



## Commission Consent to Collateral Assignment

March 28, 2023

### **Community Solar Program - Docket No. UM 1930**

On January 11, 2022, in Order No. 22-007, the Commission permitted the delegation of Commission authority to the Community Solar Program Administrator (PA) to grant noncontroversial project pre-certifications, waivers, extensions, and amendments. Under the permitted delegation of authority, Staff will post the PA's project recommendation to UM 1930 with a comment period of two weeks. If no comments in opposition are received prior to the end of the comment period, the recommendation will go into effect. If comments in opposition are received prior to the end of the comment period, the recommendation will not go into effect and the matter will be referred to the Commission for a decision at the next available public meeting.

On June 20, 2022, in Order No. 22-245, the Commission issued blanket consent to the assignment of a Project Manager (PM) or project owner's rights and responsibilities under the CSP Power Purchase Agreement in the event of a default in the project's financing arrangements. The Commission's consent applies to projects that the PA has confirmed meet the assignment criteria, which are defined in Order No. 22-245.

Staff posts the PA's Project Consent to Collateral Assignment Review for the following four projects:

PP-2021-116 (Cherry Creek Solar)  
PP-2021-110 (Hay Creek Solar)  
PP-2021-92 (Whisky Creek Solar)  
PP-2020-85 (Wocus Marsh Solar)

The PA has reviewed documentation provided by the PMs and has confirmed that the assignment criteria have been met. Stakeholders in opposition of issuing Commission consent to collateral assignment for the project should post comments to UM 1930 by April 11, 2023.

#### To Submit Public Comment:

Stakeholders can submit written comments by email to [puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov). Please email [puc.hearings@puc.oregon.gov](mailto:puc.hearings@puc.oregon.gov) to be added to the UM 1930 docket service list and receive notifications in the UM 1930 docket. Please direct questions to:

Joe Abraham  
Oregon Public Utility Commission  
201 High St. SE  
Salem, OR 97301  
(503) 428-0699  
[joseph.abraham@puc.oregon.gov](mailto:joseph.abraham@puc.oregon.gov)



## Project Consent to Collateral Assignment Review

A community solar project manager or project owner is requesting that the Commission consent to assignment of its rights and responsibilities in a Community Solar Power Purchase Agreement in the event of a future default. In line with Commission Order 22-245, the Oregon Community Solar Program Administrator (PA) has reviewed documents and information provided by the project and has confirmed that they satisfy the criteria established by the Commission in that order.

### Project Information

**Project ID:** PP-2021-116

**Project Name:** Cherry Creek Solar

**Project Manager:** Cherry Creek Project Manager, LLC

**Community Solar Power Purchase Agreement Signee:** Cherry Creek Solar, LLC

**CSPPA Signee's Relation to Project:** Project Owner

**Project Lender (assignee in event of default):** Heritage Bank

**Utility Service Area:** Pacific Power

**Project Site Address:** 42°27'9.22"N, 121°29'15.30"W

**Project Size (kW-AC):** 359

**Carveout-eligible:** Yes (<360 kW)

**Project Status:** Certified

### Review Summary

**Date Review Completed:** 3/22/2023

#### Criteria Review:

- *Has the Project Manager or Project Owner signed a PPA with their utility for the power produced by a pre-certified project? Yes*
- *Does a project financing agreement require the project be offered as collateral in the event of a default in that agreement? Yes*
- *Does a project financing agreements require that the Project Manager or Project Owner assign its rights and responsibilities to the lender, in and only in the event of default? Yes*
- *Has the electric utility provided consent to collateral assignment for this project? Yes*

**Project Satisfies all Pre-certification Requirements?:** Yes

### Review Notes

None

# Consent to PPA Assignment Request Form

The Oregon Public Utility Commission will consent to assignment of Community Solar Power Purchase Agreements (PPAs) in certain situations where the project is offered as collateral to financial lenders in the event of project default. This procedure is documented in Commission Order 22-245.

I attest that my organization is the project manager or project owner of a project in the Oregon Community Solar Program (ORCSP), and that the following conditions are met:

- My organization has signed a PPA with an electric utility for the power produced by the pre-certified project described below, and I have provided a copy of this agreement to the ORCSP Program Administrator.
- My organization has entered into, or will enter into upon provision of consent to assignment, a construction loan agreement or similar financing agreement that requires the PM or project owner to offer this project as collateral in the event of default in its lending agreement.
- My organization has obtained a construction loan agreement or similar financing arrangement that requires us to assign our right and responsibilities to the lender in the case of default in its lending agreement; and that default in the lending agreement is the only condition that would cause this assignment.
- The electric utility that is party to the PPA for this project has provided consent to this collateral assignment to the PM or project owner, and I have provided a copy of this agreement to the ORCSP Program Administrator.

