

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 2305

GREEN SOLAR, LLC,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER,

Defendant.

GREEN SOLAR STATEMENT ON
FURTHER PROCESS

I. INTRODUCTION

Green Solar, LLC (“Green Solar”) respectfully submits this Statement on Further Process in Docket No. UM 2305 in accordance with the Administrative Law Judge’s (“ALJ”) Ruling¹ for the Oregon Public Utility Commission’s (“Commission” or “OPUC”) consideration. Green Solar does not believe further process is necessary for the Commission to issue a ruling in favor of Green Solar on Green Solar’s Complaint for Enforcement (“Complaint”)² against PacifiCorp, dba Pacific Power (“PacifiCorp”). Green Solar’s Complaint requests three main forms of relief from the Commission: 1) direct PacifiCorp to interconnect Green Solar as soon as possible or at least by May 14, 2024; 2) find that the delays were caused by PacifiCorp and institute penalties up to \$10,000 pursuant to ORS 756.990 against PacifiCorp and paid by PacifiCorp’s shareholders for each day of interconnection delay beyond April 12, 2024; and 3) require

¹ Ruling at 2 (Apr. 22, 2024).

² See generally Complaint (Apr. 12, 2024).

Green Solar and PacifiCorp to execute the Interconnection Agreement (“IA”) Amendment with the agreed-upon changes with Green Solar’s Reservation of Rights language for the single line diagram or include in the Commission order that Green Solar has reservation of rights for the single line diagram.³

Green Solar believes the Commission has enough evidence to issue a ruling on these three issues in Green Solar’s favor and no further process is necessary. Green Solar has provided several examples where PacifiCorp has committed to interconnect by a certain date but missed that date due to delays in interconnection caused by PacifiCorp. PacifiCorp continues to delay interconnection as of the date of this filing. In the alternative, if the Commission believes it does not have enough information to rule in Green Solar’s favor related to the penalties and IA Amendment issues, then those issues should be bifurcated from the issue related to directing PacifiCorp to interconnect Green Solar. There is enough evidence to direct PacifiCorp to interconnect Green Solar.

II. STATEMENT ON FURTHER PROCESS

Green Solar has been constructed since April 23, 2023 and is still not interconnected. Repeatedly PacifiCorp has committed to interconnect by a certain date but missed that date due to delays in interconnection caused by PacifiCorp. PacifiCorp continues to delay interconnection as of the date of this filing. The Commission has enough evidence to rule in Green Solar’s favor regarding the three issues in the Complaint, but in the alternative the Commission has at least enough evidence to rule in

³ Complaint at 22.

Green Solar’s favor to direct PacifiCorp to interconnect Green Solar as soon as possible or at least by May 14, 2024.

A. The Commission Has the Authority and Evidence to Order Interconnection of Green Solar Without Additional Process

The Commission has the ability to order PacifiCorp to interconnect Green Solar now, from both a legal and technical perspective. On the technical side, both Green Solar and PacifiCorp’s interconnection facilities have been installed and the site was energized.⁴ Green Solar is simply waiting for PacifiCorp to finish work and provide permission to operate.⁵ The Commission has the legal authority to order interconnection because the Commission can enforce the IA and require PacifiCorp to finalize interconnection. Finally, an order from the Commission is required because PacifiCorp continues to commit to interconnect Green Solar by a certain date and miss that interconnection due to unending series of excuses.⁶

From a technical perspective, there is no physical barrier to energizing the system as the interconnection facilities have been constructed.⁷ In fact, PacifiCorp energized Green Solar on April 30, 2024.⁸ On that date, power flowed from PacifiCorp’s grid to Green Solar.⁹ Similarly, Green Solar completed construction of all of its facilities over a

⁴ Transcript of May 2 Conference at 18:23-19:8.

⁵ Transcript of May 2 Conference at 19:9-15; Conard Affidavit (May 8, 2024).

⁶ Conard Affidavit (May 8, 2024).

⁷ Transcript of May 2 Conference at 18:23-19:8; Conard Affidavit (May 8, 2024).

