



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

February 13, 2023

Re: UM 1930, Program Implementation Manual (PIM) draft changes

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 modify the Program Implementation Manual (PIM) in order to be consistent with recent PUC orders. Overall, the changes make needed improvements, but there is OSSIA has one major concern that we hope to work with staff on addressing.

The draft changes eliminate the ability of Project Managers (PMs) and Subscription Managers (SMs) to have a waiting list of contracted subscribers. However, it is critical to have a contracted wait list, not only to have potential subscribers at hand when needed, but as proof to investors that the project is on solid ground. When banks have certainty that there are subscribers, they are less likely to require credit checks and OSSIA believes this program should not include credit checks or verification similar to credit checks. With the new Tier 2 requirement that projects have 50% residential subscribers, it is even more important than in the past to both have subscribers ready to fill in vacated spots but also to give investors certainty that projects will succeed. The need to fill open spots will become a bigger issue as projects come online and PMs and SMs need to fill those slots quickly to avoid losing revenue and putting project finances in jeopardy.

OSSIA is also concerned about the impact of this change on low-income (LI) subscribers, especially after most projects are operational. It has become apparent that a growing number of LI customers require contracts sent via mail, since they do not have access to email. This presents challenges when trying to get a customer slotted into a project quickly, since that can only happen with signed contracts. For example, if a LI customer drops out of a project and the PM/SM needs to fill that exact capacity with one or multiple LI customers, and needs to send mailed contracts to do so, it could be months before that customer returns the contract, which could hold up the process for other LI subscribers. If the capacity isn't filled within the same month, the PM then starts to incur revenue loss from the unsubscribed capacity. When does a PM/SM make the business decision to move on to the next customer? This delay would also negatively impact LI subscribers that have a contract signed, if they have to wait for the potential LI subscriber ahead of them in line to sign and return a contract. What if they take 3 months to return the contract and by that time someone else has been slotted into the project? Although this happens less frequently with emailed contracts, the same problem still remains.



OSSIA also worries how the waitlist change would impact community-based projects. Community-based projects often have a set amount of funding for a project, generally raised through grants at the beginning of a project. The lost revenue between filling in a new subscriber would be especially negative for community groups who have fewer resources, both for maintaining subscribers and in terms of financing. Community groups might have the resources to do a big recruitment effort, but if the effort doesn't result in signed contracts, much of the effort may go to waste when the potentially interested subscribers need to be contacted again to sign contracts, potentially months after they were first contacted.

OSSIA believes that if a waitlist of contracted subscribers were to exist, there could be parameters set up to ensure clarity that a customer is on a waitlist (not assigned a project yet) and that no cancellation fees would be incurred if someone were to cancel their waitlisted contract or move to another project before being assigned a project with the original contract. If contracted waitlists were to be allowed, OSSIA supports implementing a notification system like that used in Illinois, where subscribers not assigned to a specific project must be notified every six months of the status of their subscription and potentially with a list of other projects that have available capacity, and the status of those projects.

Lastly, currently PMs and SMs only receive information about the subscribers utility usage *after* they have signed a contract. If PMs and SMs don't have access to that information, it is impossible to have a meaningful waitlist. Program administration staff believe that a change could be made to allow PMs and SMs access to this information without a signed contract and that is essential.

OSSIA understands that the Department of Justice opinion of current rules is that contracted waitlists are not allowed. Until we can resolve this important issue, OSSIA recommends the Commission adopt a temporary waiver to that rule in order not to jeopardize current projects and also to keep investors from requiring credit checks. This could be similar to the previous temporary waiver regarding LI subscribers, that was put in place but then later lifted.

Thank you for your attention to these comments.

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