP standard contracts to allow Projects Managers (PMs) and Subscription Managers (SMs) to resize subscriptions and transfer subscriptions between projects. The staff report does not state what that process for revision would be, how long it would take, and what PMs and SMs should do in the interim before a new contract is finalized. PMs and SMs cannot halt their efforts to sign up new subscribers and sign contracts. As was anticipated, the new Tier 2 requirement that projects have 50% residential subscribers is challenging, time consuming and resource intensive. Any delay in finalizing new subscribers could jeopardize entire projects which must continue to meet both program and financial deadlines.

OSSIA recommends that the Commission motion make clear that PMs and SMs can still sign contracts with subscribers before a new standard contract is finalized and provides clarity on any requirements for contracts going forward before a new standard contract is developed.

### **Clarity on the ability to transfer participants between projects**

The PA team relayed to OSSIA and OSSIA's members via email on September 16<sup>th</sup>, 2022, that subscribers can be transferred between projects at any time, even if the project has begun billing. We appreciate the PA working with OSSIA members to facilitate this important aspect of the CSP for PMs, SMs and subscribers. OSSIA respectfully requests that this be affirmed on the record during the September 22, 2022 Special Public Meeting.



In conclusion, while OSSIA disagrees with many of the staff assertions regarding the Model, we are focused on seeking clarity in the Commission's order. We feel that such clarity would be best achieved not by banning the Model, but rather by laying out requirements that companies need to adhere to in order to use the Model. OSSIA is concerned that a broad order such as the one proposed does not allow companies to innovate around a clear set of rules, but rather overregulates the market and may prohibit new competitors from entering the market.

Sincerely,

A handwritten signature in black ink that reads "Angela Crowley-Koch". The signature is fluid and cursive, with the first name "Angela" being the most prominent.

Angela Crowley-Koch  
Executive Director