⁸ Conard Affidavit (May 8, 2024).

⁹ Transcript of May 2 Conference at 18:23-19:2; Conard Affidavit (May 8, 2024).

year ago, in April 2023.¹⁰ Therefore, as of today, from a technical perspective, Green Solar could be energized to finalize interconnection, if PacifiCorp chooses to allow it.¹¹

From a legal perspective, the Commission has authority to order PacifiCorp to interconnect Green Solar under the IA. Green Solar has a valid IA in place that the Commission could cite to enforce interconnection. PacifiCorp claims the IA must be updated because Green Solar changed from string inverters to a central inverter.¹² However, PacifiCorp approved that change two years ago on August 23, 2022.¹³ In addition, PacifiCorp has agreed it is not requiring the IA Amendment be executed prior to interconnection. It is undisputed that Green Solar has completed construction of its system and interconnection facilities. The energization of Green Solar also indisputably demonstrates that PacifiCorp completed its interconnection facilities necessary for power to flow to and from Green Solar. Therefore, there is nothing left other than PacifiCorp choosing to perform the initial synchronization test of Green Solar, finish some interconnection work, and grant permission to operate.¹⁴ Thus, no additional evidence is required for the Commission to determine whether PacifiCorp should interconnect Green Solar.

The Commission should direct PacifiCorp to finally interconnect Green Solar. There have been several instances where PacifiCorp has committed to interconnect Green Solar by a certain date but missed that date due to delays caused by PacifiCorp. These

¹⁰ Complaint at ¶ 26.
¹¹ Conard Affidavit (May 8, 2024).
¹² PacifiCorp's Answer at ¶ 55.
¹³ Green Solar/101, Conard/5.
¹⁴ Conard Affidavit (May 8, 2024).

commitments and statements by PacifiCorp to interconnect Green Solar include but are not limited to:

- On May 19, 2023, PacifiCorp committed to interconnect Green Solar by November 2023 and provided a draft IA Amendment with the November 30, 2023 Commercial Operations date;
- On August 29, 2023, PacifiCorp committed to interconnect Green Solar by sometime between February 2024 to March 2024;
- On January 31, 2024, PacifiCorp then committed to interconnect Green Solar by the end of March 2024, which was confirmed on February 19, 2024;
- On March 27, 2024, PacifiCorp sent another draft IA Amendment with a Commercial Operations date of April 5, 2024;
- On April 10, 2024, PacifiCorp responded it “did not have a firm date” for interconnection;
- Between April 10 and April 16, 2024, PacifiCorp informed Green Solar it would be interconnected by April 22, 2024;
- On April 16, 2024, PacifiCorp informed Green Solar it would be interconnected on April 29, 2024;
- On April 29, 2024, PacifiCorp informed Green Solar it would be interconnected on April 30, 2024;
- On April 30, 2024, PacifiCorp informed Green Solar it would be interconnected on May 1, 2024; and
- On May 1, 2024, PacifiCorp informed Green Solar it would be interconnected on May 6, 2024;
- On May 6, 2024, PacifiCorp claimed it still could not interconnect Green Solar, although no explanation was given. It appeared PacifiCorp crews were working on the antenna (on the utility’s pole) on the Site.¹⁵

Each time PacifiCorp promises to interconnect on one of these dates (above), Green Solar pays to have contractors and engineers on site for the test.¹⁶ Yet each time, PacifiCorp finds a reason to cancel the work causing substantial cost and harm to Green Solar.¹⁷ As a result, Green Solar has no other option but to seek an order from the

¹⁵ See Attachment C (Recent Emails Regarding Interconnection of Green Solar).

¹⁶ Conard Affidavit (May 8, 2024).

¹⁷ Conard Affidavit (May 8, 2024).

Commission to direct PacifiCorp to honor its obligations and interconnect Green Solar without further delay.