Additionally, I attest that the following information is correct:

*Project Name:* Cherry Creek Solar

*ORCSP Project ID:* PP-2021-116

*Project Manager:* Cherry Creek Project Manager, LLC

*Project Owner:* Cherry Creek Solar, LLC

*Financial Lender that would receive rights and responsibilities in the event of default:* Heritage Bank

*Date that project financing agreement was executed:* 12/19/2022

*Section within project financing agreement that requires this collateral assignment:*

Collateral Assignment Agreement

I understand that the Program is not requesting that I provide documentation of my project financing agreement at this time, but that if requested by the Commission I will do so subject to any appropriate confidentiality restrictions.

John Hunter Strader

Name

Authorized Person

Title

Cherry Creek Solar, LLC

Organization



## Project Consent to Collateral Assignment Review

A community solar project manager or project owner is requesting that the Commission consent to assignment of its rights and responsibilities in a Community Solar Power Purchase Agreement in the event of a future default. In line with Commission Order 22-245, the Oregon Community Solar Program Administrator (PA) has reviewed documents and information provided by the project and has confirmed that they satisfy the criteria established by the Commission in that order.

### Project Information

**Project ID:** PP-2021-110

**Project Name:** Hay Creek Solar

**Project Manager:** Hay Creek PM, LLC

**Community Solar Power Purchase Agreement Signee:** Hay Creek Solar LLC

**CSPPA Signee's Relation to Project:** Project Owner

**Project Lender (assignee in event of default):** Heritage Bank

**Utility Service Area:** Pacific Power

**Project Site Address:** 45°48'36.39"N 118°25'2.98"W

**Project Size (kW-AC):** 567

**Carveout-eligible:** No

**Project Status:** Certified

### Review Summary

**Date Review Completed:** 3/22/2023

#### Criteria Review:

- *Has the Project Manager or Project Owner signed a PPA with their utility for the power produced by a pre-certified project? Yes*
- *Does a project financing agreement require the project be offered as collateral in the event of a default in that agreement? Yes*
- *Does a project financing agreements require that the Project Manager or Project Owner assign its rights and responsibilities to the lender, in and only in the event of default? Yes*
- *Has the electric utility provided consent to collateral assignment for this project? Yes*

**Project Satisfies all Pre-certification Requirements?:** Yes

### Review Notes

None

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- My organization has obtained a construction loan agreement or similar financing arrangement that requires us to assign our right and responsibilities to the lender in the case of default in its lending agreement; and that default in the lending agreement is the only condition that would cause this assignment.
- The electric utility that is party to the PPA for this project has provided consent to this collateral assignment to the PM or project owner, and I have provided a copy of this agreement to the ORCSP Program Administrator.

Additionally, I attest that the following information is correct:

*Project Name:* Hay Creek Solar

*ORCSP Project ID:* PP-2021-110

*Project Manager:* Hay Creek PM, LLC

*Project Owner:* Hay Creek Solar, LLC

*Financial Lender that would receive rights and responsibilities in the event of default:* Heritage Bank

*Date that project financing agreement was executed:* 12/19/2022

*Section within project financing agreement that requires this collateral assignment:*

Collateral Assignment Agreement

I understand that the Program is not requesting that I provide documentation of my project financing agreement at this time, but that if requested by the Commission I will do so subject to any appropriate confidentiality restrictions.

Troy Snyder

Name

Authorized Person

Title

Hay Creek Solar, LLC

Organization



## Project Consent to Collateral Assignment Review

A community solar project manager or project owner is requesting that the Commission consent to assignment of its rights and responsibilities in a Community Solar Power Purchase Agreement in the event of a future default. In line with Commission Order 22-245, the Oregon Community Solar Program Administrator (PA) has reviewed documents and information provided by the project and has confirmed that they satisfy the criteria established by the Commission in that order.

### Project Information

**Project ID:** PP-2021-92

**Project Name:** Whisky Creek Solar

**Project Manager:** Whisky Creek PM, LLC

**Community Solar Power Purchase Agreement Signee:** Whisky Creek Solar, LLC

**CSPPA Signee's Relation to Project:** Project Owner

**Project Lender (assignee in event of default):** Heritage Bank

**Utility Service Area:** Pacific Power

**Project Site Address:** 42°26'26.9"N, 121°16'23.8"W

**Project Size (kW-AC):** 165

**Carveout-eligible:** Yes (<360 kW)

**Project Status:** Certified

### Review Summary

**Date Review Completed:** 3/23/2023

#### Criteria Review:

- *Has the Project Manager or Project Owner signed a PPA with their utility for the power produced by a pre-certified project? Yes*
- *Does a project financing agreement require the project be offered as collateral in the event of a default in that agreement? Yes*
- *Does a project financing agreements require that the Project Manager or Project Owner assign its rights and responsibilities to the lender, in and only in the event of default? Yes*
- *Has the electric utility provided consent to collateral assignment for this project? Yes*

**Project Satisfies all Pre-certification Requirements?:** Yes

### Review Notes

None

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- My organization has obtained a construction loan agreement or similar financing arrangement that requires us to assign our right and responsibilities to the lender in the case of default in its lending agreement; and that default in the lending agreement is the only condition that would cause this assignment.
- The electric utility that is party to the PPA for this project has provided consent to this collateral assignment to the PM or project owner, and I have provided a copy of this agreement to the ORCSP Program Administrator.

Additionally, I attest that the following information is correct:

*Project Name:* Whisky Creek Solar

*ORCSP Project ID:* PP-2021-92

*Project Manager:* Whisky Creek PM, LLC

*Project Owner:* Whisky Creek Solar, LLC

*Financial Lender that would receive rights and responsibilities in the event of default:* Heritage Bank

*Date that project financing agreement was executed:* 12/19/2022

*Section within project financing agreement that requires this collateral assignment:*

Collateral Assignment Agreement

I understand that the Program is not requesting that I provide documentation of my project financing agreement at this time, but that if requested by the Commission I will do so subject to any appropriate confidentiality restrictions.

Troy Snyder

Name

Authorized Person

Title

Whisky Creek Solar, LLC

Organization



## Project Consent to Collateral Assignment Review

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### Project Information

**Project ID:** PP-2020-85

**Project Name:** Wocus Marsh Solar

**Project Manager:** Wocus Marsh PM, LLC

**Community Solar Power Purchase Agreement Signee:** Wocus Marsh Solar, LLC

**CSPPA Signee's Relation to Project:** Project Owner

**Project Lender (assignee in event of default):** Heritage Bank

**Utility Service Area:** Pacific Power

**Project Site Address:** 42°16'16.70"N, 121°53'4.01"W

**Project Size (kW-AC):** 882

**Carveout-eligible:** No

**Project Status:** Certified

### Review Summary

**Date Review Completed:** 3/22/2023

#### Criteria Review:

- *Has the Project Manager or Project Owner signed a PPA with their utility for the power produced by a pre-certified project? Yes*
- *Does a project financing agreement require the project be offered as collateral in the event of a default in that agreement? Yes*
- *Does a project financing agreements require that the Project Manager or Project Owner assign its rights and responsibilities to the lender, in and only in the event of default? Yes*
- *Has the electric utility provided consent to collateral assignment for this project? Yes*

**Project Satisfies all Pre-certification Requirements?:** Yes

### Review Notes

None



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- My organization has obtained a construction loan agreement or similar financing arrangement that requires us to assign our right and responsibilities to the lender in the case of default in its lending agreement; and that default in the lending agreement is the only condition that would cause this assignment.
- The electric utility that is party to the PPA for this project has provided consent to this collateral assignment to the PM or project owner, and I have provided a copy of this agreement to the ORCSP Program Administrator.

Additionally, I attest that the following information is correct:

*Project Name:* Wocus Marsh Solar

*ORCSP Project ID:* PP-2021-92

*Project Manager:* Wocus Marsh PM, LLC

*Project Owner:* Wocus Marsh Solar, LLC

*Financial Lender that would receive rights and responsibilities in the event of default:* Heritage Bank

*Date that project financing agreement was executed:* 11/16/2022

*Section within project financing agreement that requires this collateral assignment:*

Collateral Assignment Agreement

I understand that the Program is not requesting that I provide documentation of my project financing agreement at this time, but that if requested by the Commission I will do so subject to any appropriate confidentiality restrictions.

Troy Snyder

Name

Authorized Person

Title

Wocus Marsh Solar, LLC

Organization