#### BEFORE THE PUBLIC UTILITY COMMISSION

#### OF THE STATE OF OREGON

TESTIMONY OF DAVID W. BROWN

ON BEHALF OF

OBSIDIAN RENEWABLES LLC

AND

CYPRESS CREEK RENEWABLES LLC

Q. PLEASE STATE YOUR NAME, CURRENT EMPLOYMENT POSITION AND EXPERIENCE WITH THE SUBJECT MATTER OF THIS TESTIMONY.

My name is David W. Brown. I am the Owner of Obsidian Renewables LLC ("Obsidian"). My testimony is based on my personal knowledge gained through my experience as a developer of solar and other renewable generating facilities. I have degrees and considerable experience in finance and law and I have considerable professional experience with taxes and structuring complex transactions. I am active at the Oregon legislature on renewable energy matters and have been active in several of the recent renewable energy dockets before this Commission.

#### Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

This proceeding was opened by the Commission based on Idaho Power's allegation that it has experienced an unprecedented and dangerous spike in renewable QF development in its service territory. The purpose of my testimony is to inform the Commission about the actual amount of renewable power development in Idaho Power's Oregon service territory over the past several years. The evidence set forth in my testimony shows that Idaho Power has *not* experienced any extreme or unprecedented spike in renewable power development in Oregon since the Commission issued Order 14-058 last year.

There has been a modest surge in the number of requests for interconnection services for standard PURPA contracts by solar developers, but not in the total number of megawatts. It is my opinion that the temporary surge in the number of PURPA contracts should have passed now that the window for obtaining the 30% federal tax credit has, for practical purposes, closed. Further, there is no evidence in the record upon which the Commission may conclude that a short-term surge in PURPA contracts will result in a significant increase in constructed projects in terms of total megawatts. To the contrary, my testimony

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also shows that in Idaho Power's Oregon service territory, consistent with PacifiCorp's service territory and elsewhere, very few proposed renewable energy projects are actually built.

Q. DOES IDAHO POWER HAVE INFORMATION CONCERNING THE NUMBER OF PURPA CONTRACT REQUESTS IT HAS RECEIVED, AND THE NUMBER THAT IT HAS EXECUTED, IN YEARS PRIOR TO ORDER 14-052?

A. Yes, of course Idaho Power has this information. Idaho Power could easily prepare a chart comparing the number of PURPA contract requests and the number of PURPA contracts it has executed in the aggregate and on an annual basis for each year for the last 10 or so.

### Q. HAS IDAHO POWER PROVIDED SUCH INFORMATION TO THE COMMISSION IN THIS PROCEEDING?

A. No. Although Idaho Power has represented that the number of PURPA contract requests and the number of executed PURPA contracts has increased dramatically since Order 14-058 was issued, Idaho Power has conspicuously omitted any data about the volume of PURPA contract activity in prior years. Thus, there is nothing in the record that would allow the Commission to reach the conclusion that the current volume of PURPA contract activity is any more or any less than it has been in prior years.

Q. DOES IDAHO POWER HAVE INFORMATION CONCERNING THE PERCENTAGE OF PURPA CONTRACT REQUESTS, AND THE PERCENTAGE OF EXECUTED PURPA CONTRACTS, THAT HAVE RESULTED IN COMPLETED PROJECTS?

A. Yes. Again, this is information readily available to Idaho Power. It could easily prepare a chart comparing the percentage of PURPA contract requests and the percentage of executed PURPA contracts that have resulted in completed projects for each of the last 10 years or so.

