



Program Administrator's Project Recommendation

July 12, 2022

Community Solar Program - Docket No. UM 1930

On January 11, 2022, in Order No. 22-007, the Commission permitted the delegation of Commission authority to the Community Solar Program Administrator (PA) to grant noncontroversial project pre-certifications, waivers, extensions, and amendments. Under the permitted delegation of authority, Staff will post the PA's project recommendation to UM 1930 with a comment period of two weeks. If no comments in opposition are received prior to the end of the comment period, the recommendation will go into effect. If comments in opposition are received prior to the end of the comment period, the recommendation will not go into effect and the matter will be referred to the Commission for a decision at the next available public meeting.

Staff posts the PA's recommendation to grant a six-month certification deadline extension for the following project:

PGE-2020-22 (Skyward Solar)

The PA has reviewed the project certification deadline extension request for the project and has recommended granting the extension. The extension request is included at the bottom of this document. Staff finds the PA's recommendations to be noncontroversial and that granting pre-certification may be delegated to the PA. Stakeholders in opposition of the PA's recommendation should post comments to UM 1930 by July 26, 2022.

To Submit Public Comment:

Stakeholders can submit written comments on the PA's recommendation by email to puc.filingcenter@puc.oregon.gov. Please email puc.hearings@puc.oregon.gov to be added to the UM 1930 docket service list and receive notifications in the UM 1930 docket.



Project Amendment Review and Recommendation

The Oregon Community Solar Program Administrator (PA) has reviewed the amendment request of the project described below and recommends that the Certification deadline be extended by six months.

Project Information

Project ID: PGE-2020-22

Project Name: Skyward Solar

Project Manager: Skyward Solar LLC

Subscription Manager: Common Energy

Utility Service Area: PGE

Project Site Address: 37071 SE Kelso Road

Project Size (kW-AC): 2,500

Carveout-eligible: No

Current Program Status and Date Achieved: Pre-Certified, 3/11/2020

Project Description

Skyward Solar is a 2,500 kW-AC project located in Boring, Oregon, in Clackamas County. Common Energy is the subscription manager for the project.

Review Summary

Date Review Completed: 6/29/22

Nature of the Amendment Request: Extend Certification Deadline

PA Recommendation: Approve

Review Notes

Current Certification Deadline: July 1, 2022

Recommended Certification Deadline: January 1, 2023

Skyward Solar is the only project managed by Skyward Solar LLC and owned by Standard Solar in the Program. Skyward Solar LLC was previously owned by Nautilus Solar, and the Skyward entity was sold to Standard Solar in October, 2021. In September 2021, the Commission granted an initial certification extension from September 2021 to July 1, 2022, with a condition that the project achieve certain project development milestones by March 2021, which the Project Manager fulfilled. The initial ten-month extension was related to COVID-19 delays and shutdowns and resulting issues related to completing development during the wet season.

The project is now requesting an additional 6-month certification deadline extension until January 1, 2023.

The project has met all certification requirements except for the low-income enrollment requirement, which requires that 10% of the project be enrolled by low-income customers at the time of certification. Construction of the project is underway at the project site. The project manager and their subscription manager partner, Common Energy, are currently working with the program low-income facilitator to accept customer referrals to the project. The project manager has

requested an extension of six months to complete this process but has expressed to the PA that it expects to complete enrollment and request certification in a shorter time period.

In addition, the project requests the extension in part due to an upcoming Commission decision related to agency subscription models. The project has expressed a preference to utilize an agent subscription model to manage participants. Currently, the Commission is expected to review the eligibility of agent subscription models in the community solar program and issue a determination in late July. Once the Commission makes this determination, the project manager and subscription manager will have clarity on how to proceed with participant management plans. If the Commission does permit agent subscription models in the program, the PA has advised the project that it must then request a project amendment related to their use of a specific agent subscription model for use in this project. That amendment request must be made before a project becomes certified, and the project is unable to receive final direction on its ability to utilize an agent agreement model prior to its current certification deadline.

The PA supports granting this extension request for both reasons described above. First, the project is actively working with the low-income facilitator to enroll low-income customers and has met all other program certification requirements. The PA notes that it can take time to work with the program to properly serve and enroll low-income customers, and we are cautious of establishing a precedent that would lead project managers to rush this process and compromise the low-income customer experience. We note that this challenge is not unique to this project and that several currently certified projects did not have low-income enrollment complete at the time of certification. These projects were able to take advantage of a temporary waiver to the program's administrative rules to become certified without meeting low-income enrollment requirements, and that waiver is now expired. Considering the context that the project has met all other certification requirements and has begun construction, and thus has demonstrated significant progress and investment, we are comfortable recommending an extension to permit completion of low-income enrollment at a practical pace.

Second, the PA acknowledges the unique context of this project and its desire to utilize an agent subscription model. As a Commission decision on the eligibility of agent subscription models is expected in late July, the PA believes it is prudent to permit the project to finalize its customer management approach after this matter is clarified and before requesting certification.

