

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2305

GREEN SOLAR, LLC,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER,

Defendant.

EXECUTIVE SUMMARY OF
COMPLAINT FOR
ENFORCEMENT

I. INTRODUCTION

This is an executive summary to a complaint (“Complaint”) filed by Green Solar, LLC (“Green Solar”) with the Oregon Public Utility Commission (the “Commission”) against PacifiCorp d/b/a Pacific Power (“PacifiCorp” or the “Company”) under Oregon Revised Statute (“ORS”) 756.500 and Oregon Administrative Rule (“OAR”) 860-082-0085. Green Solar files this Executive Summary as a separate document pursuant to OAR 860-082-0085(3)(f). Green Solar and PacifiCorp are parties to an interconnection agreement (“IA”). PacifiCorp has delayed interconnection of Green Solar and Green Solar has been constructed and ready for energization since May 2023. Each day of delay causes harm to Green Solar. Thus, the Commission should direct PacifiCorp to immediately finalize the interconnection of Green Solar.

II. EXECUTIVE SUMMARY

The main issue for the Oregon Public Utility Commission (the “Commission”) to resolve in the matter of *Green Solar v. PacifiCorp* is to direct PacifiCorp to finish interconnection of Green Solar, LLC (“Green Solar”). PacifiCorp has delayed interconnection of Green Solar, and Green Solar has been constructed and ready for energization since May 2023. Each day of delay causes

harm to Green Solar. Thus, the Commission should direct PacifiCorp to immediately finalize the interconnection of Green Solar by no later than May 14, 2024.

In June 2022, Green Solar finalized interconnection payments to PacifiCorp and executed an Engineering, Procurement, and Construction agreement, and since then Green Solar has diligently worked and communicated with PacifiCorp. In August 2022 through December 2022, PacifiCorp and Green Solar were in communications regarding initial designs of the project and single line diagrams. Green Solar began construction in reliance of these conversations in January 2023. Construction was completed on April 23, 2023, with a Mechanical Completion Certificate received on May 26, 2023.

PacifiCorp has delayed interconnection of Green Solar repeatedly throughout this interconnection process. Green Solar executed its interconnection agreement (“IA”) with PacifiCorp on April 22, 2021, which has an October 21, 2022 Commercial Operations date. This Executive Summary identifies six major, but not the only, PacifiCorp delays.

In the first instance of delay, PacifiCorp delayed interconnection of Green Solar for twelve months after the system was constructed because PacifiCorp preferred to complete an unrelated transmission upgrade impacting the Culver substation before undertaking the work required to interconnect Green Solar. In February 2023, PacifiCorp informed Green Solar that an unrelated transmission upgrade at the Culver substation was taking priority, which according to PacifiCorp would require the energization of Green Solar to be delayed a year. Green Solar objected to an interconnection date of March 2024 because, among other reasons, the delay was caused by PacifiCorp electing to prioritize work on an unrelated transmission upgrade that was not contemplated in the IA. Following Green Solar’s objections, PacifiCorp informed Green Solar that it would interconnect the project by November 2023, which was reflected in the draft IA Amendment that PacifiCorp sent Green Solar in May 19, 2023. Despite that, as explained below,

PacifiCorp subsequently delayed interconnecting Green Solar and waited until after March 2023 to begin work on the interconnection facilities at Culver substation.

In the second instance of delay, PacifiCorp delayed interconnection of Green Solar by eight months after Green Solar's construction was complete because PacifiCorp insisted on an easement that was not actually needed for interconnection of Green Solar. On April 5, 2023, as Green Solar was completing construction of the system, PacifiCorp informed Green Solar that PacifiCorp desired to add a guy wire¹ to reinforce an existing PacifiCorp utility pole, with the guy wire landing on real property not under control of either Green Solar or PacifiCorp. The guy wire, and resulting required easement, were not contemplated in the IA and preceding interconnection studies that Green Solar relied upon before constructing the solar system. In discussing the new easement requested, PacifiCorp informed Green Solar that it did not have a defined right of way over the land where it desired to install the guy wire. PacifiCorp failed to review and determine whether it had proper rights of way in the interconnection study process. Green Solar had relied on PacifiCorp having any needed easements or defined rights of way.

Nevertheless, PacifiCorp demanded Green Solar acquire an easement from an adjacent landowner to install interconnection facilities not contemplated in the IA or interconnection studies. Green Solar made reasonable attempts to obtain an easement; however, the easement was not able to be obtained. Yet, in December 2024, PacifiCorp finally concluded the guy wire was not needed and proceeded to install the interconnection facilities as described in the IA without the easement from the other landowner.

