

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 5, 2021**

REGULAR ____ **CONSENT** X **EFFECTIVE DATE** _____ **N/A**

DATE: September 27, 2021

TO: Public Utility Commission

FROM: Joe Abraham

THROUGH: Bryan Conway, JP Batmale, and Sarah Hall **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1930)
Requests Certification of project with waivers in the Community Solar Program.

STAFF RECOMMENDATION:

Grant the recommended waivers and certify the recommended project in the Community Solar Program.

DISCUSSION:

Issue

Whether the Commission should grant the recommended waivers and certify the Red Prairie Solar Project in the Community Solar Program.

Applicable Rule or Law

Section 22 of Senate Bill 1547, effective March 8, 2016, and codified in ORS 757.386, directs the Commission to establish a community solar program (hereinafter referred to as "Program" or "CSP").

On June 29, 2017, the Commission adopted formal rules for the Program under OAR Division 88 of Chapter 860. OAR 860-088-0050 details the requirements for project certification.

Section 3.16 of the CSP Program Implementation Manual (PIM) allows the PA to recommend a waiver of PIM provisions on a case-by-case basis and as part of the Commission's decision on Certification. Any recommended waiver is subject to approval by the Oregon Public Utility Commission at the time of pre-certification or certification.

Section 5.2 of the PIM outlines the information and documentation that must be submitted to the PA as part of the Certification application.

Order No. 20-387 temporarily waived, for a period of 12 months, the requirement in the PIM that a Project Manager subscribe 10 percent of a project's capacity to low-income customers prior to project certification, and instead required the Project Manager to meet the project's low-income subscription requirement within 12 months after project certification, or be subject to a penalty.

Section 2.1.2 of the PIM requires the Project Manager should be the entity that enters into an agreement with the utility for the delivery of power and to collect on-bill charges for subscriptions ("Community Solar Power Purchase Agreement").

Analysis

Background

A Project Manager (PM) registered with CSP may submit applications for project certification to the Program Administrator (PA). As required by OAR 860-088-0050(3), the PA reviews applications for compliance with Program requirements and recommends projects for Certification by the Commission.

The PA recently received an application for the following project. After reviewing the application and supporting documentation provided by the PM, the PA has recommended that the Commission grant the requested waivers and certify the project in the Program. See the Certification Recommendation Form, Attachment A.

Recommended Project

Project Name	Name of Project Manager	Utility Territory	Project Size (kW-AC)	Attachment #
Red Prairie Solar	RP PM, LLC	Portland General Electric	2,200	Attachment A

Red Prairie Solar is a 2.2 MW-AC project managed by RP PM, LLC and owned by Red Prairie Solar, LLC. The project is located outside the City of Sheridan in Yamhill County, in the Portland General Electric (PGE) service area. Both the project manager and project owner are entities controlled by TLS Capital, LLC. TLS Capital also controls two

other pre-certified projects in PGE service area, five pre-certified projects in Pacific Power service area, and four waitlisted projects in PAC service area. Outreach and customer management for the project is managed through Oregon Shines, an entity formed by several PMs to conduct customer management in the Program.

The project has also submitted two Project Waiver Requests. The first Project Waiver Request (Attachment B) requests Certification prior to completing construction, and to provide construction drawings in lieu of as-built plans. The project will provide as-built plans to the PA within six months of commencing operations. This request is intended to allow the project to become immediately operational upon construction, without waiting for Commission approval at a subsequent public meeting. The PA supports granting this waiver, noting that a similar waiver has been granted to one other project, and that permitting Certification for projects prior to completing construction benefits both participants and projects by avoiding delay. Additionally Staff has drafted proposed PIM modifications that would allow the PA to recommend project Certification when construction drawings are provided.

The second Project Waiver Request (Attachment C) requests allowing the project owner, which is distinct from the PM, to sign the Community Solar Purchase Agreement (CSP PPA). Section 2.1.2 of the PIM requires that this document be signed by the Project Manager, and the PA acknowledges that this requirement poses logistical barriers, including utility and lender requirements. Staff has recommended revisions to the Certification process in the next revision of the PIM that would permit an entity other than the PM to sign the CSP PPA. In line with that proposed approach, the Project Manager has confirmed in its waiver request that it is managing the project with the consent of the project owner.

The project is also requesting Certification prior to completing low-income customer enrollment. The Commission adopted Staff's recommendation on October 20, 2020, to waive this requirement for 12 months.¹ The project has contracted with a large multifamily affordable housing provider to fill its low-income capacity, and the Program Low-Income Facilitator (LIF) is currently completing the participant verification and onboarding process. The PA recommends granting this waiver as the PA and LIF do not have concerns about this housing provider's participation.

Finally, the PA notes that this project submitted its Certification request prior to its Certification deadline of September 11, 2021. While the timeline of project review and public notice requirements have led the project to be formally Certified by the Commission after the 18 month deadline, Staff and the PA have no concerns with Certifying the project at this time.

