

October 23, 2023

Via Email

Filing Center
Oregon Public Utility Commission
201 High Street SE, Suite 100
Salem, OR 97301-3398
PUC.FilingCenter@state.or.us

Robert Eckenrod
PacifiCorp
825 NE Multnomah Street, Suite 550
Portland, OR 97232
robert.eckenrod@pacificorp.com

Via First-Class Mail

PacifiCorp
Attention: Transmission Services
825 N.E. Multnomah Street, Suite 550
Portland, OR 97232

Re: **Notice of Intent to File Complaint of Enforcement**
Green Solar LLC

Dear Filing Center:

By this letter, Green Solar LLC (“Green Solar”) hereby gives notice of its intent to file a Complaint with the Oregon Public Utility Commission (the “Commission”) for enforcement of an interconnection agreement pursuant to OAR 860-082-0085(2) and OAR 860-088-0110(2)(b). Under OAR 860-082-0085(2), a party must file such notice with the Commission at least 10 days prior to filing a complaint for enforcement. In the alternative (or in addition), a community solar project manager seeking to resolve disputes with a utility related to the Community Solar Program may use the contested case process, OAR 860-001-0000, et seq. OAR 860-088-0110(c).¹ Section M of Pacific Power’s Community Solar Interconnection Procedures similarly

¹ Article 7 of the Green Solar Interconnection Agreement, Dispute Resolution states that “Parties will adhere to the dispute resolution provisions in the CSP Interconnection Procedures.” Article 7 of the Standard PacifiCorp Interconnection Agreement, Dispute Resolution states that “Parties will adhere to the dispute resolution provisions in OAR 860-082-0080.” It is unclear if the dispute resolution procedures in OAR 860-082-0085(2) apply.

provides that 10 Business Days prior to filing a complaint for enforcement, complainant must give written notice to PacifiCorp and the Commission that complainant intends to file a complaint for enforcement. Absent resolution or significant progress toward resolution, Green Solar intends to file its complaint on or after November 6, 2023. The complaint will assert, inter alia, that PacifiCorp (“PacifiCorp”) has violated its Interconnection Agreement for a Community Solar Project (the “Interconnection Agreement”) with Green Solar, which was executed on April 22, 2021.

The Commission’s small generator interconnection rules (OAR 860-082-0085(2)) and Section M of PacifiCorp’s Community Solar Interconnection Procedures require the notice to “identify the provisions in the agreement that complainant alleges were or are being violated and the specific acts or failure to act that caused or are causing the violation, and whether complainant anticipates requesting temporary or injunctive relief.” The provisions of the interconnection and the specific acts or failure to act are detailed below.

Provisions of Interconnection Agreement Being Violated.

Green Solar asserts that PacifiCorp violated Articles 1.5.3 of the Interconnection Agreement, Attachment 4 of the Interconnection Agreement, Attachment 6 of the Interconnection Agreement, and various provisions of Oregon law that govern the Interconnection Agreement per Article 8.1 of the agreement. Specifically, the parties dispute, inter alia, the scope of work related to interconnection of Green Solar and the delay in interconnection of Green Solar. Green Solar has explained what it believes the correct scope of work is for the Interconnection Agreement and proposed solution to interconnect Green Solar, but PacifiCorp has failed to substantively respond.

Specific Act or Failure to Act Giving Rise to the Violation.

The details regarding this dispute stem from a disagreement about the scope of work related to the interconnection of Green Solar and the delays in interconnection of Green Solar. In June 2022, Green Solar finalized interconnection payments to PacifiCorp based on the scope of work for interconnection of Green Solar as laid out in Attachment 6 of the Interconnection Agreement. In July 2022, Green Solar first provided PacifiCorp initial designs and began seeking design approval and was in regular communication with PacifiCorp regarding status of the project. In January 2023, Green Solar began construction, which was completed on April 23, 2023. Green Solar constructed the facility based on the scope of work in the Interconnection Agreement.

PacifiCorp first notified Green Solar in February 2023 that the project’s interconnection would be delayed until March 2024. Later, PacifiCorp agreed to an interconnection date to November 2023 (over one year after the October 21, 2022 date in the Interconnection Agreement). On May 19, 2023, PacifiCorp provided an Interconnection Agreement Amendment to Green Solar that had a commercial operation date of November 30, 2023. Green Solar did not execute the Interconnection Agreement Amendment because it contained new requirements on

the scope of work for Green Solar that was not contemplated in the original Interconnection Agreement and Green Solar had already finished construction of the project. Specifically, the Interconnection Agreement Amendment required Green Solar to secure a third-party easement for a utility-owned pole that was not contemplated in the original Interconnection Amendment. The Interconnection Agreement Amendment also updated project information related to inverters, the one-line diagram, and added a requirement related to access roads, but none of these changes are in dispute here.

PacifiCorp is delaying interconnection of Green Solar because it is prioritizing completion of transmission upgrades related to communication at the Culver substation, which is unrelated to Green Solar. This transmission upgrade was not listed as a higher priority request in the System Impact Study or Facilities Study as referenced in Appendix A of these studies that listed higher-priority requests. PacifiCorp now estimates interconnection will not be complete until February 2024. PacifiCorp could interconnect Green Solar before it finishes this transmission upgrade, but PacifiCorp has refused. Green Solar has requested that PacifiCorp commit to interconnect Green Solar by November 30, 2023. However, PacifiCorp has so far refused. Delay in interconnection is causing harm to Green Solar and its community solar subscribers.

Type of Relief Requested.

The delay in interconnection of the Green Solar facility is causing economic harm to the developers as well as the Community Solar Program subscribers, including low-income customers, this project serves. Green Solar wishes to interconnect the project as soon as possible, but no later than November 30, 2023, to avoid further economic harm. Green Solar will request that the Commission determine PacifiCorp is the cause of these delays, order an extension of the power purchase agreement for each day of delay after November 30, 2023, impose penalties on PacifiCorp, seek to vacate the provision of the Interconnection Agreement that limits damages, and modify the Interconnection Agreement to allow PacifiCorp to owe additional damages to Green Solar for the harm from these interconnection delays. In addition, Green Solar will request that the Commission provide injunctive relief and order PacifiCorp to interconnect Green Solar as quickly as possible and no later than November 30, 2023.

Good Faith Efforts to Resolve This Matter.

Green Solar has continually worked in good faith with PacifiCorp to resolve the dispute, and Green Solar is willing to continue working toward a resolution.

Sincerely,



Irion A. Sanger

cc: Brandon Conrad (via email only)

CERTIFICATE OF SERVICE

In accordance with ORCP 9 and OAR 860-082-0085(2), I hereby certify that on October 23, 2023, I caused to be served a full and exact copy of the foregoing Notice of Intent to file Complaint of Enforcement via e-mail and/or first-class mail to the following parties:

Green Solar LLC Brandon Conrad, SolRiver Capital, LLC 1290 Broadway St., Suite 520 Denver, CO 80203 brandon@solrivercapital.com (Service via email only)	PacifiCorp Attn: Transmission Services 825 NE Multnomah Street, Suite 550 Portland, OR 97232 (Service via first-class mail only)
Filing Center Public Utility Commission of Oregon PO Box 1088 Salem, OR 97308-1088 PUC.FilingCenter@state.or.us (Service via email only)	PacifiCorp Robert Eckenrod 825 NE Multnomah St, Suite 1600 Portland, OR 97232 Robert.Eckenrod@pacificorp.com (Service via email only)

Dated: October 23, 2023

/s/ Irion A. Sanger

Sanger Law PC

Attorney for Green Solar LLC

OSB No. 003750