For these reasons, the PA supports granting this exception.

Attachments Included

The extension request received from the Project Manager is attached.



Skyward Solar, LLC
530 Gaither Road, Suite 900
Rockville, MD 20850

June 28, 2022

Via Electronic Mail

Program Administrator
Oregon Community Solar Program
administrator@oregoncsp.org

Re: Oregon Community Solar Program – Request for Extension of Certification
Deadline – Project PGE-2020-22 (Skyward Solar LLC)

To the Program Administrator:

Skyward Solar LLC (“Skyward”) is developing a 2.5 MW community solar project (the “Project”) located near the town of Boring in Clackamas County, Oregon. The Project was pre-certified in the Oregon Community Solar Program (the “Program”) by on March 11, 2020¹ and was granted an extension of its certification deadline on September 10, 2021.² For the reasons set forth below, Skyward requests that the current certification deadline of July 1, 2022 be extended to January 1, 2023.

I. Applicable Legal Standard

OAR 860-088-0040 governs the pre-certification process for community solar projects under the Program and dictates the time period during which a project may remain pre-certified, thus setting the deadline for certification under the Program. Specifically:

“(5) A project remains pre-certified for a period of 18 months, *unless granted an extension* by Commission order.”³

Under the Program’s Program Implementation Manual (v.20220111) (the “PIM”), any extension of a project’s certification deadline is a major revision that must be approved by the OPUC through a pre-certification amendment.⁴ Any request for a major revision must be submitted in writing through the Program Platform and must detail (a) the project’s progress, (b) the reasons for the requested change, and (c) in the case of extension requests, a realistic timeline for the completion of certification requirements and the achievement of commercial operation.⁵ “The Program Administrator will review the request and recommend a potential course of action to the Commission, taking into consideration Project Manager compliance with Program rules and the Code of Conduct, progress updates, Project Participant enrollment levels and mix and

¹ Oregon Public Utility Commission (“OPUC” or “Commission”) Order No. 20-078 (Mar. 13, 2020).

² OPUC Order No. 21-294 (Sept. 10, 2021) (the “Extension Order”).

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circumstances that may have delayed Project development or enrollment. . . . [T]he Program Administrator will submit a summary of the requested revisions to the Commission, along with a recommendation on the amendment. At the next available public meeting, the Commission, at its sole discretion, will consider amending the Project’s Pre-certification.”⁶

II. Factual Basis Supporting the Extension

A. History of the Project and Development Progress. The Skyward Project was pre-certified in the Program by its prior owner, Nautilus Solar (“Nautilus”), on March 11, 2020 and received an initial extension of its certification deadline on September 10, 2021. Shortly after the Commission issued the Extension Order, Standard Solar, Inc. (“SSI”) acquired Skyward from Nautilus, immediately took over the development and construction schedules, began investing in the Project by executing a construction contract and engaging Common Energy (“Common”) to assist Skyward with subscriber enrollment, and satisfied the interim deadline of March 11, 2022 to provide Notice to Proceed to the Project’s construction contractor more than three months early.⁷ Skyward has an executed interconnection agreement with PGE, the Project obtained all necessary state and local permits as of May 17, 2022, final construction designs are complete, on-site construction commenced on June 3, 2022, all site work and grading is complete, racking installation is underway, module installations will start by mid-July, and the Project is on schedule to achieve commercial operation on or before January 1, 2023, as required.

B. Reasons for Requested Change.

1. Enrollment and Circumstances Affecting Enrollment

The Extension Order requires that Skyward obtain certification no later than July 1, 2022. Until very recently, Skyward was on track to submit its application for certification by that date. In fact, Skyward is able to provide all of the information and documentation required for its certification application under PIM § 5.2 and meets all Program requirements for certification under PIM § 3, *other than* the requirement that a minimum of 10% of the Project capacity be contracted to low-income residential participants described in PIM §§ 3.9 and 3.15. While SSI acknowledges that it could request a waiver of the low-income participant capacity requirement,⁸ SSI understands the important policy objective underlying the requirement and, as described below, believes that with the Commission’s forthcoming guidance on the use of agent agreements and further assistance from Community Energy Project (“CEP”), the designated Low-Income Facilitator for the Program, Skyward will be able to meet the 10% low-income capacity requirement within the requested extension period.

To date, Skyward has 60% of the Project subscribed with signed contracts (40% demand meters and 20% non-demand meters) and a total of 41 participants. While the number of participants and aggregate subscribed percentage exceed the minimum requirements for

⁶ *Id.*

⁷ Skyward issued an LNTP notice to its EPC contractor on or about November 24, 2021. The LNTP notice was accepted by the Program Administrator as satisfying the interim deadline via email on January 6, 2022.

⁸ OAR 860-088-0005(2); PIM § 3.16.

certification set forth in PIM § 3.9, the Project does not currently have any low-income subscribers with signed contracts.

