



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

September 30, 2024

Re: UM 1930 – Modifications to Community Solar Program Implementation Manual

Commissioners Decker, Tawney and Perkins:

Oregon Solar + Storage Industries Association (OSSIA) respectfully submits the following comments to staff's draft Program Implementation Manual (PIM) modifications. OSSIA appreciates the efforts of staff to continually improve the Community Solar Program (CSP). Most of the draft changes OSSIA agrees with, so these comments will focus only on areas of potentially improvement.

Proposed change 2. Clarifies requirements that PMs give advance notice of ownership changes (section 2.3.1).

Some lenders may have trouble with this, i.e. if they were to foreclose, would they have to give the program advance notice? OSSIA requests a better solution, such as notice within the two weeks following a transfer.

Proposed change 4. Clarifies that PMs and agents should fulfill customer requests for data relevant to the customer's subscription (section 2.6.4).

There could be scenarios where two weeks are not feasible to fulfill data requests. OSSIA would ask this to be changed to "use reasonable efforts" to fulfill requests within 2 weeks.

Proposed change 5. Clarifies that PMs must use the most updated version of the residential contract and that the contract should be written to optimize customer comprehension (section 2.6.6).

OSSIA has concerns regarding this proposed change and seeks flexibility. This provision could be problematic if, for example, a bank/investor requires that a PM only use the contract form that they have reviewed and signed off on. OSSIA recommends a safe harbor if a contract is used that was approved at the time the project was certified.



Proposed change 10. Clarifies enrollment of affordable housing providers counting towards a project's low-income capacity requirement (section 3.15.2).

OSSIA has serious concerns regarding this item. Requiring LI multi-dwelling units (MDUs) to provide the gross household income and household size of low-income customers participating is unnecessary and should only be required for projects that cannot otherwise clearly demonstrate they are government-sanctioned low-income housing. Notably, if a project is on an LIHTC or Section 8 housing and has a covenant with HUD requiring all participants to have income below the required threshold should be able to simply submit a copy of that tax covenant or other agreement with HUD (or Oregon Housing and Community Services) which verifies the facility's income limits.

This was discussed in during the program's early rulemaking. There is no case where a tenant can be allowed to move-in without being below the PA's high 80% AMI standard and there is a whole staff working with multifamily housing developers providing this confirmation. There is a corner case where a tenant can achieve higher incomes later, after move-in, and be allowed to stay at the low-income property until it goes through a new LIHTC investment. But that is rare situation and OSSIA does not feel it is worth creating an extra barrier to a community solar project development. There is already a well-established industry of folks doing compliance for the Treasury requirement in addition to the scrutiny banks and investors give to multifamily housing projects. The penalties for a property falling out of compliance with LIHTC rules is enforcement enough to ensure that income verification is consistently accurate. Removing this from the LIF's plate would free up resources for finding and recruiting other potential low-income subscribers or tending to other components of the program such as translating current contracts.

If a change is needed, OSSIA suggests looking to other states, specifically Maryland, for best practices. OSSIA suggest the following language from Maryland as a substitute for the proposed change:

- (1) (a) A multi-family dwelling unit shall qualify as a low-income subscriber for the purposes of the Program if it has an active contract or award with one or more of the following:
- (i) United States Department of Housing and Urban Development;
  - (ii) United States Department of Agriculture - Rural Development;
  - (iii) Oregon Housing and Community Services
  - (v) Any other state or federal low- income housing assistance program that requires the operator of the low-income multi-family dwelling unit to ensure all residents of the low-income multi-family dwelling unit have income at or below the maximum income level required for the residents to qualify as LI subscribers under the Program.



(b) An operator of a low-income multi-family dwelling unit that does not meet the criteria under paragraph (a) of this subsection may apply to the Commission to qualify as an LI subscriber for the purposes of the Program.

Proposed change 12. 12. Clarifies low-income capacity requirement at Certification for projects eligible for Program carve- out capacity (section 3.15.2).

OSSIA disagrees with this change. If the goal of the low-income requirements is to provide bill savings to low-income customers, the emphasis should be on multifamily housing. Oregon data shows that 46.8% of renters are cost burdened and only 27.6% of homeowners are cost burdened<sup>1</sup>. There are simply more low-income ratepayers that live in multifamily housing than \ in houses. Restricting the participation of multifamily housing, where the majority of low-income rate payers live, to only 5% of project capacity only makes it harder to develop carve-out projects. Carve-out projects already face higher challenges in developing projects, there is no reason to further complicate these projects.

Proposed change 13. Establishes and clarifies requirements for PMs and their agents when working with the Low-Income Facilitator to enroll low-income participants (sections 3.15.2 and 3.15.3).

OSSIA is concerned that PMs may not always be able to give the LIF eight-month notice. Much of the timing of these projects is out of the PM's hands as they wait for utilities. OSSIA requests some flexibility if a PM is not able to provide eight-month notice.

In addition, on p.61 of the pdf, the second sentence starting with "These" creates some confusion. The sentence could be interpreted as the waiver only applying to carve-out projects, whereas currently a waiver can be requested and received for housing provider subscriptions for any type of project. OSSIA requests clarification to ensure that the PIM still states that waivers can be applied to housing provider subscriptions for both general and carve-out projects.

Proposed change 22. Update list of deficiencies in participant management that require correction within 60 days of PA notification (section 5.5).

OSSIA is concerned that this change could be punitive. For example, if low-income subscribers terminate their subscriptions, and neither the LIF or the PM is able to find replacements in time of a PA proof of compliance request, than a PM could be faced with being on disciplinary probation. OSSIA requests some flexibility in acknowledging that a PM is making a good faith

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<sup>1</sup> <https://public.tableau.com/app/profile/oregon.housing.and.community.services/viz/CountyProfiles2023-OregonHousing/LandingPage>



effort to remedy a deficiency, and that the PA will acknowledge timing considerations of any possible deficiencies.

OSSIA appreciates the work that went into these PIM revisions and the intent to provide clarity. We are happy to discuss any of our concerns with PUC or PA staff and look forward to working to finalize PIM changes.

Sincerely,

A handwritten signature in black ink that reads "Angela Crowley-Koch". The signature is fluid and cursive.

Angela Crowley-Koch  
Executive Director