### Q. HAS IDAHO POWER PROVIDED THIS INFORMATION TO THE COMMISSION IN THIS PROCEEDING?

- No. As I explain in greater detail below, Idaho Power's entire case rests on the inference, unsubstantiated by any data and unsubstantiated by expert opinion testimony, that an increase in PURPA contract requests will result in a corresponding increase in completed projects. Idaho Power conspicuously omits any data in its possession that shows what percentage of such contracts and contract requests actually result in completed projects.
  - Q. WHY DO YOU THINK IDAHO POWER HAS FAILED TO INFORM THE COMMISSION ABOUT THE NUMBER OF AND SUCCESS RATE FOR PRIOR PURPA CONTRACT REQUESTS AND EXECUTED PURPA CONTRACTS?
- In my opinion, Idaho Power has deliberately withheld this critical information 8 A. from the Commission because it does not want the Commission to know that the 9 success rate for potential PURPA projects--even among those that have executed 10 PPAs--is staggeringly low. If the data showed a high success rate, Idaho Power would certainly have shared it in support of its petition. But we know from Idaho 11 Power's interconnection queue--data which I have sought out on my own and 12 summarize for the Commission below--that the success rate of such projects is very, very low. This is critically important to Idaho Power's petition because it 13 shows that any surge in contract requests that Idaho Power may have seen will 14 have little or no correlation to a surge in completed projects. Of course, 15 Commission staff could request the data from Idaho Power.

## Q. WERE YOU ABLE TO FIND DATA CONCERNING THE RATE OF RENEWABLE POWER DEVELOPMENT IN IDAHO POWER'S OREGON SERVICE TERITORY?

A. Although Idaho Power does not include in its filings in this docket any comparative data of renewable power development in its Oregon service territory before and after Order 14-058, such information is readily available from Idaho Power's interconnection queue. Any energy project to be developed in Idaho

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Power's service territory for direct sale to the utility, including any proposed QF project, must request interconnection service from Idaho Power. Under federal law, Idaho Power maintains a public database of all such interconnection requests. Idaho Power's interconnection database can be accessed at: http://www.oasis.oati.com/ipco/index.html.

This database shows all interconnection requests on Idaho Power's system dating back to January 1, 2001. If there has been an "unprecedented" spike in renewable QF development in Idaho Power's Oregon service territory following Order 14-058, it would be reflected in the number of interconnection requests and the number of completed projects that are interconnected. Please note: Nothing in UM 1725 or in my testimony concerns net metered projects.

Q. HAVE YOU ANALYZED IDAHO POWER'S INTERCONNECTION REQUESTS SPECIFIC TO RENEWABLE ENERGY DEVELOPMENT IN OREGON?

Yes. In order to make the relevant data in Idaho Power's interconnection queue more accessible and user friendly, I have copied the entire interconnection database into an Excel file, which is attached hereto as Exhibit 1, first tab. I then extracted all of the renewable energy projects from the database, which data is the second tab of Exhibit 1. I used my judgment to delete duplicate entries, entries seeking very small capacity increases to pending requests, and those for renewal of existing, in-service renewable projects. I then extracted all of the Oregon renewable energy projects after January 1, 2001, which is the third tab of Exhibit 1. The fourth tab on Exhibit 1 is the same as the third tab, sorted by motive force.

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Testimony of David W. Brown UM 1725

1 BASED ON YOUR ANALYSIS OF THE INTERCONNECTION QUEUE, Q. CAN YOU SUMMARIZE THE VOLUME OF INTERCONNECTION REQUESTS IDAHO POWER HAS RECEIVED FROM POTENTIAL 2 RENEWABLE ENERGY PROJECTS IN OREGON ON AN ANNUAL **BASIS FROM 2001-2013?** 3 Yes. The data shows that is quite normal for Idaho Power to receive, in any given A. year, multiple interconnection requests from potential renewable projects totaling 4 hundreds of megawatts of capacity. In almost every case, those interconnection 5 requests are ultimately withdrawn or deactivated. Idaho Power's annual interconnection data for Oregon renewable energy projects from 2001 through 6 2013 is as follows: 7 In 2001. Zero requests. 8 In 2002. Three requests for 903MW. All withdrawn. In 2003. Zero requests. 9 In 2004. Zero requests. 10 In 2005. One request for 101 MW. The 101MW Elkhorn Flats wind project came into service in Union County. 11 In 2006. Two projects for 39MW. The 36MW Neal Hot Springs Geothermal project came into service in 2012. The other project was withdrawn. 12 In 2007. Idaho Power received requests for interconnection service in Oregon for 9 projects representing 272 MW of capacity. All projects were 13 withdrawn. 14 In 2008. Idaho Power received requests for interconnection service in Oregon for 4 renewable projects representing 620 MW of capacity. A single 3 MW wind project came into service; the other projects were 15 withdrawn. In 2009. Idaho Power received requests for interconnection service in 16 Oregon for 14 renewable energy projects representing 392 MW of capacity. All projects were withdrawn. 17 In 2010. Idaho Power received requests for interconnection service in Oregon for 5 renewable energy projects representing 670 MW of capacity. All projects were withdrawn. 18 In 2011. Idaho Power received requests for interconnection service for 5 renewable energy projects representing 60 MW of capacity. All projects 19