As noted above, SSI engaged Common to manage the subscription process for the Project. While the Project's overall subscription process is going well, on June 10, 2022 Skyward became aware of an issue with the low-income referrals that Common had received from CEP. As the subscription manager for Skyward and other projects, Common receives referrals for low-income subscribers from CEP and those subscribers are assigned to the projects on behalf of which Common has been engaged to manage subscriptions.

During the winter, Common received referrals for 56 low-income residential participants that were initially intended for a project that did not move forward. When that project did not move forward, Common intended to (and it was Common's understanding that it could) reassign those participants to Skyward since Common was the subscription manager for both. However, it became clear in an email from CEP on June 10, 2022 that because the low-income contracts had not been assigned to the other project and Common was no longer representing the other project, CEP had already referred those subscribers elsewhere and they were no longer available for the Project. Since it was not practically viable for CEP to refer those subscribers back to Common or Skyward, the miscommunication effectively pulled the rug out from under Skyward's low-income subscriber base mere weeks before its certification deadline.⁹

2. Timeline for Commission Recommendations on Agent Subscription Model

Skyward and Common expect to proceed using an agent subscription model for the purposes of securing subscribers for the Project. According to the Commission Staff's Draft Recommendation and Request for Comments – Use of Agent Subscription Model, “[t]he Program has established that use of agent agreements materially affects a project's ability to participate in the [Program],” and thus “a [p]roject seeking to utilize an agent subscription model must seek individual approval” from the Program Administrator and the Commission through a pre-

⁹ Separately, on June 10, 2022 (the same day that Skyward received notice that the low-income subscribers it was counting on had been assigned to a different project), CEP tendered a form of Low-Income Customer Service Guidelines (attached as Exhibit A hereto, the “LI Guidelines”) to Common, as Skyward's subscription manager, for signature; and Energy Trust of Oregon noted via email that CEP is prepared to expedite referrals to Skyward as soon as Common confirms it can meet the criteria set forth in the LI Guidelines. However, the requirements imposed on project managers or subscription managers in the LI Guidelines appear – in some cases – to extend beyond the requirements imposed on project managers and subscription managers in the PIM. In other cases, the language in the LI Guidelines is similar to, but different from, language in the PIM. The inconsistencies between the LI Guidelines and the PIM have resulted in confusion about how to manage low-income subscriptions. SSI acknowledges the PIM requirement that project managers must comply with direct communications and Program updates from the Program Administrator, CEP, and Commission staff (PIM § 2.3); and SSI is working with Common and CEP to better understand CEP's authority to condition its referral of low-income subscribers on Common's execution of the LI Guidelines in order to move forward with new low-income subscribers as quickly as possible. These discussions are ongoing and will not be resolved by July 1, 2022. Because Skyward is relying on CEP to provide referrals to low-income subscribers and it appears that CEP will not provide referrals until Common executes the LI Guidelines, Skyward cannot meet its 10% low-income capacity requirement until the inconsistencies between the LI Guidelines and the PIM are resolved.

certification amendment.¹⁰ In an email from Energy Trust of Oregon on June 17, 2022, Skyward and Common were informed that, procedurally, an application for pre-certification amendment requesting use of agent agreements “would need to come after the Commission has ruled on [the matter] in July and before the project is certified.” Because the Project’s current certification deadline is July 1, 2022 and the Commission is not scheduled to issue a decision until its public meeting on July 26, 2022, it would be impossible for Skyward to satisfy the requirement that it obtain a pre-certification amendment without an extension.

For the reasons set forth above, Skyward is requesting the extension of its certification deadline in good faith and for good cause to (1) meet the 10% low-income capacity requirement and (2) apply for and obtain a subsequent pre-certification amendment to utilize agent agreements to manage subscriptions for the Project after the Commission issues its order on the matter at the end of July.

C. Project Manager’s Compliance with Program Rules. SSI has no history of non-compliance with Program rules or the Code of Conduct. SSI has been in regular communication with the Program Administrator in connection with Project development and construction efforts since acquiring the Project from Nautilus Solar in September 2021.

D. Progress Updates. SSI has timely provided progress updates to the Program Administrator when requested. SSI has been in regular contact with the Energy Trust of Oregon and Common regarding the issue of Skyward’s low-income capacity requirement since learning of the shortfall on June 10, 2022.

E. Enrollment. Skyward has 60% of the Project subscribed with signed contracts (40% demand meters and 20% non-demand meters) and a total of 41 participants. However, Skyward does not currently satisfy the 10% low-income capacity requirement and will not be able to do so prior to July 1, 2022. Skyward has been working closely with Common to satisfy the requirement as soon as possible and has been assured by Energy Trust of Oregon that CEP is prepared to expedite referrals as soon as CEP and Common resolve issues related to the LI Guidelines received on June 10, 2022. According to Energy Trust of Oregon, CEP expects that they could refer at least 40 customers “in very short order.”

