

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

Docket No. UM 2305

GREEN SOLAR, LLC,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER,

Defendant.

GREEN SOLAR’S MOTION FOR
AFFIRMATIVE RELIEF

I. INTRODUCTION

Pursuant to OAR 860-082-0085(3)(g), OAR 860-001-420, and ORCP 78,¹ Green Solar, LLC (“Green Solar”), hereby moves the Oregon Public Utility Commission (“OPUC” or the “Commission”) for affirmative relief preventing substantial and irreparable harm by enjoining PacifiCorp d/b/a Pacific Power (“PacifiCorp”) to complete its contractual obligation of the interconnection of the Green Solar facility. This case involves the enforcement of Green Solar’s interconnection agreement (“IA”) with PacifiCorp. Green Solar seeks interconnection service from PacifiCorp and holds a valid IA. Green Solar has been constructed since May 2023 and PacifiCorp has unreasonably delayed interconnection of Green Solar.

¹ OAR 860-001-0000(1) (“The Oregon Rules of Civil Procedure (ORCP) also apply in contested case and declaratory ruling proceedings unless inconsistent with these rules, a Commission order, or an Administrative Law Judge (ALJ) ruling.”).

Green Solar will have no revenue, be unable to recover sunk costs, and the delay could impact the financial certainty of future projects. Green Solar seeks affirmative relief in this motion so that it can bring its project online. Green Solar asks the Commission to enforce the specific performance of the IA on behalf of Green Solar by requiring PacifiCorp to interconnect Green Solar by May 14, 2024, instituting penalties up to \$10,000 pursuant to ORS 756.990 against PacifiCorp and paid by PacifiCorp's shareholders for each day of delay beyond by April 12, 2024, and requiring PacifiCorp to execute the IA Amendment with the agreed-upon changes with Green Solar's Reservation of Rights language for the single-line diagram in the IA Amendment or include in the Commission order that Green Solar has a reservation of rights for the single-line diagram. Green Solar also requests it be granted any other such relief as the Commission deems necessary.

II. ARGUMENT

Relief is warranted for Green Solar due to the delayed interconnection process with PacifiCorp. The inability of Green Solar to interconnect to date is caused by delays from PacifiCorp. PacifiCorp's actions in delaying Green Solar's interconnection and not interconnecting Green Solar in a timely manner violated the executed IA. Further, PacifiCorp's actions in delaying Green Solar's interconnection and not interconnecting Green Solar in a timely manner were unjust and unreasonable. PacifiCorp's actions in delaying Green Solar's interconnection and not interconnecting Green Solar in a timely manner violated PacifiCorp's duty of good faith and fair dealing in the IA.

All arguments in support are included in the Complaint for Enforcement filed by Green Solar in this docket on April 12, 2024 and will be elaborated on in a Motion for Summary Judgment or legal briefing.

III. CONCLUSION

For the reasons articulated above, the Commission should grant Green Solar's request for affirmative relief and order PacifiCorp to interconnect Green Solar on time or be subject to any and all penalties deemed appropriate.

Dated this 12th day of April 2024.

Respectfully submitted,

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Of Attorneys for Green Solar