B. PacifiCorp Has Been the Cause of Interconnection Delays Since August 2022

For the last fifteen months, PacifiCorp has delayed interconnecting Green Solar until after the first quarter of 2024, yet PacifiCorp seeks to blame Green Solar for the unnecessary delays. The actual reason PacifiCorp chose to delay work on Green Solar's interconnection was that it prioritized an unrelated transmission upgrade.¹⁸ As a result, it failed to undertake any construction in accordance with PacifiCorp's own schedules, even after accounting for any delays purportedly caused by Green Solar. PacifiCorp waited until January 2024 to even collect bids from contractors to perform the work.¹⁹

In February 2023, PacifiCorp first informed Green Solar that it would be prioritizing an unrelated transmission upgrade that would delay interconnection until March 2024.²⁰ PacifiCorp now denies that it prioritized an unrelated transmission upgrade before interconnection of Green Solar.²¹ As noted at the May 2 Conference, Green Solar was surprised by this denial because in meeting notes from PacifiCorp for weekly calls regarding Green Solar, PacifiCorp describes this transmission work and references an early 2024 energization date.²² Additionally, PacifiCorp admitted to delays related to the transmission upgrades in data responses to Commission Staff in Docket No.

¹⁸ Complaint at ¶¶ 28-29.

¹⁹ Conard Affidavit (May 8, 2024).

²⁰ Complaint at ¶¶ 28-29.

²¹ PacifiCorp's Answer at ¶¶ 27-28 (Apr. 26, 2024).

²² See Transcript of May 2 Conference at 29:20-23; see also Attachment A (PacifiCorp Call Notes Describing Transmission Delay for Green Solar).

UM 1930.²³ PacifiCorp delayed interconnection of Green Solar because it wanted to finish this transmission upgrade first, which is unrelated to the interconnection work at the Culver substation as contemplated in the IA.²⁴

On February 17, 2023, Green Solar objected to the prioritization of the transmission upgrade.²⁵ Following Green Solar's objection, PacifiCorp informed Green Solar it could interconnect the project by November 2023.²⁶ On May 19, 2023, PacifiCorp sent a draft IA Amendment to Green Solar with a Commercial Operations date of November 30, 2023.²⁷ While Green Solar did not sign it because there were disagreements with the scope of work and increased costs, PacifiCorp indicated it could interconnect the project by November 30, 2023 and Green Solar understood PacifiCorp was going to move forward with interconnection by that date.²⁸

PacifiCorp admits that on May 19, 2023 it acknowledged it could have interconnected Green Solar by November 30, 2023 so long as both Green Solar and PacifiCorp worked to satisfy their respective obligations under the IA.²⁹ As of that date, Green Solar had completed construction of its system and interconnection facilities, meaning it was PacifiCorp's responsibility to complete its milestones to meet the November 2023 Commercial Operations date. PacifiCorp chose not to undertake that

²³ See Transcript of May 2 Conference at 29:17-20; *see also* Attachment B (PacifiCorp Response to OPUC Data Request 16 in UM 1930).

²⁴ Complaint at ¶¶ 28-29; *see also* Transcript of May 2 Conference at 28:3-13, 16-20.

²⁵ Green Solar/102, Conard/1.

²⁶ Complaint at ¶ 30.

²⁷ Complaint at ¶ 34.

²⁸ Complaint at ¶ 35; *see also* Transcript of May 2 Conference at 36:21-37:11.

²⁹ PacifiCorp's Answer at ¶ 34.

work and waited until January 2024 to even collect bids from contractors to perform the work.³⁰ Thus, PacifiCorp did not meet its milestones and did not complete interconnection by November 30, 2023.

Despite Green Solar's objection, PacifiCorp delayed interconnecting Green Solar until after the first quarter of 2024 in violation of how long it should have taken in the schedule contemplated in the IA. The IA contemplates that the Public Utility's construction will begin within three months after engineering is complete.³¹ Engineering is to be completed by the Public Utility within approximately four months of receiving the Final Design Package from the customer.³² On August 1, 2022, Green Solar provided PacifiCorp initial designs of the facility and began seeking design approval, and PacifiCorp approved the designs (including the proposed inverter change) by August 23, 2022.³³

Applying the IA's schedule, this means construction should have begun by March 3, 2023. Yet, on April 5, 2023, PacifiCorp stated Green Solar must obtain an easement from a neighbor so that PacifiCorp could install overhead lines to access the site.³⁴ Green Solar objected to this new requirement since it had almost completed construction of the system and it was not contemplated in the IA or interconnection studies.³⁵ By August 1, 2023, PacifiCorp had redesigned the interconnection facilities at the site to go

³⁰ Complaint at ¶¶ 47-48.