F. Projected Timeline. As noted above, construction is underway and the Project is on schedule to achieve commercial operation on or before January 1, 2023. SSI and Skyward reasonably expect that it will take six months to secure a new set low-income participants for the Project, from recruitment by CEP to signed contracts. This expectation is in line with the Project’s projected commercial operation date.

¹⁰ Staff Draft Recommendation and Request for Comments – Use of Agent Subscription Model, UM 1930, at 2 (June 14, 2022).

III. Policy Benefits of the Extension

The success of the Program depends upon a steady stream of new projects coming online to serve the customers who are waiting for community solar subscriptions. As noted above, Skyward is not requesting any amendment to its commercial operation date, and SSI has diligently pursued development and construction of the Project since acquiring Skyward from Nautilus last year. Approving this amendment will ensure the Program stays on track and continues to show steady progress. In addition, granting this request upholds the good faith established between developers, the Program Administrator and the Commission as all stakeholders problem-solve through unforeseeable circumstances and seek resolution of novel issues like the agent subscription model.

IV. Reasonable Justification for the Extension

For good cause, as described herein, Skyward respectfully requests a 6-month extension to its certification deadline, from July 1, 2022 to January 1, 2023. This would provide the necessary time for the Project to meet the 10% low-income capacity requirement, apply for and obtain a pre-certification amendment to utilize agent agreements to manage subscriptions for the Project, and complete the final Program certification. If the Commission does not grant additional time for Skyward to achieve certification, it will, in effect, deny SSI any meaningful recourse.

The circumstances leading to Skyward losing its low-income subscribers were unforeseeable. Skyward is actively engaged with Common, Energy Trust of Oregon and CEP to secure the low-income residential participants within the requested 6-month extension period. Since acquiring Skyward from Nautilus last year, SSI has invested heavily in the Project, managing not only to beat its interim deadline of March 11, 2022 by three months but also to obtain all state and local permits, finalize construction designs, subscribe 60% of the Project, and mobilize on-site construction. In addition, Skyward's current July 1, 2022 deadline is impossible to meet given that Skyward is required to submit a pre-certification amendment request related to its use of agent agreements with Common, and the Commission is not scheduled to issue its order on the use of agent agreements until the end of July. Because SSI has followed the Program rules, has demonstrated consistent and reasonable progress, has spent more than \$2,300,000 on the Project, experienced a setback that was unforeseeable and does not impact the Project's construction timeline, and is required to obtain a pre-certification amendment with respect to an issue that the Commission has not yet ruled on, an extension is just and reasonable.

V. Conclusion

Despite the unforeseen setbacks in low-income participant recruitment, Skyward believes the Project will succeed, will satisfy all requirements for certification, and will achieve commercial operation by January 1, 2023. Furthermore, with the Commission's forthcoming guidance on the use of agent agreements, Skyward will be able to prepare the necessary pre-certification amendment request and hopefully serve as a model for the Program's implementation of the agent subscription model.

Program Administrator

June 28, 2022

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Skyward appreciates the opportunity to cooperate with the Program Administrator and the Commission to successfully implement the goals of the Program. Granting this extension will enable 2.5 MW of community solar capacity to be available sooner to PGE customers. If the Project loses its capacity allocation, there will be a significant delay to Oregon electricity customers' ability to participate in the Program because the capacity would have to be re-allocated or the capacity to be made available in subsequent year allocations. Both alternatives would further delay the delivery of community solar capacity to Oregon customers, which would impede the success of the Program and access to clean energy for Oregon communities.

We appreciate your consideration of our important request. Please do not hesitate to contact me if you have any other questions or concerns regarding this matter.

Very truly yours,

Mike Streams

Michael Streams
Chief Development Officer

Exhibit A - LI Guidelines

Low-Income Customer Service Guidelines

Community Energy Project is the designated Low-Income Facilitator (LIF) for the Oregon Community Solar Program and supports Project Managers (PMs) meeting their low-income (LI) subscriber goals. In 2016, Oregon passed Senate Bill 1547, requiring each Project to have 10% of its capacity allocated to qualified LI participants. LI participants sign contracts with built-in protections that include no cost cancellation, no late fees, flexibility, and a higher credit rate than subscription fee rate, which results in monthly discounted electric bills.

This document is intended for PMs and the PM's Subscription Manager (SM) Agent (if not the PM itself) that is responsible for conducting customer acquisition for a Project.

When a PM or SM is ready to recruit LI participants, that means:

- The PM has completed Project Pre-certification.
- The PM has contracts ready for LI signatures (in required languages).
- The PM and/or SM are ready to respond to LI customer inquiries within 30 days of assignment.

Through partnerships, workshops, and other means of outreach, the LIF provides education and intake for qualified LI Participants. If requested by the PM and while there is available LI capacity within a Community Solar project, the LIF will assign individuals to a shared Low-Income Lead Management Spreadsheet that is accessed by PMs and/or SMs in order to track the enrollment in a project.

Through these agreements the LIF aims to provide exemplary customer service, protect LI Participant information and provide a contingency plan for the event in which relationships between PM and SM change during the assigning process.