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were withdrawn.

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In 2012. Idaho Power received requests for interconnection service for 8 projects representing 75 MW of capacity. No projects have come into service, but 5 wind projects totaling 50MW are shown in the database as in construction.

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In 2013. Idaho Power received requests for interconnection services for 8 renewable energy projects representing 75 MW of capacity. No projects have come into service, but four solar projects totaling 35 MW are reported in the database as in construction.

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FROM JANUARY 1, 2014 TO THE PRESENT, HAS THERE BEEN AN Q. "UNPRECEDENTED" INCREASE IN RENEWABLE ENERGY CAPACITY SEEKING TO INTERCONNECT WITH IDAHO POWER IN **OREGON?** 

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No. In 2014 Idaho Power received requests for interconnection services from 4 projects representing 50 MW of capacity. The aggregate capacity of renewable energy projects requesting interconnection services from Idaho Power in Oregon in 2014 was actually less than the capacity of renewable energy projects requesting interconnection services from Idaho Power in Oregon in each of 2002, 2005, 2007, 2008, 2009, 2010, 2011, 2012 and 2013. Two of the four projects entering the interconnection queue in 2014 have already been withdrawn. This leaves, at most, only two 10 MW projects from 2014 that might be built. In other words, for the first 10 months after Order 14-058, Idaho Power received only two interconnection requests from renewable energy projects that are still outstanding. Notwithstanding Idaho Power's spin, the uncontroverted evidence shows that the volume and pace of renewable QF development actually decreased in the months

In 2015, there has been a modest increase in the number of renewable

projects requesting interconnection services. But because of the existing 10MW

cap on QF projects, these have all been relatively small projects and the total

amount of capacity seeking to interconnect remains less than or consistent with

prior years. The data shows that in 2015 Idaho Power has received requests for

interconnection services from 24 renewable projects representing 214 MW of

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following Order 14-058.

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capacity. Idaho Power's complaint in this proceeding is about the total impact on its system from the megawatts of capacity. Again, 214 MW of capacity requesting interconnection service in 2015 is actually *less* than the requests Idaho Power received in Oregon in 2002, 2007, 2008, 2009 and 2010, and consistent with the average capacity of interconnection services requested each year between 2007 and 2013.

As an administrative body, the Commission must make decisions based on the evidence in the record rather than unsubstantiated allegations. In this case, the evidence now in the record shows—unequivocally—that there has *not* been an "extreme" and "unprecedented" spike in renewable energy development in Idaho Power's service territory.

## Q. WILL THE PROJECTS THAT HAVE REQUESTED INTERCONNECTION SERVICES IN OREGON PRODUCE AN OVERWHELMING AMOUNT OF POWER?

No. As explained below, the statistics show that very few projects requesting interconnection are actually built. Between January 2001 and [June] 2015 Idaho Power has received 87 requests for interconnection services for renewable energy projects in Oregon representing 3,472 megawatts of capacity. *Only 3 of those projects representing 140 megawatts of capacity have come into service*. This means that, of the total number projects requesting interconnection services, only about 3.5% are completed. In terms of the total capacity requesting interconnection services, only about 4% are completed. Looking forward, a few more projects will likely be built, but there is little chance the number built out of the pending requests will be very large.