³¹ Complaint, Attachment B at Attachment 3.

³² Complaint, Attachment B at Attachment 3.

³³ Complaint at ¶¶ 23-24; *see also* Green Solar/101, Conard/5.

³⁴ Complaint at ¶¶ 31-32.

³⁵ Complaint at ¶¶ 16-17, 31-33.

underground, which eliminated the need for an easement.³⁶ Even if this extended design date is treated as “Engineering Complete,” PacifiCorp’s construction should have begun by October 20, 2023. Yet that was not the case and this further delayed interconnection.

On August 29, 2023, PacifiCorp informed Green Solar that construction of PacifiCorp’s portion of the interconnection upgrades would likely begin between December 2023 and January 2024 with an estimated energization date between February 2024 and March 2024.³⁷

On January 2, 2024, Green Solar and PacifiCorp had a meeting to discuss interconnection of Green Solar where PacifiCorp explained it was planning to obtain bids from contractors to begin constructing interconnection facilities required under the IA.³⁸

PacifiCorp emailed Green Solar on January 31, 2024 confirming interconnection by the end of March 2024.³⁹ Green Solar and PacifiCorp had another call to discuss interconnection of Green Solar on February 16, 2024, Green Solar followed up that day regarding confirmation of the interconnection date, and PacifiCorp responded on February 19, 2024 confirming it intended to interconnect Green Solar by the end of March 2024.⁴⁰

On March 27, 2024, PacifiCorp sent an IA Amendment to Green Solar with a Commercial Operations date of April 5, 2024.⁴¹ PacifiCorp also noted there may be

³⁶ Conard Affidavit (May 8, 2024).

³⁷ Complaint at ¶ 41.

³⁸ Complaint at ¶¶ 47-48; Conard Affidavit (May 8, 2024).

³⁹ Complaint at ¶¶ 48, 50.

⁴⁰ Complaint at ¶¶ 51-53.

⁴¹ Complaint at ¶ 55, Attachment C.

delays to interconnection due to rocks at the Culver substation, but it was planning to energize the project the following week.⁴² In reliance of this commitment to interconnect the next week, Green Solar arranged for its contractors and employees to travel to the site for energization.⁴³ The next week on April 3, 2024, PacifiCorp informed Green Solar the rocks at the Culver substation would likely result in another week of delay.⁴⁴

On April 3, 2024, PacifiCorp also informed Green Solar that communications equipment may not have been ordered which could delay energization up to three weeks.⁴⁵ In PacifiCorp's Answer, PacifiCorp claims it had to order this new equipment because Green Solar installed a wrong-sized pole to support the microwave antenna.⁴⁶ At the May 2 Conference, Green Solar explained that it installed and built the customer-site pole according to the plans submitted to PacifiCorp in late 2022.⁴⁷ Green Solar explained that in June 20, 2023, PacifiCorp sent designs asking to install the communications antenna on Green Solar's pole, Green Solar informed PacifiCorp there would no room to do that, and PacifiCorp stated they could put it on the utility-owned pole.⁴⁸ PacifiCorp's Answer and statements at the conference indicate that PacifiCorp was unaware that the pole antenna had been discussed and resolved almost a year ago.⁴⁹

⁴² Complaint at ¶ 56.

⁴³ Complaint at ¶ 57.

⁴⁴ Complaint at ¶ 58.

⁴⁵ Complaint at ¶¶ 59-60.

⁴⁶ PacifiCorp's Answer at ¶ 59.

⁴⁷ Transcript of May 2 Conference at 44:22-25.

⁴⁸ Transcript of May 2 Conference at 45:2-14.