In the third instance of delay, PacifiCorp delayed finalization of PacifiCorp's final engineering designs for three months by withholding confirmation about the existing utility poles

¹ A guy wire is a tensioned cable used to provide additional support to utility poles.

installed adjacent to the site. In July 2023, PacifiCorp informed Green Solar that PacifiCorp did not know what distribution poles were installed on site. PacifiCorp had to complete a ground survey to confirm what poles PacifiCorp had previously installed, which took several months. The survey was completed towards the end of September 2023. Once again, that further delayed interconnection of Green Solar because PacifiCorp would not complete the final interconnection design of PacifiCorp's portion of the interconnection upgrades until it had confirmed what poles PacifiCorp had previously installed near the site.

When it became apparent PacifiCorp would not interconnect the project by November 2023 as previously promised, Green Solar filed a Notice of Complaint with the Commission on October 23, 2023. In response, PacifiCorp then said it would complete the interconnection facilities without the new easement and would commit to energizing the system by the end of March 2024, which was consistent with the schedule for the transmission upgrade delay PacifiCorp shared in March 2023.

In December 2023, seven months after Green Solar had requested energization, PacifiCorp informed Green Solar that it would begin work on the interconnection facilities by taking bids for completion of the work. On February 19, 2024, PacifiCorp confirmed it intended to energize Green Solar by the end of March 2024.

In the fourth instance of delay, on March 27, 2024, PacifiCorp stated it was planning to energize Green Solar the following week, but there could be delays to the fiber installation at the Culver substation due to rocks. On April 3, 2024, PacifiCorp informed Green Solar it would likely result in another week of delay in the fiber installation.

In the fifth instance of delay, PacifiCorp waited eighteen months to begin procurement and installation of equipment for the transfer trip mechanism that PacifiCorp is required to construct under the IA. On April 3, 2024, PacifiCorp also informed Green Solar that some equipment may

not have been ordered. This equipment was communications equipment needed to be installed to support the fiber optic cable and microwave links for the transfer trip requirement. If it had not been ordered and it was not available at another location, then PacifiCorp stated that it was likely going to be another three weeks of delay. PacifiCorp estimated energization would not be able to occur until the end of April 2024, if PacifiCorp had to order the equipment.

In the sixth instance of delay, PacifiCorp has recently refused to energize the Green Solar system unless Green Solar executes an IA Amendment which contains objectionable changes to the single line diagram. On Wednesday, March 27, 2024, PacifiCorp emailed Green Solar an IA Amendment and stated it must be executed before energization of Green Solar, which was expected to occur the following Tuesday. Green Solar objected to the terms of the IA Amendment because of concerns that PacifiCorp might use Green Solar's agreement against Green Solar if Green Solar brought a complaint against PacifiCorp regarding the timelines, costs, or required upgrades. Green Solar proposed reservation of rights language, which PacifiCorp objected to. Green Solar has clearly stated it will execute the IA Amendment if it has reservation of rights language, but PacifiCorp unreasonably disagreed.²

In summary, PacifiCorp has unreasonably delayed interconnection of Green Solar. Green Solar has been mechanically complete and ready for energization since May 2023. If it were not for PacifiCorp's unreasonable delays, then Green Solar would have been interconnected by now and generating electricity for a year. Green Solar is unable to receive any revenue from the sale of

² Green Solar and PacifiCorp have reduced some of their disagreements regarding the IA Amendment; however, there remains one outstanding item, which is that PacifiCorp will not allow Green Solar to become commercially operational, unless Green Solar executed an IA Amendment that includes an updated single one-line diagram in Attachment 2. Green Solar will execute the IA Amendment with the single one-line diagram in Attachment 2, if it includes reservation of rights language. PacifiCorp has not explained the changes, and there are disagreements related, to the contents of the single line diagram.

electricity due to these delays; every additional day of delay is causing Green Solar additional harm. Moreover, Green Solar had contractors and employees travel to Oregon in anticipation of energization the week of April 1, 2024, which did not occur. Thus, the Commission should direct PacifiCorp to prioritize interconnection of Green Solar so that it is interconnected, including energization and the witness test, by no later than May 14, 2024. Additionally, the Commission should require PacifiCorp to pay penalties for every day of delay beyond April 12, 2024 pursuant to ORS 756.990.

III. CONCLUSION

Green Solar respectfully requests that the Commission direct PacifiCorp to prioritize interconnection of Green Solar so that it is interconnected, including energization and the witness test, by no later than May 14, 2024. Additionally, the Commission should require PacifiCorp to pay penalties for every day of delay beyond April 12, 2024 pursuant to ORS 756.990.

Dated this 12th day of April 2024.

Respectfully submitted,



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