In addition, even if they are completed, none of the proposed projects should be expected or assumed to operate at a 100% capacity factor for all hours. Solar projects, for example, are by definition a daytime resource. I can see no

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reason to compare the nameplate capacity of a solar farm against utility load during the night (low load hours). Even if—for the sake of argument—50 megawatts of solar farms are actually built in Idaho Power's service territory in Oregon, they can be reasonably expected to generate about 100,000 MWh or less of energy per year. Idaho Power's annual retail sales and load for 2014 are reported by it to be 16.3 million megawatt hours.

https://www.idahopower.com/AboutUs/CompanyInformation/Facts/default.cfm
This hypothetical 50 megawatts would supply less than one percent (1%) of Idaho Power's annual energy needs. While I did not find company published data on Idaho Power's Oregon retail load, it did state in the same report that Oregon represents 5 percent of the company's overall retail revenue. That suggests that

the five new projects I have assumed for the sake of argument would represent, at

Q. IS THIS INTERCONNECTION DATA CONSISTENT WITH YOUR PERSONAL EXPERIENCE AS A SOLAR DEVELOPER IN OREGON?

most, only about 10 percent of the company's load in Oregon.

Absolutely. In my experience, fewer than 20 percent of larger solar QF projects proposed for development ever get completed. In the last five years, Obsidian has requested PPAs and started interconnection services requests for 9 different QF projects in Oregon (120 MW capacity) and none have been built. We are expecting that 2 projects with 16 MW of capacity will be built in 2016. Neither are in Idaho Power's service territory.

Q. HAVE YOU REVIEWED THE TESTIMONY OF RANDY ALLPHIN FILED IN THIS PROCEEDING ON APRIL 24, 2015 ("ALLPHIN TESTIMONY")?

A. Yes.

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DOES THE ALLPHIN TESTIMONY OFFER ANY EVIDENCE OR DATA Q. TO SUGGEST THAT RECENT REQUESTS FOR PURPA CONTRACTS WILL ACTUALLY RESULT IN COMPLETED PURPA PROJECTS?

No. Although it is certainly implied that PURPA contracts equate with installed A. 3 4. 5 6 7

capacity, if you read the Allphin Testimony closely, it deliberately and carefully avoids making any direct representation that PURPA contracts correlate with completed projects. The testimony says only that a certain number of contracts have been executed and that additional requests have been received. Nothing in the Allphin Testimony states that a large number of solar projects or wind projects will actually be built in the next 12 or 18 months. There is, therefore, no evidence in the record supporting the conclusion that Idaho Power will experience a glut of new solar QF development in Oregon. In terms of the effect on Idaho Power's ratepayers, the requests for PURPA contracts described in the Allphin Testimony are not proof of anything except that requests have been made.

Ironically, the Allphin testimony does confirm the fact that there has been virtually no PURPA development in Idaho Power's service territory in Oregon. Idaho Power alleges that PURPA developers are already fleeing Idaho for the friendlier regulatory environment in Oregon. What the evidence shows, however, is that of the 781 MW of PURPA Projects on line in Idaho Power's entire service territory, only 18 MW (2 percent) are in Oregon. Even accounting for the difference in load between the two jurisdictions, the volume of PURPA development in Oregon has been and remains disproportionately low as compared to Idaho.

SHOULD THE COMMISSION ASSUME THAT IF THERE IS A HIGH Q. NUMBER OF PURPA CONTRACT REQUESTS, THEN THERE WILL BE A HIGH NUMBER OF PURPA PROJECTS COMPLETED?

No. This may seem like an intuitive assumption, but the data clearly shows Α. otherwise, and there is no actual evidence in the record that supports the assumption. It is extremely difficult to develop successful PURPA projects in the

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state of Oregon, and the vast majority of projects that are started are never built. Two of the many reasons are unexpectedly high interconnection costs and difficulty obtaining land use approval under Oregon law. The low success rate for PURPA projects in Oregon has been true for many years. The evidence from Idaho Power's interconnection queue shows that very few proposed renewable energy projects—even among those that make it as far as the final interconnection study stage—are actually completed.