Customer Service

Prior to being assigned to a Community Solar project, some LI Participants are already in contact with The LIF or a PM multiple times, and in some cases have been waiting on a list for up to a year. In order to reduce Participant attrition after being assigned to a project, timely communication and customer service must be prioritized by PMs and SMs.

- Once customer information is provided to the PM or Subscription Manager, the customer will be contacted within 30 days.
- The PM and/or SM will use the spreadsheet to track their communication to LI customers.

- LI contracts shall be provided in English, Spanish, Russian, or Vietnamese to customers who request them. Translated contracts are provided by the PA team in the PM Welcome Packet as well as on the oregoncsp.org website.
- PMs shall work with LI customers who speak a language other than English by utilizing IRCO interpretation services, provided at no cost to PM by the PA team.
- For LI Participants who do not have e-mail or internet access, SMs and/or PMs must be prepared to mail physical copies of contracts.
- LI customers are not allowed to be charged sign up fees or cancellation fees.

See section 2.6.4 of the Program Implementation Manual, Fair, honest, and courteous treatment of customers.” and 2.6.6 “customer contracts” for additional context.

LI Customers in General Market

LI customers should utilize the LI carve-out, which was designed for people with fewer financial resources. The deeper discounts are not only directly beneficial to the participants, but also benefit the PMs, because the monthly bill credit covers the payment of the subscription fee. This means that PMs get paid in full each month, even if the LI customer is not able to pay their entire bill. LI customers are considerably more likely to be unable to pay their bills in full, as they have fewer financial resources. Partial payment protection only applies to LI customers at this time, and will drastically reduce Participant turnover and confusion. LI customers may choose to be in the general market, but they should be made aware that they have options that may be better for them.

While doing outreach for the general market, PMs and/or SMs must mention the low-income program, as per the Program Implementation Manual’s Code of Conduct (section 2.6.4).

LI Customer Information

LI customer contact information is protected information. LI Participant demographics are made up of a high percentage of seniors, people with disabilities, veterans and others who may be vulnerable to marketing or scams. In order to protect LI Participants from being contacted by outside entities who have not been approved by the LIF, LI Participant information must remain confidential within the Oregon Community Solar Program.

LI Participants provide consent for their information to be only shared with their utility company, the PM and their Agents, and the Program Administrator Team, as well as consent to be contacted by only those entities including the LIF.

PMs and SMs may not:

- Share or sell LI customer’s information to any entity other than the PM partner without explicit permission from the LIF.

- Solicit LI customers for other projects
- Share the Low-Income Lead Management Spreadsheets outside of approved organizations

See section 2.6.5 of Program implementation Manual "Protection and security of customer information" for additional context.

If a LI customer is identified as being enrolled through the GM, they must be provided with information on how to change their class to LI. The PM can implement this by connecting them to the LIF, and if they qualify, they can cancel their contract and re-enroll through the LIF as a LI Participant.

Agent Consolidated Billing

See section 3.15.3 of Program Implementation Manual "If the Low-Income Facilitator determines that the specific terms of a Project Manager's customer agreements or practices may cause harm to low-income customers, they may require modifications before the Low-Income Facilitator will refer customers to the project."

At this time, the LIF will not refer customers to projects that require the use of agent consolidated billing. The program was designed to work well with existing programs that serve LI Participants, with which agent models come into direct conflict.

The LIF works with many vulnerable people. Therefore, many of our LI Participants:

- Do not have email or regular internet access
- Cannot participate in auto-pay
- Do not have credit cards
- Utilize equal pay programs
- Make partial payments, need energy assistance, and may have their power shut off
- Have degenerative illnesses, cognitive limitations, or other factors that would make an agent model difficult

In the event that the PM and SM terminate their relationship:

PMs and SMs may work together to fill and manage LI Participants alongside the LIF. In the event that the PM and SM terminate their relationship, the PM must put a timely plan of action into place in order to maintain as many of the LI subscribers as possible. Any additional amount of time between assignment and contract signing highly increases the likelihood of turnover.

For LI subscribers who have already signed a contract with a PM

- Default outcome: LI customer stays with their currently assigned project and PM



- For LIF-generated leads: LIF has all final decision-making authority on what is best for the customer experience, which can include such factors as date of operation, depth of discount, timing, etc.

For LI subscribers who have not signed a contract, and are waiting in que on lead lists for contact

- The SM will immediately lose access to the Low-Income Lead Management Spreadsheet and may not keep that customer information in any form. As stated previously, the shared spreadsheets are not to be shared or sold to any entity other than the PM partner without explicit permission from the LIF.

Subscription Manager (if Applicable) _____

Project Managers Represented: _____

Signers Name _____

Signature _____

Date _____

Community Energy Project, Low-Income Facilitator for the Oregon Community Solar Program accepts these agreements and will begin recruitment and assignment for these projects.

