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September 7, 2021

Via Electronic Filing

Public Utility Commission of Oregon
Attention: Filing Center
P.O. Box 1088
Salem, OR 97308-1088

Re: UM 1930 Community Solar Implementation

Dear Filing Center:

PGE appreciates this opportunity to submit comments in response to Staff's recommended modifications to the Community Solar Program Implementation Manual (PIM) posted to docket no. UM 1930 on August 24, 2021.

PGE supports many of Staff's proposed changes and especially appreciates the work to better align the PIM with the program's founding policy objectives. PGE is concerned with the proposed expanded delegated authority to the Program Administrator and continues to stress the importance that delegated authority uphold the same procedural safeguards that govern the PUC, such as public notice, comment, public deliberation, and opportunity to appeal. Input on specific items follows.

1. **Simplify Residential and Low-Income Participant Contracts.**

PGE appreciates Staff responding to the concern that the CSP contract may be daunting in length, terms, and jargon, to residential customers. PGE supports the intent to facilitate ease of customer participation. However, PGE has received 75+ calls from customers seeking clarification on this program. If terms and conditions are not within the body of the contract, it is imperative that program marketers understand and accurately communicate how this program works and convey the presence of risks such as the financial consequence of over-subscription. Marketers are not currently incentivized to do so. This adjustment could be married with the requirement that key program elements, terms, and conditions, be articulated to potential subscribers.

2. **Provide Programmatic Language Services, and Require Projects to Accept Non-English Speaking Participants.**

PGE supports this recommendation, noting that the Commission's Division 21 rules require the availability of notices in languages other than English and for utilities to advise customers of the availability of notices in languages other than English,

specifically Spanish, Vietnamese, Cambodian, Laotian, and Russian. ¹ Given that this is a Commission program and the desire to reach residential customers who have not participated in PUC program benefits, PGE encourages the provision of language services to facilitate participation.

3. **Adjust the Entity Signing the CS Power Purchase Agreement.**

PGE understands this recommendation to mean that a Project Owner does not also have to be a Project Manager to execute a Community Solar Power Purchase Agreement (PPA). In the event there is a separate Project Manager, the Project Manager would be required to sign an attestation that they are under contract with the Project Owner to manage the project in full accordance with the Program. In all cases, PURPA *requires* the Qualifying Facility/Project Owner to execute the PPA and PGE believes that this recommendation is not intending to alter this requirement. Energy Trust has agreed to provide PGE the supporting attestation when they receive it from the Project Manager.

4. **Adjustments to Certification Requirements.**

PGE has specific comments for the different parts of this suggestion.

- a. PGE does not object to the proposed change to allow Certification based on construction drawings rather than as-built drawings but notes that it is not uncommon for there to be differences between the two.
- b. PGE does not support the proposed change to “[a]llow projects to request Certification before they are constructed.” PGE is concerned about uncertainty and potential for conflict if a project fails to be constructed and operational within the proposed timeline due to unforeseen circumstances. PGE proposes as a potential solution to this issue a process for granting a Conditional Certification prior to construction and operation. Conditional Certification would be provided by the Commission and could be pursued while the project completes construction. Certification would remain conditional until completion of construction (the current six-month allowance to become operational would still apply following completion of construction and satisfaction of the condition). The PA could potentially approve that the condition has been met.
- c. PGE is concerned with this recommendation which would allow an interconnection agreement to replace project completion as a requirement for Certification. PGE recommends instead Conditional Certification as outlined in part (b) above. PGE notes that an executed interconnection is a minimal requirement on the part of the project and understands that the primary remaining certification criteria would be 1) a signed interconnection agreement, and 2) 50% subscription status, which could be achieved with two commercial contracts. Again, PGE is concerned with possible conflicts around the six-month deadline to energize given that it would now encompass the construction process.
- d. PGE supports the requirement that projects sign a non-disclosure agreement for participant load data.

¹ OAR 860-021-0010 and 0011.

5. **Ease Project Manager Registration Requirements.**

PGE has no comments at this time.

6. **Delegate Certain Project Approvals to the Program Administrator.**

PGE is generally concerned about increased delegation to the PA when the PA exercises its delegated authority without the same procedural safeguards that govern the PUC, such as public notice, comment, public deliberation, and opportunity to appeal. PGE has recently raised to Staff and the PA its concern and noted customer confusion caused by a utility-agent billing model that the PA has allowed in the marketing of this program. The use of this model has a large impact on customer experience and on utilities' ability to enact Oregon energy policy. As the PA currently functions, this recommended adjustment would codify the PA's ability to impact policy without engaging the Commission.

If the authority to pre-certify projects, grant waivers, grant extensions, and approve amendments is delegated to the PA, PGE requests that that authority be exercised in the same way as the Commission would. This would mean that any proposed changes be publicly noticed and open for comment, and that deliberations and decision making are also public. This is the kind of transparency required of state agency authority by state law and should be followed when that authority is delegated to a private entity. If the program establishes an appeal process for Project Managers, it should also establish a process for all parties to appeal PA decisions or actions to the Commission.

7. **Adjust Eligibility Criteria for the Program Carve-out.**

PGE has no comments at this time.

8. **Clarify the Timing of Contracting for Participant-Owners.**

PGE has no comments at this time.

9. **Pursue a Simplified Interconnection Project for Small Projects.**

The PIM is not the appropriate place to make the statement that the program intends to create a dialogue. With that said, under the current interconnection tariff, projects sized 360 kW and smaller can interconnect on the secondary side of a PGE-owned transformer as is the case for net metering installations. This type of interconnection was a concession by the utilities to help keep costs down and create an easier interconnection path for smaller projects. Additionally, the Tier 2 review process (standard second review tier for small generation interconnection) is streamlined, allowing for a short duration study process that is similar to a Level 2 net metering review. Any further interconnection changes should be addressed in UM 2111, which is intended to serve as an umbrella interconnection docket.

We additionally note that PGE intends to publish a Hosting Capacity Analysis shortly as part of the requirements of UM 2005; this map should aid in project siting decisions.

10. **Refine Project Manager Capacity Limits.**

Part A of this recommendation is to increase the Program Manager capacity limit from 25% to 50% of the Program capacity available of a given Program tier and utility service area. PGE does not support this adjustment, as it does not align with the program's policy drivers. This adjustment would decrease the number of participating producers, whereas in public discussions, Public Utility Commissioner comments have cited supporting producer diversity as among the program's policy drivers. PGE supports the goal of producer diversity and reiterates that commitment to founding policy intent is essential to justifying the significant cross-subsidy that enables this program.

11. Revise Participant Affiliate Rules.

PGE has no comments at this time.

12. Define and Limit Participation of Affordable Housing Providers as Low-Income Participants.

PGE has no comments at this time.

13. Include Language on Pre-Certification and Certification Revocation and Project Manager Interactions.

PGE has no comments at this time.

14. PIM Adjustments to Accommodate Needs of Capacity Release or Utility Data Transfer.

PGE appreciates the intent to provide space for projects that submitted for Tier 1 capacity but could not be accommodated. However, if a waitlist is accommodating projects submitted after Tier 1 capacity was allocated, PGE questions whether this action effectively opened Tier 2 without public notice. PGE understands that Tier 2 waitlist projects within PGE's territory currently comprise roughly 75% of the program's general market capacity.

Sincerely,

/s/ Robert Macfarlane

Robert Macfarlane

Manager, Pricing and Tariffs