

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2305

GREEN SOLAR LLC,

Complainant,

vs.

PACIFICORP, dba PACIFIC POWER,

Defendant.

RULING

DISPOSITION: ISSUES IDENTIFIED; BIFURCATION AND FURTHER PROCESS NECESSARY; MEMORANDUM ADDRESSING NEXT STEPS TO FOLLOW

On April 12, 2024, Green Solar, LLC filed a complaint against PacifiCorp, dba Pacific Power, under OAR 860-082-0085 regarding enforcement of an interconnection agreement. Green Solar identifies four claims for relief: (1) PacifiCorp has not interconnected Green Solar as required by the interconnection agreement; (2) PacifiCorp's actions resulted in delays of interconnection that are unjust and unreasonable and that it is has failed to interconnect in a timely manner; (3) PacifiCorp violated its contractual duty of good faith and fair dealing under the interconnection agreement; and (4) Green Solar's interconnection is not contingent upon finalization of an amendment to the interconnection agreement. PacifiCorp filed its answer on April 26, 2024.

Under OAR 860-082-0085(10), the Administrative Law Judge determines whether the issues raised in the complaint can be determined on the pleadings and submissions without further proceedings or whether further proceedings are necessary. The issues may also be bifurcated as necessary.

Green Solar alleges that PacifiCorp inappropriately delayed interconnection and that Green Solar has incurred costs as a result of the delays. Green Solar further alleges that PacifiCorp represented to Green Solar that it would require an amendment to the interconnection agreement for the project to begin commercial operations and that PacifiCorp refused to include Green Solar's reservation of rights language in the amendment. Green Solar requests that the Commission order PacifiCorp to interconnect Green Solar by May 14, 2024, that the Commission direct PacifiCorp to include its proposed reservation of rights language in an amended interconnection agreement, and that the Commission impose penalties of \$10,000

per day for each day of interconnection delay beyond April 12, 2024. Green Solar maintains that there is sufficient information on the record to address the issues without further process but that it is amenable to bifurcating the proceeding on the issues of penalties and the amendment.

PacifiCorp argues that it has been working in good faith with Green Solar and that it is working to complete interconnection. PacifiCorp maintains that there is no need for a Commission order to complete work that is nearly done. PacifiCorp contends that the OAR 860-082-0085 complaint process is not the appropriate process for addressing the amendment or the penalties and that these issues should be addressed in accordance with ORS 756.500. PacifiCorp maintains that the record is incomplete and further process is required to address the remaining issues.

After reviewing the complaint, answer, supporting documentation, the statements made at the May 2, 2024 conference, and the written statements of the parties following the conference, I find that there are three issues raised in the complaints: (1) whether Green Solar is entitled to an order directing PacifiCorp to complete interconnection; (2) the need to amend the interconnection agreement, including the inclusion of Green Solar's proposed reservation of rights language; and (3) whether PacifiCorp should be subject to penalties. I find that there is sufficient information for decision on some but not all of the issues raised in the complaints and that bifurcation of the issues is necessary. Regarding the issue of immediate interconnection, I find that there is sufficient information in the record for the Commission to make a decision and no further process is necessary on this issue. The Commission will consider the issue and will enter an order at a later date.

Regarding the issues two and three described above, I find that factual questions remain that have not been adequately addressed and thus there is insufficient information in the record for the Commission to make a decision. Further process on these two issues is, therefore, necessary. In a memorandum to follow this ruling, I will address the next steps for establishing a procedural schedule for the remaining process. Additionally, Green Solar indicated at the May 2, 2024 conference that it may wish to amend its complaint or file additional exhibits. Any procedural schedule will begin with a deadline by which Green Solar will confirm whether it intends to amend its complaint.

Dated this 16th day of May, 2024, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge