

April 30th, 2020

Oregon Public Utility Commission
Attn: PUC Commissioners and Staff
201 High Street SE, Ste 100
Salem, OR 97301

RE: Neighborhood Power's Waiver Request and CSP Pre-Certification.

Dear Commissioners and Staff,

I wish to provide comments on staff's recommendation to pre-certify Neighborhood Power's projects and grant their waiver requests. Sulus Solar LLC strongly disagrees with this recommendation as it undermines the fundamental purpose of the CSP - To encourage and promote the development of new solar projects in Oregon. In addition to the above, there are a myriad of supplementary reasons why this recommendation should not be accepted, please see a description of my concerns below:

Undermining CSP Purpose

According to Order 19-438, staff agreed with the language in the PIM that prohibited the construction of projects prior to pre-certification as it promoted the development of new solar projects.

"The prohibition on construction of projects prior to pre-certification indicates that the Program aims to promote the development of new solar projects in Oregon, instead of simply reclassifying existing solar projects. Staff finds that the PIM strikes the appropriate balance between incentivizing the development of new solar projects while creating a fair opportunity for projects already in the interconnection queue to participate, and thus aligns with Program guidelines."

The projects owned by Neighborhood Power started construction before Pre-Certification and by definition are not new solar projects and therefore prohibited from being pre-certified.

Unfair Punishment to Other Developers

Projects must satisfy the strict criteria defined in the PIM in order to be eligible for Pre-Certification in the Oregon CSP. The projects owned by Neighborhood Power were not developed with the CSP in mind and consequently have not satisfied a number of different criteria. Specifically, Neighborhood Power have violated the rules defined in the PIM by starting construction and co-locating projects within 5 miles of each other. Every other developer that has submitted projects into the CSP for Pre-Certification has followed the rules and not asked for any waivers - Granting Neighborhood Power's waiver request would effectively punish other developers for following the rules.

Misuse of Waiver Process

Additionally, in Order 19-438, staff stated that *“Our intention in providing a process for waiver is not to undermine the requirements of the PIM and the balance that Staff and the PA have achieved. Rather, the PA should limit waiver recommendations to relatively isolated instances in which strict adherence to the PIM requirements would undermine program goals and raise significant equity or policy concerns.”* This statement clearly identifies that waivers should only be considered in isolated circumstances. Neighborhood Power are requesting a waiver for projects that represent 20% of the entire Tier - This is clearly not characteristic of an isolated incident and such a large quantum of granted waivers would absolutely undermine the carefully constructed requirements of the PIM.

Conclusion

Ultimately Neighborhood Power did not develop these projects with the CSP in mind and unapologetically violated key criteria regarding CSP eligibility. Neighborhood Power commenced construction, broke the 5-mile rule knowing that they were key requirements and are now looking for waivers that represent a significant portion of the entire Tier. Sulus Solar is strongly against the granting of these waivers as it would undermine the fundamental purpose of the CSP and unfairly punishes other developers for following the rules.

Thank you for taking the time to consider the points outlined above.

Sincerely,



Colin/Murphy
Sulus Solar
Manager