



Community Solar Program Updated Draft Rules

Docket No. AR 644 – Community Solar Program rulemaking – informal phase

On April 27, 2021 Staff requested comments on draft revisions to the Community Solar Program (CSP or Program) rules. Staff received comments from stakeholders and have made further revisions to the draft rules. Staff intends to present the updated draft rules and request the Commission open a formal rulemaking at the July 27, 2021 public meeting.

This rulemaking is intended to narrowly address two issues: dispute resolution and revocation of Program status (see [Commission Order No. 21-113](#) for more background).

The updated draft rules begin on the next page. Bold text indicates new language proposed to be added. Struck-through text indicates existing rule language proposed to be deleted. The text in blue indicates changes made in response to stakeholder comments. Only the sections with proposed revisions are shown.

Stakeholders still have multiple opportunities to provide comments on the draft rules. Stakeholders may submit written comments on Staff's forthcoming public meeting memo, to be posted on the AR 644 docket, and provide public comment at the July 27, 2021 public meeting. There will be additional opportunities to provide comment in the formal phase of the rulemaking process.

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OAR Chapter 860 – Public Utility Commission [Division 088 – Community Solar Program Rules](#)

860-088-0110

Dispute Resolution

(1) Any **participant** complaints related to the Community Solar Program received by an electric company, the Low-Income Facilitator, the Program Administrator, or the Commission are to be referred initially to the applicable Project Manager for resolution.

~~(2) a)~~ The Project Manager must investigate each complaint and provide a written response to the complainant.

~~(3) b)~~ If the Project Manager is unable to resolve the complaint, the complainant may request that the complaint be escalated to the Program Administrator. If the Program Administrator is unable to resolve the complaint, the Program Administrator must notify the complainant of the right to contact the Commission’s Consumer Services Section to request assistance in resolving the dispute or to obtain information about filing a formal complaint under ORS 756.500.

~~(4) c)~~ The Project Manager must compile and submit to the Program Administrator an annual report of complaints received over the past 12-month period. This report must include a description of each complaint, the parties to the complaint, and the resolution of the complaint.

(2) Project Managers seeking to resolve disputes related to the Community Solar Program may use the contested case process, OAR 860-001-000, et seq., to resolve disputes:

(a) between multiple Project Managers;

(b) between a Project Manager and an electric company; or

(c) between a Project Manager and ~~the Community Solar Program~~ PUC Staff, Program Administrator, or Low-Income Facilitator.

860-088-0130

Obligations of Project Managers

(1) The Project Manager must register with the Program Administrator.

(2) The Project Manager must comply with the standard of conduct established by Commission order. Upon notice of a potential compliance deficiency, the Project Manager will be afforded the opportunity to meet with Commission Staff and the Program Administrator to work toward a resolution. If the compliance deficiency is not resolved, the Commission may direct the Program Administrator to withhold payments to the Project Manager and take other action as permitted by rule, statute, or contract.

(3) The Project Manager must provide any information the Program Administrator or Staff determines is necessary to investigate issues and make decisions regarding Project Manager participation and status in the program. Such request for information shall not be unduly burdensome.

(-3 4) For the collection of ownership or subscription fees owed to the Project Manager, the Project Manager must use the Commission-approved on-bill payment method described in OAR 860-088-0120(3).

(a) The Project Manager may use a modified on-bill payment method if agreed to by the Program Administrator and the electric company.

(b) The Project Manager may request approval of an alternative fee collection method for ownership or subscription configurations incompatible with the available on-bill payment methods.

860-088-0200

Revocation of Pre-certification or Certification

(1) Upon review of a written complaint, upon recommendation by the Program Administrator, or on its own motion the Commission may, after reasonable notice and opportunity for hearing, consistent with ORS 183.310(2)(a) and ORS 183.415, revoke the pre-certification or certification of a Project and/or registration of a Project Manager for reasons including, but not limited to, the following:

(a) Material misrepresentations in its application for pre-certification, certification, project amendments, or in any report of material changes in the facts upon which the pre-certification or certification was based;

(b) Material misrepresentations in solicitations, agreements, or in the administration of participant contracts;

(c) Dishonesty, fraud, or deceit that benefits the Project Manager or disadvantages customers;

(d) Failure to maintain compliance with the standards for pre-certification or certification, found in OAR 860-088-0040 and OAR 860-088-0050 respectively;

(e) Failure to take required corrective action under disciplinary probation process as outlined in the Program Implementation Manual.

~~(f) Demonstrated lack of financial, or operational capability; or~~

~~(g) Violation of the Project Manager code of conduct or Program Implementation Manual requirements.~~

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