Signers Name _____

Signature _____

Date _____



Skyward Solar, LLC
530 Gaither Road, Suite 900
Rockville, MD 20850

June 28, 2022

Via Electronic Mail

Program Administrator
Oregon Community Solar Program
administrator@oregoncsp.org

Re: Oregon Community Solar Program – Request for Extension of Certification
Deadline – Project PGE-2020-22 (Skyward Solar LLC)

To the Program Administrator:

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B. Reasons for Requested Change.

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During the winter, Common received referrals for 56 low-income residential participants that were initially intended for a project that did not move forward. When that project did not move forward, Common intended to (and it was Common's understanding that it could) reassign those participants to Skyward since Common was the subscription manager for both. However, it became clear in an email from CEP on June 10, 2022 that because the low-income contracts had not been assigned to the other project and Common was no longer representing the other project, CEP had already referred those subscribers elsewhere and they were no longer available for the Project. Since it was not practically viable for CEP to refer those subscribers back to Common or Skyward, the miscommunication effectively pulled the rug out from under Skyward's low-income subscriber base mere weeks before its certification deadline.⁹

2. Timeline for Commission Recommendations on Agent Subscription Model

Skyward and Common expect to proceed using an agent subscription model for the purposes of securing subscribers for the Project. According to the Commission Staff's Draft Recommendation and Request for Comments – Use of Agent Subscription Model, “[t]he Program has established that use of agent agreements materially affects a project's ability to participate in the [Program],” and thus “a [p]roject seeking to utilize an agent subscription model must seek individual approval” from the Program Administrator and the Commission through a pre-

⁹ Separately, on June 10, 2022 (the same day that Skyward received notice that the low-income subscribers it was counting on had been assigned to a different project), CEP tendered a form of Low-Income Customer Service Guidelines (attached as Exhibit A hereto, the “LI Guidelines”) to Common, as Skyward's subscription manager, for signature; and Energy Trust of Oregon noted via email that CEP is prepared to expedite referrals to Skyward as soon as Common confirms it can meet the criteria set forth in the LI Guidelines. However, the requirements imposed on project managers or subscription managers in the LI Guidelines appear – in some cases – to extend beyond the requirements imposed on project managers and subscription managers in the PIM. In other cases, the language in the LI Guidelines is similar to, but different from, language in the PIM. The inconsistencies between the LI Guidelines and the PIM have resulted in confusion about how to manage low-income subscriptions. SSI acknowledges the PIM requirement that project managers must comply with direct communications and Program updates from the Program Administrator, CEP, and Commission staff (PIM § 2.3); and SSI is working with Common and CEP to better understand CEP's authority to condition its referral of low-income subscribers on Common's execution of the LI Guidelines in order to move forward with new low-income subscribers as quickly as possible. These discussions are ongoing and will not be resolved by July 1, 2022. Because Skyward is relying on CEP to provide referrals to low-income subscribers and it appears that CEP will not provide referrals until Common executes the LI Guidelines, Skyward cannot meet its 10% low-income capacity requirement until the inconsistencies between the LI Guidelines and the PIM are resolved.

certification amendment.¹⁰ In an email from Energy Trust of Oregon on June 17, 2022, Skyward and Common were informed that, procedurally, an application for pre-certification amendment requesting use of agent agreements “would need to come after the Commission has ruled on [the matter] in July and before the project is certified.” Because the Project’s current certification deadline is July 1, 2022 and the Commission is not scheduled to issue a decision until its public meeting on July 26, 2022, it would be impossible for Skyward to satisfy the requirement that it obtain a pre-certification amendment without an extension.

For the reasons set forth above, Skyward is requesting the extension of its certification deadline in good faith and for good cause to (1) meet the 10% low-income capacity requirement and (2) apply for and obtain a subsequent pre-certification amendment to utilize agent agreements to manage subscriptions for the Project after the Commission issues its order on the matter at the end of July.

C. Project Manager’s Compliance with Program Rules. SSI has no history of non-compliance with Program rules or the Code of Conduct. SSI has been in regular communication with the Program Administrator in connection with Project development and construction efforts since acquiring the Project from Nautilus Solar in September 2021.

D. Progress Updates. SSI has timely provided progress updates to the Program Administrator when requested. SSI has been in regular contact with the Energy Trust of Oregon and Common regarding the issue of Skyward’s low-income capacity requirement since learning of the shortfall on June 10, 2022.

E. Enrollment. Skyward has 60% of the Project subscribed with signed contracts (40% demand meters and 20% non-demand meters) and a total of 41 participants. However, Skyward does not currently satisfy the 10% low-income capacity requirement and will not be able to do so prior to July 1, 2022. Skyward has been working closely with Common to satisfy the requirement as soon as possible and has been assured by Energy Trust of Oregon that CEP is prepared to expedite referrals as soon as CEP and Common resolve issues related to the LI Guidelines received on June 10, 2022. According to Energy Trust of Oregon, CEP expects that they could refer at least 40 customers “in very short order.”