Of the 87 potential renewable energy projects renewable energy projects in Idaho Power service territory in Oregon requested interconnection services from 2001 to date, only *three* have been built. Similarly, in terms of capacity, only 140 out of 3,472 potential megawatts have been built (and 101 out of those 140 MW are attributable to a single wind project). That is—at best—a 4 percent success rate. In my testimony, I have assumed for the sake of argument that 50 megawatts now pending in Oregon will be built. That would be a 20 percent success rate based on the current (not withdrawn) list of solar requests in Oregon—which would be 5 times higher than the actual success rate over the last 15 years.

Idaho Power's testimony does not include relevant facts about its history of completed PURPA projects and does not contain any expert opinion testimony of how many such projects are expected to be completed. My testimony based on a public database of historic facts and supplemented by my opinion, based on research and experience, that Idaho Power will not be overwhelmed by solar QF power.

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IN UM 1734, PACIFICORP HAS ASKED THE COMMISSION TO ASSUME THAT HALF OF PURPA CONTRACT REQUESTS WOULD RESULT IN COMPLETED PROJECTS. WOULD THIS BE A REASONABLE ASSUMPTION?

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No. There is absolutely no data in the record that would support the conclusion or even the assumption that half of all projects requesting a PURPA contract will result in completed projects. To the contrary, the evidence in the record--the cold hard data from the utilities' own interconnection queues--shows that less than 5% of renewable projects seeking interconnection are actually completed. And the projects seeking interconnection are much more advanced in the development process than those merely requesting a PURPA contract. To assume that 50% of all projects seeking a PURPA contract will be completed would be wrong by an order of magnitude.

Both PacifiCorp and Idaho Power have historical data showing exactly

what percentage of PURPA contract requests have resulted in completed projects-

-and yet neither utility has shared such data with the Commission. At some point

we all need to ask ourselves how much credibility should be given to spin and

consequences. The utility witnesses were careful to never say they thought

several thousand megawatts of solar would be built or that there was any data to

demonstrate that several thousand megawatts of solar would be built. They just

said "what if" in a very clever way and deftly encouraged the regulatory body to

FOCUSED SPECIFICALLY ON SOLAR AND WIND PROJECTS. OVER THE SAME TIME PERIOD, HAS THE SUCCESS RATE OF SOLAR

PROJECTS BEEN HIGHER THAN OTHER RENEWABLE ENERGY

whether the utilities' effective misrepresentation of data will have any

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follow their trail.

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No. Idaho Power's queue data shows that 41 solar projects have requested Α. interconnection services in Oregon in the last 15 years. Of these 41 solar projects,

IDAHO POWER'S PETITION FOR RELIEF IN THIS DOCKET IS

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no solar projects have been built. If the Commission takes only one thing from my testimony it must be this: Idaho Power is bitterly complaining about too much solar QF development in Oregon when it, in fact, does not have a single completed solar QF project in Oregon.

## Q. ARE IDAHO POWER'S OREGON RATEPAYERS BEING FORCED TO PURCHASE UNWANTED OR OVERPRICED SOLAR QF POWER?

No. The crux of Idaho Power's petition is that its Oregon ratepayers are paying more for unwanted solar QF power than Idaho Power's actual avoided costs. Putting aside the fact that Idaho Power's revised avoided cost rate schedule went into affect less than one month ago—after this petition was filed—this is simply not possible. The fact is that Idaho Power's Oregon ratepayers are currently not purchasing any solar QF power. Again, according to Idaho Power's interconnection queue, no solar QF projects have been built in Idaho Power's Oregon service territory. None. It is a problem that does not, indeed cannot, even exist.

Even if the five or so solar projects now in progress are completed, as I expect may happen, the amount of solar development in Idaho Power's Oregon service territory will be modest and on a completely different scale from the "extreme" and "unprecedented" amount QF development that Idaho Power has represented in its Motion.

#### Q. IS A PERMANENT CHANGE IN POLICY FROM ORDER 14-058 NEEDED TO CURTAIL A SHARP INCREASE IN SOLAR QF PROJECTS IN THE FUTURE?

