

From: [Ken Kaufmann](#)
To: [Matt Loftus](#)
Cc: [MENZA Candice * PUC](#); [Oregon Dockets](#); [JONES Jason W](#); [MOSER Nolan * PUC](#); [HERB Kim * PUC](#); [HALL Sarah * PUC](#); [MULDOON Matt * PUC](#); [CRIDER John * PUC](#); [MOORE Caroline * PUC](#); [GIBBENS Scott * PUC](#); [Adam Lowney](#)
Subject: Re: [INTERNET] OPUC Docket UM 2177 -- Notice of Filing
Date: Monday, June 7, 2021 11:36:51 AM

Hello Matt,

Thank you for your e-mail, noting that PacifiCorp will respond to Sunthurst's questions by June 9. This is satisfactory from Sunthurst's perspective.

I also appreciate you giving your interpretation of the Community Solar Program (CSP) rules and requirements. They are new, and the sooner we gain a mutual understanding of how they work, the better.

Respectfully, I read the rules a little differently: When deciding how to provide notice, I checked and found that Pacific Power's CSP Tariff (Schedule 126) is silent on what constitutes written notice and when it is deemed delivered. I found, further, in Order No. 20-122, the Commission adopted Staff's memo, which stated that "Staff has maintained its position that the documents required to implement CSP interconnection should closely mirror the Small Generator Interconnection Procedures (SGIP) in OAR Division 82 and the compliance filings associated with the SGIP docket." Order No. 20-122, Appdx A, p. 4.

Accordingly, my June 2 Notice stated it met the requirements of a 10-Day Notice set forth in OAR 860-082-0085 because neither the CSP (Div 88) rules nor PacifiCorp's Tariff state what a Notice should contain, and because Order 20-122 says the CSP procedures should mirror the SGIP.

In similar fashion, because neither the CSP (Div 88) rules nor PacifiCorp's Tariff define the effective date of a written notice, I looked to OAR 860-082-0015(38), which provides that Notice is deemed delivered the date it is placed in US First Class mail (June 2).

Finally, I note that a document published on PacifiCorp's website, titled *Pacific Power Community Solar Project Interconnection Procedures* follows the mailbox rule of OAR 860-082-0015 (38) and mirrors the OAR 860-082-0085 Notice requirements. The *Procedures*, which are not a tariff, are only valid to the extent they are consistent with PacifiCorp's Tariff and Commission rules, but in this case they further support the interpretations above.

I hope that PacifiCorp will not oppose the sufficiency of my June 2 notice, but if you (or anyone copied on this response) still think my interpretation is wrong, or seek further clarification, I would be interested in discussing further. With respect to the substance of my June 2 notice, I will contact you as soon as I have reviewed PacifiCorp's June 9 response. I always appreciate working with you.

Sincerely,

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On Jun 4, 2021, at 1:09 PM, Loftus, Matthew (PacifiCorp)
<Matthew.Loftus@PacifiCorp.com> wrote:

Mr. Kaufman:

PacifiCorp is in receipt of your Notice of Intent to File Complaint for Enforcement (Notice). You submitted the Notice after 5 pm on June 2nd, so it was processed on the following day, June 3, 2021 (although your certificate of service indicates that you emailed the Notice to me, it was not received). Nonetheless, you requested a response by June 7, 2021. We are reviewing the letter and will provide a substantive response as soon as possible, but it will not be on or before June 7, 2021. We will endeavor to provide a response by June 9, 2021. I note that the three projects referenced in your June 2, 2021 letter are community solar projects, which were processed pursuant to PacifiCorp's [CSP Interconnection Procedures](#) approved by the Public Utility Commission of Oregon in Order No. 20-122—not the Small Generator Interconnection Rules that you reference in your Notice. Additionally, you claim that the Notice satisfies the 10-day notice required by OAR 860-082-0085 and you characterize your letter as a notice to “File Complaint for Enforcement.” However, OAR 860-082-0085(1) clearly states that the rule specifies the procedure to file a complaint for enforcement of *an interconnection agreement*. Your Notice acknowledges Sunthurst does not have an interconnection agreement for the three community solar projects. Therefore, neither OAR 860-082-0085 nor its counterpart in the CPS Interconnection Procedures are applicable.

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From: MENZA Candice * PUC <Candice.MENZA@puc.oregon.gov>
Sent: Thursday, June 3, 2021 10:06 AM
To: Loftus, Matthew (PacifiCorp) <Matthew.Loftus@PacifiCorp.com>; Oregon Dockets <OregonDockets@PacifiCorp.com>; Ken Kaufmann <Ken@kaufmann.law>
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Subject: [INTERNET] OPUC Docket UM 2177 -- Notice of Filing

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Docket Name: SUNTHURST VS. PACIFICORP

Description: Sunthurst Energy, LLC's Notice of Intent to File Complaint for Enforcement, filed by Kenneth Kaufman.

Use the link below to view this document:

<http://edocs.puc.state.or.us/efdocs/HNA/hna10329.pdf>

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