F. Projected Timeline. As noted above, construction is underway and the Project is on schedule to achieve commercial operation on or before January 1, 2023. SSI and Skyward reasonably expect that it will take six months to secure a new set low-income participants for the Project, from recruitment by CEP to signed contracts. This expectation is in line with the Project’s projected commercial operation date.

¹⁰ Staff Draft Recommendation and Request for Comments – Use of Agent Subscription Model, UM 1930, at 2 (June 14, 2022).

III. Policy Benefits of the Extension

The success of the Program depends upon a steady stream of new projects coming online to serve the customers who are waiting for community solar subscriptions. As noted above, Skyward is not requesting any amendment to its commercial operation date, and SSI has diligently pursued development and construction of the Project since acquiring Skyward from Nautilus last year. Approving this amendment will ensure the Program stays on track and continues to show steady progress. In addition, granting this request upholds the good faith established between developers, the Program Administrator and the Commission as all stakeholders problem-solve through unforeseeable circumstances and seek resolution of novel issues like the agent subscription model.

IV. Reasonable Justification for the Extension

For good cause, as described herein, Skyward respectfully requests a 6-month extension to its certification deadline, from July 1, 2022 to January 1, 2023. This would provide the necessary time for the Project to meet the 10% low-income capacity requirement, apply for and obtain a pre-certification amendment to utilize agent agreements to manage subscriptions for the Project, and complete the final Program certification. If the Commission does not grant additional time for Skyward to achieve certification, it will, in effect, deny SSI any meaningful recourse.

The circumstances leading to Skyward losing its low-income subscribers were unforeseeable. Skyward is actively engaged with Common, Energy Trust of Oregon and CEP to secure the low-income residential participants within the requested 6-month extension period. Since acquiring Skyward from Nautilus last year, SSI has invested heavily in the Project, managing not only to beat its interim deadline of March 11, 2022 by three months but also to obtain all state and local permits, finalize construction designs, subscribe 60% of the Project, and mobilize on-site construction. In addition, Skyward's current July 1, 2022 deadline is impossible to meet given that Skyward is required to submit a pre-certification amendment request related to its use of agent agreements with Common, and the Commission is not scheduled to issue its order on the use of agent agreements until the end of July. Because SSI has followed the Program rules, has demonstrated consistent and reasonable progress, has spent more than \$2,300,000 on the Project, experienced a setback that was unforeseeable and does not impact the Project's construction timeline, and is required to obtain a pre-certification amendment with respect to an issue that the Commission has not yet ruled on, an extension is just and reasonable.

V. Conclusion

Despite the unforeseen setbacks in low-income participant recruitment, Skyward believes the Project will succeed, will satisfy all requirements for certification, and will achieve commercial operation by January 1, 2023. Furthermore, with the Commission's forthcoming guidance on the use of agent agreements, Skyward will be able to prepare the necessary pre-certification amendment request and hopefully serve as a model for the Program's implementation of the agent subscription model.

Program Administrator

June 28, 2022

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Skyward appreciates the opportunity to cooperate with the Program Administrator and the Commission to successfully implement the goals of the Program. Granting this extension will enable 2.5 MW of community solar capacity to be available sooner to PGE customers. If the Project loses its capacity allocation, there will be a significant delay to Oregon electricity customers' ability to participate in the Program because the capacity would have to be re-allocated or the capacity to be made available in subsequent year allocations. Both alternatives would further delay the delivery of community solar capacity to Oregon customers, which would impede the success of the Program and access to clean energy for Oregon communities.

We appreciate your consideration of our important request. Please do not hesitate to contact me if you have any other questions or concerns regarding this matter.

Very truly yours,

Mike Streams

Michael Streams
Chief Development Officer

Exhibit A - LI Guidelines

Low-Income Customer Service Guidelines

Community Energy Project is the designated Low-Income Facilitator (LIF) for the Oregon Community Solar Program and supports Project Managers (PMs) meeting their low-income (LI) subscriber goals. In 2016, Oregon passed Senate Bill 1547, requiring each Project to have 10% of its capacity allocated to qualified LI participants. LI participants sign contracts with built-in protections that include no cost cancellation, no late fees, flexibility, and a higher credit rate than subscription fee rate, which results in monthly discounted electric bills.

This document is intended for PMs and the PM's Subscription Manager (SM) Agent (if not the PM itself) that is responsible for conducting customer acquisition for a Project.

When a PM or SM is ready to recruit LI participants, that means:

- The PM has completed Project Pre-certification.
- The PM has contracts ready for LI signatures (in required languages).
- The PM and/or SM are ready to respond to LI customer inquiries within 30 days of assignment.

Through partnerships, workshops, and other means of outreach, the LIF provides education and intake for qualified LI Participants. If requested by the PM and while there is available LI capacity within a Community Solar project, the LIF will assign individuals to a shared Low-Income Lead Management Spreadsheet that is accessed by PMs and/or SMs in order to track the enrollment in a project.

Through these agreements the LIF aims to provide exemplary customer service, protect LI Participant information and provide a contingency plan for the event in which relationships between PM and SM change during the assigning process.

