

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 13, 2021**

REGULAR CONSENT EFFECTIVE DATE July 14, 2021

DATE: July 6, 2021

TO: Public Utility Commission

FROM: Joe Abraham

THROUGH: Bryan Conway, JP Batmale, and Sarah Hall **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1930)
Community Solar Project Manager Transfer Request.

STAFF RECOMMENDATION:

Approve the recommended project amendments to the pre-certified “Belvedere Solar” and the pre-certified “Dover Solar” projects in the Community Solar Program (CSP or Program).

DISCUSSION:

Issue

Whether the Commission should accept the Program Administrator’s recommendation to amend the CSP projects, transferring the pre-certified “Belvedere Solar” project to Project Manager “Belvedere Solar, LLC,” and transferring the pre-certified “Dover Solar” project to Project Manager “Dover Solar, LLC.”

Applicable Rule or Law

ORS 757.386(2)(a) directs the Commission to establish a program that provides electricity customers the opportunity to share the costs and benefits of electricity generated by community solar energy systems.

On June 29, 2017, in Order No. 17-232, the Commission adopted formal rules for the CSP under OAR Division 88 of Chapter 860.

In accordance with OAR 860-880-0190, on December 17, 2019, in Order No. 19-438, the Commission adopted the CSP Implementation Manual (PIM) and the program policies and procedures therein. Section 4.7 of the PIM defines a project amendment process and requires Commission approval for major revisions to a project.

Analysis

Background

Under the CSP PIM, the transfer of a pre-certified project from one Project Manager to another Project Manager is considered a major revision to a project, which requires a project amendment that must be considered and approved by the Commission.¹

On June 14, 2021, Project Manager Solar Town, LLC, (Solar Town) notified the CSP Program Administrator (PA) of its request to transfer project management responsibilities for two of its pre-certified projects, Belvedere Solar and Dover Solar, to LLCs under Solar Town's control.² Belvedere Solar is a 2.97 MW-AC project located just outside the City of Mt. Angel in Marion County, in PGE service area.³ Dover Solar is a 1.98 MW-AC project just outside of the City of Canby in Clackamas County, also in PGE service area.

Recommended Project Amendments

Project Name	Remove Previous Project Manager	Replace with New Project Manager	Utility Territory	Project Size (kW-AC)
Belvedere Solar	Solar Town, LLC	Belvedere Solar, LLC	PGE	2,970
Dover Solar	Solar Town, LLC	Dover Solar, LLC	PGE	1,980

Program Administrator's Review

Solar Town reports that it has been pursuing financing and interconnection for each project via its project-specific LLCs. Therefore, each project-specific LLC will be the counterparty to the project's CSP PPA and financing agreement. To maintain

¹ Program Implementation Manual, p.68 (updated December 20, 2019).

² Belvedere Solar and Dover Solar were conditionally-pre certified by the Commission on April 21, 2020, and became pre-certified on August 7, 2020 and July 1, 2020, respectively, upon Program Administrator receipt of documentation demonstrating it terminated its existing Qualifying Facility Power Purchase Agreement with Portland General Electric. See, Order No. 20-142, *In the Matter of Public Utility Commission of Oregon, UM 1930 Community Solar Projects for Conditional Pre-Certification Consideration*, Docket No. UM 1930 (April 27, 2020).

³ Earlier this year, the Commission approved transfer of the Belvedere Solar project from a previous Project Manager, Sulus Solar, LLC, to the current Project Manager, Solar Town, LLC. See Order No. 21-045, *In the Matter of Public Utility Commission of Oregon, UM 1930 Request to Approve Amendment for Belvedere Solar*, Docket No. UM 1930 (February 12, 2021).

compliance with the PIM, which requires that the Project Manager enter into the CSP PPA with the utility, Solar Town is requesting to transfer Project Manager responsibilities for these two projects to the respective project-specific LLCs.⁴

The PA has no objections to this transfer in Project Manager responsibilities and recommends that the Commission approve the project amendments. The PA determined that transferring these projects to new Project Managers will not impact customers or the course of project development. The PA understands that project financing arrangements can be complex, and supports being flexible to allow Project Managers to structure their projects in a manner that best allows them to be successful. The PA does not believe that these transfers violate any other requirements in the PIM or program rules.

Conclusion

Staff agrees with the PA's analysis and recommendation to approve the project amendments. If it becomes clear that this is a common practice in solar project development, Staff and the PA may explore changes to the PIM that would define transfers such as these as minor revisions that would require only PA and possibly Staff review to allow for greater flexibility for Project Managers.

PROPOSED COMMISSION MOTION:

Approve the request for project amendments, transferring the pre-certified "Belvedere Solar" project to Project Manager "Belvedere Solar, LLC," and transferring the pre-certified "Dover Solar" project to Project Manager "Dover Solar, LLC."

⁴ Program Implementation Manual, p.13 (updated December 20, 2019).