



4207 SE Woodstock #326 Portland, OR 97206

April 29, 2020

Oregon Public Utility Commission
Attn: PUC Commissioners and Staff
201 High Street SE, Ste 100
Salem, OR 97301

RE: CSP pre-certification waivers for Neighborhood Power

Respected PUC Commissioners and Staff,

Thank you for the opportunity to provide comments regarding the pre-certification waivers for Neighborhood Power's ("Neighborhood") projects submitted into the Oregon Community Solar Program ("CSP"). My company Conifer Energy Partners LLC is a project developer of community solar projects, six of which have been submitted into the CSP.

The purpose of these comments is to address the potential equity concerns that exist in relation to Neighborhood's waivers being considered by the Commission. When the Commission approved the CSP Program Implementation Manual ("PIM") in Order 19-438, the Commission provided clarification with regards to granting waiver requests. Specifically the Commission order states:

"Our intention in providing a process for waiver is not to undermine the requirements of the PIM and the balance that Staff and the PA have achieved. Rather, the PA should limit waiver recommendations to relatively isolated instances in which strict adherence to the PIM requirements would undermine program goals and raise significant equity or policy concerns."

This waiver standard provided the Commission flexibility to ensure unforeseen conflicts with the program rules would not undermine the Commission's goals and policies for the CSP.

If the Commission considers accepting the waivers for Neighborhood's projects, then the Commission must also necessarily consider options that ensure granting of such waivers does not undermine the program goals or raise significant equity or policy concerns. If the waivers are granted absent the Commission implementing any offsetting measures, then the waivers will undermine the program goal of encouraging new project development and create equity issues for projects in the queue that do meet the strict program requirements and have not commenced construction.

The potential equity issues facing other submitted projects is twofold: 1) unequal opportunity to participate in the program given the limitation on available capacity; and 2) unbuilt projects face limited permitting timeline windows that Neighborhood's projects are no longer subject to since they are already built and their development use has already been initiated. For projects that don't get allocated capacity this round due to the waivers being granted, this could mean they



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simply die before having a chance to apply again into the CSP due to the clock running out on the land use permits.¹ This is the arguably the most significant concern related to these waiver requests.

There are a couple potential offsetting measures the Commission could implement to remedy the issues described above. First, if the Commission grants Neighborhood's waivers, then the Commission could expand the current interim capacity offering by an amount equal to the total capacity of Neighborhood's projects to ensure that projects that would otherwise be awarded capacity absent the waivers are still able to get an award. This would be a simple fix and result in only a modest capacity expansion of the CSP for the current interim tier (the expanded interim capacity offering would still be less than Staff's initial proposal of 75%).

The second option if the waivers are granted would be to award the Neighborhood projects a guaranteed spot in the next capacity offering at the current bill credit rate. This would provide the Neighborhood projects certainty regarding future program participation, while also not creating any unnecessary equity issues or disadvantages for submitted projects that do meet the strict program requirements and have not commenced construction.

Either option described above would allow the Commission to capitalize on all of the potentially available projects for the CSP amidst current land use restrictions, while not creating any undue advantages or disadvantages for particular projects.

Thank you for your consideration of this matter and the options described above.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Nelson".

Jonathan Nelson
Conifer Energy Partners LLC
303-709-9600

¹ The timeline challenges associated with new land use restrictions for solar project development are partially documented in the Carnes Creek Solar, LLC Petition for Waiver, filed in UM 1631 on 4/23/2020 (reference footnote 7 on page 6).