⁴⁹ See PacifiCorp's Answer at 59; see also Transcript of May 2 Conference at 34:20-24, & 41:2-43:18.

PacifiCorp blames the interconnection delay on Green Solar and claims the interconnection timeline in the IA estimated 18 months to interconnect Green Solar.⁵⁰ Yet, as shown above, this is incorrect. In the original IA, the time from Green Solar providing the initial designs (June 4, 2021) to Commercial Operations (October 21, 2022) is around 16.5 months. Thus, according to this timeline between initial designs and Commercial Operations, Green Solar should have been interconnected by mid-December 2023 or early January 2024 because Green Solar provided initial designs on August 1, 2022. This is at least a four-month delay in interconnection to date. Additionally, the 18-month timeline PacifiCorp references is irrelevant because PacifiCorp repeatedly committed to interconnect Green Solar by specific dates, which were earlier than 18 months from initial designs.

PacifiCorp has repeatedly confirmed an interconnection date for Green Solar only to miss that date and further delay interconnection. Green Solar has been fully constructed since April 2023 and waiting for interconnection. Green Solar has at least presented enough evidence for the Commission to rule in Green Solar's favor and require PacifiCorp to interconnect as soon as possible or at least by May 14, 2024. No further process is necessary for the Commission to direct PacifiCorp to interconnect Green Solar.

C. PacifiCorp Continues to Delay Interconnection

Since around the time of filing the Complaint and afterwards, PacifiCorp continues to commit to interconnect Green Solar by a certain date, miss that date, and further delay interconnection of Green Solar. On April 10, 2024, PacifiCorp responded

⁵⁰ PacifiCorp's Answer at 1-2.

to Green Solar regarding concerns on interconnection and stated it “[did] not have a firm date” for interconnection.⁵¹ PacifiCorp later communicated to Green Solar energization would occur by April 22, 2024, but on April 16, 2024, PacifiCorp informed Green Solar it would be fully interconnected on April 29, 2024.⁵² Green Solar arranged for contractors to be onsite April 29, 2024 and witness testing on May 2, 2024.⁵³

On April 29, 2024, PacifiCorp informed Green Solar it was planning to finish interconnection of Green Solar on April 30, 2024 because PacifiCorp was behind schedule.⁵⁴ On April 30, 2024, PacifiCorp informed Green Solar it was planning to finish interconnection of Green Solar on May 1, 2024.⁵⁵ By May 1, 2024, energization was complete, but the witness test still needed to be complete, which PacifiCorp stated would be delayed until May 6, 2024 because the communications work on PacifiCorp’s radios and fiber was not complete and the fiber cable was one foot short, which would not be available until Friday evening.⁵⁶

On May 6, 2024, PacifiCorp still had not finished interconnection, but PacifiCorp did not communicate with Green Solar’s contractors regarding finalization of interconnection.⁵⁷ As it has throughout this process, due to PacifiCorp’s delays and failure to communicate, Green Solar incurred costs to keep the inverter technician onsite,

⁵¹ Attachment C at 3-4.

⁵² Attachment C at 2-3.

⁵³ Attachment C at 1.

⁵⁴ Attachment C at 13.

⁵⁵ Attachment C at 13.

⁵⁶ Attachment C at 11-12.

⁵⁷ Attachment C at 14.

but the inverter technician had to leave site and would need to be rescheduled for commissioning with at least five to eight business days' notice.⁵⁸

III. CONCLUSION

PacifiCorp continues to commit to interconnect Green Solar by a certain date and miss that interconnection date, which has delayed interconnection and causes harm to Green Solar. Green Solar has presented enough evidence on these delays to issue a ruling on the three issues mentioned above in Green Solar's favor and no further process is necessary. In the alternative, if the Commission believes it does not have enough information to rule in Green Solar's favor related to the penalties and IA Amendment issues, then those issues should be bifurcated from the issue related to directing PacifiCorp to interconnect Green Solar. There is enough evidence to direct PacifiCorp to interconnect Green Solar.

