



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 Chair Decker, Commissioner Tawney and Commissioner Thompson,

Fleet Development is appreciative of Staff for the clarifications and revisions included in their January 31st, 2023, proposed revisions to the Program Implementation Manual (PIM). We support the majority of the recommendations made but would like to express concerns regarding the following section:

Clarifying Participant Contract Requirements (Section 3.13.1)

In this section, 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.”

As proposed, this revision has unintended impacts on both Pre-Certified and Certified projects that will prevent Project Managers (PMs) from building contracted waitlists that currently allow them to efficiently place potential customers into operating projects as soon as vacancies are available.

Because the program does not allow a PM to access a potential customer's historical energy usage until after they have signed a contract, not contracting them in the waitlist will prevent the PM from sizing their subscription and finding an eligible project for them in an efficient and timely manner. When a Participant drops out of a project, there is a very specific amount of capacity that will need to be filled. The PM will have to determine the subscription size of a customer before sending them a final contract to ensure that they are not over or under subscribing a project.

Lastly, for project's that are heavily focused on low-income subscribers, ending contracted waitlists will create even more barriers to low-income participation. Many low-income subscribers do not have access to email, which is the most efficient way to get signatures for agreements. Mailing contracts, while necessary, inherently takes much longer. This makes it very difficult to ensure that interested customers have enough time to both review and return a contract while also ensuring that we can fill our unsubscribed capacity with minimal response time.

If the Staff's goal is to prevent customers from being locked indefinitely to the waitlist of one project and avoid cancellation or service fees if they drop off the waitlist, there may be a

compromise solution that serves both the customer, the project manager, and the program better than ending the contracted waitlist tool that helps ensure the success of the program.

The project manager could cull the contract waitlists for each project (Certified and Pre-Certified) through automatic expiration/cancellation dates and terms in the contract. For example, a customer would sign a contract, receive an estimated subscription size, and a contract expiration/renewal date in 120-180 days. Prior to this date, if the customer is not assigned a project, the PM can reach out and reconfirm the customer's interest in extending the contract. Finally, for Pre-Certified project, fees for breaking a contract could be required to be waived if the Project does not meet its Certification timeline estimate given to the potential customer at contract signing.

Conclusion

In conclusion, we feel it is necessary to have a mechanism of building a waitlist with subscribers who have both reviewed and signed a contract. Staff mentions that this would violate administrative rules including OAR 860-088-0040(4), OAR 860-088-0010(15), and ORS 757.386(1)(a) – if this is the case, we would request that a temporary waiver be put in place to allow for a contracted waitlist.