



Oregon Public Utility Commission
201 High Street SE, Suite 100
Salem, OR 97301-3398

February 14, 2023

RE: UM 1930 – Request for public comments on Staff’s draft modifications to CSP Program Implementation Manual

Dear Oregon Public Utility Commission,

Oregon Shines and the Project Managers (PMs) it represents thanks Staff for taking stakeholder comments into consideration in their recent revision of proposed modifications to the Community Solar Program Implementation Manual (PIM). We feel most revisions have made necessary clarifications, however, the topic of waitlists is still a major outstanding issue for us that we would like to further elaborate on here.

In the section **Clarifying Participant Contract Requirements (Section 3.13.1)** Staff “proposes to clarify that PMs and their agents may only sign contracts with Participants if they have available capacity on a pre-certified project to enroll that Participant.” In our previous comments, we emphasized the importance of a *contracted* waitlist in order to satisfy investment partners and prevent a confusing customer experience that may require credit checks. We do appreciate that Staff explicitly recognizes the importance of said waitlist in their modifications, but as implicitly defined we feel as though Staff’s definition of a waitlist will negatively impact not only Subscription Managers (SMs), PMs, and investment partners but also customers who are interested in the program, including low-income customers.

Low-Income (LI) Customers and the Contracting Process

Oregon Shines has worked extensively with Community Energy Project over the past year to begin filling Tier 2 community solar projects with customers on their waitlist. About 25% of these customers do not have access to email or prefer to receive their contract via mail. While we are happy to provide mailed contracts in order to ensure that customers are equitably served through the ORCSP, this process inherently takes much longer than requesting an e-signature from a customer. Since none of the Tier 2 projects we are currently working on subscribing are operational yet, this process has been acceptable since we have time to wait for the customer to mail their contract back to us. CEP has been incredibly helpful with this process and has even offered to conduct follow up calls to subscribers that we have not heard back from but regardless, the process just takes time.

As you can imagine, this process will become much harder once a project is operational. When we experience attrition in a project due to a customer moving or terminating their subscription, the clock starts ticking for how long we have to backfill that customer until revenue begins to be lost. The way the ORCSP is structured, if attrition occurs during a given month, that capacity has to be filled within that same month for the Bill Credits and Subscription Fees to be allocated. If the capacity is not filled within the same calendar month, the CSP revenue is lost and the power is compensated at the much lower avoided cost rate. Depending on the time of the month that the customer terminates their



subscription, you may only have days to fill the capacity. If the next interested LI subscriber requires a mailed contract, how long should SMs or PMs wait until moving on to the next interested subscriber if we don't receive a contract back in a timely manner? What if the customer returns a contract to us after we have had to make the business decision to give the slot to another subscriber? All of these questions contribute to a more complicated administrative process that add time onto a time sensitive issue.

With the increased requirement for residential and individual low-income subscribers for Tier 2 projects, we are anticipating at least 1% attrition on a monthly basis. Just last week we had this exact scenario occur on one of our operating Tier 1 projects which has far fewer individual subscribers than our Tier 2 projects will. A low-income subscriber on this particular project installed a solar system onsite which is now producing most (if not all) of her electricity, which has made her ineligible for the CSP. The next subscriber on CEP's waitlist requires a mailed contract, so we will now have to wait an unknown amount of time for the customer to get the contract back to us. If this is occurring on Tier 1 projects now, we foresee this being a major issue once Tier 2 projects come online.

Waitlist Contract Parameters

Staff also mentions several additional policy and programmatic concerns that arise from a contracted waitlist mechanism. From our perspective, these concerns could be easily addressed by putting parameters around what could be included in waitlist contracts for subscribers. For example, including language that wouldn't allow for termination penalties in waitlist contracts. We also would be open to a required notification after a customer has been on a waitlist for 6 months that both gives them an update on their assigned project and/or notifies them of other projects that have capacity.

Conclusion

Lastly, we understand that the main issue with allowing a contracted waitlist mechanism are administrative rules that Staff mentions in their modifications. With this in mind, we would ask for a temporary waiver to be put in place so that this issue can be further addressed without causing undue revenue loss, administrative burden on SMs and PMs and potential customer harm or confusion.

Sincerely,

Carly Sellers
Program Manager
Oregon Shines