No, there will not be a sharp increase in solar QF projects in Idaho Power's Oregon service territory going forward for three reasons. First is the pending statutory expiration of the 30 percent federal tax credit for new solar projects. Second is the dramatic decrease in Idaho Power's avoided cost rates. Third, is my understanding and opinion that the distribution and transmission infrastructure

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systems of Idaho Power will result in prohibitively high interconnection costs for any additional projects. These high interconnection costs add substantially to the difficulty of developing a solar project. Taken together, these factors will make it extremely difficult to develop a new solar project in Idaho Power's service territory in Oregon for the foreseeable future. In my opinion as a solar developer, Idaho Power should actually see a decline in requests for PURPA contracts from new solar QF projects going forward. The surge of interest in solar QF development—such as it was—should be over already.

#### PLEASE EXPLAIN HOW THE EXPIRATION OF THE 30 PERCENT FEDERAL TAX CREDIT AT THE END OF 2016 WILL HAVE AN IMMEDIATE AFFECT ON SOLAR OF PROJECTS.

There is no longer enough time to complete a new project prior to the expiration of the tax credit. In order to be eligible for the 30 percent federal tax credit, new projects must be completed and achieve commercial operation before December 31, 2016. A project seeking a PURPA contract today likely cannot complete all interconnection studies, be built and interconnected before the tax credit expires.

#### ARE IDAHO POWER'S REVISED AVOIDED COST RATES LIKELY TO Q. ICENTIVIZE OR CHILL FUTURE RENEWABLE QF **DEVELOPMENT?**

The Commission should note that Idaho Power filed its petition in this case before its new avoided cost rates went into effect on June 24, 2015. These new rates are much lower than the previous rates. In my opinion as a developer, these new rates are likely to have a significant chilling effect on new renewable QF development in Idaho Power's Oregon service territory. Idaho Power has not provided any evidence in the record that the pace of PURPA contracts has continued on the same trajectory following the adjustment of its avoided cost rates. Again, the absence of such evidence indicates that any further "relief" against solar QF projects is unnecessary.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

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modification w	modification to GI# 97			modification to G#110			grandfather contract expiration to Power Plant							
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study option for GI#345 expansion to GI 349		studied w/GI 354	studied w/Gl 352			NATIONAL DESCRIPTION OF THE PROPERTY OF THE PR	AND THE PROPERTY OF THE PROPER	60	0			see 336	see 336	see 336	see 336							expansion of GI 309	THE REAL PROPERTY OF THE PROPE	see Discretion #10420687; studied w/G#325	Number Cons		THE REAL PROPERTY AND PERSONS ASSESSMENT		A CALLED TO THE TOTAL CONTRACT OF THE TOTAL	see # 289 & #317 different voltage	See HOLL CIN CO., MINOCON, CO.	see #289, different voltage		see #311 different voltage	expansion to #230						expansion to G#286	Expansion to G#105	Expansion to G#159	Expansion to GI#155					expansion to G#133 expansion to existing small cogen								

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d julatory Act dy		Available Reports	(FeSR, SIS, FSR)		FeSR SISR		FeSR SISR FSR LGIA	FeSR SISR	FeSR SISR	FeSR SISR	FeSR SISR	FeSR SISR	FeSR SISR	FeSR; FeSR restudy; SISR	FeSR SISR	FSK SISK	reok; olok	FeSR SISR	FeSR FeSReS SISR	F 65 S S S S S S S S S S S S S S S S S S	
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Notes to OASIS			93																
Deviations from Study Timeline							(3)												
Study Not Completed Explanation																			
Reports (FrSR, SIS, FSR)						200													
Max MW	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	00.9	4.00	10.00	10.00	10.00	11.00	10.00	6.60	8.25	4.40	7.15
Winter																			
Summer																			
Fuel Type	Solar	Solar	Solar	Solar	Solar	Solar	Solar	Solar	Solar	Soiar	Solar	Sciar	Solar	Solar	Solar	Solar	Solar	Solar	Solar
Type of Service (NR, ER, PURPA)																			
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