¹ See Order No. 20-387. <https://apps.puc.state.or.us/orders/2020ords/20-387.pdf>.

Conclusion

Staff has discussed the project application with the PA and reviewed CSP requirements. Staff supports the PA's recommendation that the Commission approve the project with waivers for certification in the Program.

PROPOSED COMMISSION MOTION:

Grant the recommended waivers and certify the Red Prairie Solar Project in the Community Solar Program.



Community Solar Certification Recommendation

Public Meeting Date: 10/05/21

Project Overview

Project ID: PGE-2020-40
 Project Name: Red Prairie Solar
 Project Manager: RP PM, LLC
 Site Address: 45°05'14.7"N 123°25'03.2"W Sheridan 97378
 Utility Territory: PGE
 Project Size (kW-AC): 2200
 Applicable Designations :

Low Income	No
Workforce Diversity	No
Brownfield	No
Dual-Use Ag	No

Development Entity Type: LLC
 Projected COD: 10/15/2021
 Project Description: Red Prairie Solar is a 2.2 MWac / 3.302 MWdc ground mounted photovoltaic solar project located west of Sheridan, OR

Requirements Checklist (OAR 860-088-0050 and PIM Chapter 5)

Participant requirements:

≥ 5 different participants	Yes
≥ 50% project capacity subscribed/owned	Yes
≥ 10% capacity subscribed/owned by low-income participants	Yes
≤ 40% capacity subscribed/owned by single participant	Yes
< 50% capacity subscribed/owned by large commercial/industrial/irrigation	Yes
All participants verified as eligible	Yes

Project requirements:

Project has not changed materially since pre-certification	Yes
Conditions imposed at pre-certification have been met	Yes
Executed utility PPA submitted	Yes
As-built plan set submitted	No
Final project cost information submitted	Yes
Status of utility interconnection upgrades and inspection submitted	Yes
Commercial Operation Date expected within 6 months	Yes

PA Recommendation

Recommendation: With_Reservations
 Recommendation Date: 9/10/2021

Project has requested a waiver to be Certified prior to completing construction and has provided construction drawings. Project would provide as-built plans within six months of beginning operations.



General Waiver Request Form

The Oregon Community Solar Program allows for Project Managers to submit a waiver to the Program Administrator for select Program Implementation Manual (PIM) project requirements on a case-by-case basis. The Program Administrator may recommend a waiver of any PIM provision as part of the pre-certification, certification, or major project amendment process, subject to final approval by the Oregon Public Utility Commission.

To request a waiver to the low-income subscription discount requirement, please fill out the Low-Income Discount Waiver Request Form at www.oregoncsp.org. This form is applicable for all other waiver requests. .

The process for requesting a waiver is as follows:

- 1. The Project Manager will fill out this waiver request form and submit to the Program Administrator on the Community Solar Program Platform at www.oregoncsp.org.** Waiver requests may be submitted as part of the project pre-certification or certification submittal process. It is recommended that Project Managers submit their waiver requests early in the process in order to better inform their project planning.
- 2. The Program Administrator will review the waiver request and provide a recommendation to the Oregon Public Utility Commission.** As part of this review, the Program Administrator may schedule a meeting with the Project Manager to discuss their project plans. Waiver requests will not be granted automatically but will be considered based on their merits on a case-by-case basis. The final decision to grant a waiver is made by the Commission at the time that a project is pre-certified or certified, and the recommendation provided by the Program Administrator is not binding.
- 3. The Oregon Public Utility Commission will make a final determination on whether to grant the waiver request at the time of pre-certification or certification.** As part of approving a waiver, the Commission may place additional conditions on a project that must be met

Oregon Community Solar Program Waiver Request

Project Manager Entity Name: RP PM, LLC

Point of Contact Name: Troy Snyder

Point of Contact Phone Number: 503-816-6608

Point of Contact Email: troy@tlscapital.com

Please provide the specific PIM language you are requesting relief from below:

PIM Chapter: 5

PIM Section: Information Required in the Certification Application

Description:

Requirement for submitting final, as-built plan set for Red Prairie Solar as a prerequisite for Certification.

Please provide a brief narrative that describes:

- a) The reason that you are requesting a waiver, and
- b) How this waiver would benefit the Program and/or Program Participants.

You may submit this narrative as a separate document if preferred. You may also attach documentation to this waiver request if relevant and necessary.

As a requirement to request Certification of a project, Section 5.2 of the Program Implementation Manual ("PIM") requires that a Project Manager submit the "final, as-built plan set for the Project". The final as-built plan sets are not available until after the project is already interconnected and operational. Red Prairie Solar is seeking Certification prior to the Commercial Operation Date, as contemplated by the PIM and will submit the final as-built plan sets as soon as they are available.



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