Customer Service

Prior to being assigned to a Community Solar project, some LI Participants are already in contact with The LIF or a PM multiple times, and in some cases have been waiting on a list for up to a year. In order to reduce Participant attrition after being assigned to a project, timely communication and customer service must be prioritized by PMs and SMs.

- Once customer information is provided to the PM or Subscription Manager, the customer will be contacted within 30 days.
- The PM and/or SM will use the spreadsheet to track their communication to LI customers.

- LI contracts shall be provided in English, Spanish, Russian, or Vietnamese to customers who request them. Translated contracts are provided by the PA team in the PM Welcome Packet as well as on the oregoncsp.org website.
- PMs shall work with LI customers who speak a language other than English by utilizing IRCO interpretation services, provided at no cost to PM by the PA team.
- For LI Participants who do not have e-mail or internet access, SMs and/or PMs must be prepared to mail physical copies of contracts.
- LI customers are not allowed to be charged sign up fees or cancellation fees.

See section 2.6.4 of the Program Implementation Manual, Fair, honest, and courteous treatment of customers.” and 2.6.6 “customer contracts” for additional context.

LI Customers in General Market

LI customers should utilize the LI carve-out, which was designed for people with fewer financial resources. The deeper discounts are not only directly beneficial to the participants, but also benefit the PMs, because the monthly bill credit covers the payment of the subscription fee. This means that PMs get paid in full each month, even if the LI customer is not able to pay their entire bill. LI customers are considerably more likely to be unable to pay their bills in full, as they have fewer financial resources. Partial payment protection only applies to LI customers at this time, and will drastically reduce Participant turnover and confusion. LI customers may choose to be in the general market, but they should be made aware that they have options that may be better for them.

While doing outreach for the general market, PMs and/or SMs must mention the low-income program, as per the Program Implementation Manual’s Code of Conduct (section 2.6.4).

LI Customer Information

LI customer contact information is protected information. LI Participant demographics are made up of a high percentage of seniors, people with disabilities, veterans and others who may be vulnerable to marketing or scams. In order to protect LI Participants from being contacted by outside entities who have not been approved by the LIF, LI Participant information must remain confidential within the Oregon Community Solar Program.

LI Participants provide consent for their information to be only shared with their utility company, the PM and their Agents, and the Program Administrator Team, as well as consent to be contacted by only those entities including the LIF.

PMs and SMs may not:

- Share or sell LI customer’s information to any entity other than the PM partner without explicit permission from the LIF.

- Solicit LI customers for other projects
- Share the Low-Income Lead Management Spreadsheets outside of approved organizations

See section 2.6.5 of Program implementation Manual "Protection and security of customer information" for additional context.

If a LI customer is identified as being enrolled through the GM, they must be provided with information on how to change their class to LI. The PM can implement this by connecting them to the LIF, and if they qualify, they can cancel their contract and re-enroll through the LIF as a LI Participant.

Agent Consolidated Billing

See section 3.15.3 of Program Implementation Manual "If the Low-Income Facilitator determines that the specific terms of a Project Manager's customer agreements or practices may cause harm to low-income customers, they may require modifications before the Low-Income Facilitator will refer customers to the project."

At this time, the LIF will not refer customers to projects that require the use of agent consolidated billing. The program was designed to work well with existing programs that serve LI Participants, with which agent models come into direct conflict.

The LIF works with many vulnerable people. Therefore, many of our LI Participants:

- Do not have email or regular internet access
- Cannot participate in auto-pay
- Do not have credit cards
- Utilize equal pay programs
- Make partial payments, need energy assistance, and may have their power shut off
- Have degenerative illnesses, cognitive limitations, or other factors that would make an agent model difficult

In the event that the PM and SM terminate their relationship:

PMs and SMs may work together to fill and manage LI Participants alongside the LIF. In the event that the PM and SM terminate their relationship, the PM must put a timely plan of action into place in order to maintain as many of the LI subscribers as possible. Any additional amount of time between assignment and contract signing highly increases the likelihood of turnover.

For LI subscribers who have already signed a contract with a PM

- Default outcome: LI customer stays with their currently assigned project and PM



- For LIF-generated leads: LIF has all final decision-making authority on what is best for the customer experience, which can include such factors as date of operation, depth of discount, timing, etc.

For LI subscribers who have not signed a contract, and are waiting in que on lead lists for contact

- The SM will immediately lose access to the Low-Income Lead Management Spreadsheet and may not keep that customer information in any form. As stated previously, the shared spreadsheets are not to be shared or sold to any entity other than the PM partner without explicit permission from the LIF.

Subscription Manager (if Applicable) _____

Project Managers Represented: _____

Signers Name _____

Signature _____

Date _____

Community Energy Project, Low-Income Facilitator for the Oregon Community Solar Program accepts these agreements and will begin recruitment and assignment for these projects.

Signers Name _____

Signature _____

Date _____