⁵⁸ Attachment C at 14.

Dated this 8th day of May 2024.

Respectfully submitted,

Sanger Law, PC



Irion A. Sanger
Ellie Hardwick
Sanger Law, PC
4031 SE Hawthorne Blvd.
Portland, Oregon 97214
Telephone: 503-756-7533
Fax: 503-334-2235
irion@sanger-law.com

Of Attorneys for Green Solar, LLC

Attachment A

PacifiCorp Call Notes Describing Transmission Delay for Green Solar

PAC Tasks

Green

- Provide ROW location for easement w/ easement form
 - In Progress, waiting on information from estimator to proceed. (2/16)
 - Tami (estimator) mentioned her work is done and ready to send off for final review, pending a response to a contractual question.

- Verify substation schedule is accurate (energization Jan-March 2024)
 - Joey to follow up after speaking with Substation upgrade team. (2/16)
 - Existing transmission lines are maxed out with respect to ampacity. We will not be able to energize until transmission work is complete. Anticipated transmission completion date Fall 2023 (based on most recent update on transmission material delivery)

- Determine if intermediate delivery of electricity is possible upon construction completion (April/May)
 - Kris/(Robin?) to follow up, verify if project is truly dependent on substation upgrades so earlier completion date is achievable. (2/16)
 - Confirmed project is dependent on Transmission work no exceptions.

- Provide review/approval of designs (attached)
 - Tami (2/16) is working on PAC designs. Estimated "a couple weeks to finish design". Then it will go to final review. Customer designs will be reviewed with internal designs to ensure they are coordinated. PAC will provide comments if discrepancies are found and need changing.
 - Design is complete, design currently under final review pending a response to a contractual question.

- Provide Schedule Amendment
 - In progress to completion, waiting on substation group final study to accurately gauge ISD unless non applicable. (2/16)
 - Will be sent out end of this week 3/3 or 3/6

- Provide Inverter/gear Amendment (Inverter approval attached)
 - In progress
 - Should be sent out end of this week 3/3 or 3/6

Marble

- Provide ROW location for easement w/easement form
 - In Progress, waiting on information from estimator in order to proceed.
 - Will be sent out end of this week 3/3 or 3/6

- Provide review/approval of designs (attached)
 - Miscommunication. Project estimator has been assigned.
 - Estimator currently working on design.
- Provide review/approval of Inverter and other necessary gear
 - Kris and Ty working on this action item
- Provide Schedule Amendment
 - Completed, waiting on additional amendments to submit as one document.

- Provide Inverter/gear Amendment
 - **Joey will reach out to Ty to get inverter amendment finalized.**

Canyonville

- Provide ROW location for easement w/ easement form
 - **In Progress, Imogen**
- Finalize impact study/deliver results
 - **Will be sent out end of this week 3/3 or 3/6**
- Provide approval of designs (attached)
 - **No updates**
- Provide review/approval of Inverter and other necessary gear
 - **No updates**
- Provide Schedule Amendment
 - **No updates**
- Provide Inverter/gear Amendment
 - **No updates**

New Action Items:

PAC:

- Set up meeting with Tami, Robin, and team for site plan review and discussion.
 - **Discussed with team**
- Follow up with Jared Martin, Robin for Green inverter amendment ASAP. Green under construction likely next week.
 - **Follow up with team, in progress**
- Set up meeting with Kris and team for updates on Green timeline (substation impact) and Canyonville
 - **Already discussed.**
- Follow up with Imogen on ROW and easements.
 - **Followed up.**

Tami, Steve Cook invited to meetings.

- Confirm if pole height issues are a problem.
 - **Followed up, in progress, no updates.**

Over paid green funds

- **Customer Action Item. Notify PAC if this has not been resolved.**

PIT high side termination TBD?

Attachment B

PacifiCorp Response to OPUC Data Request 16 in UM 1930

OPUC Data Request 16

Interconnection Processes and Timelines for CSP Projects - See request of OCS045 (Green Solar) for an eight-month extension of its CSP Certification deadline, citing utility interconnection delays as the reason for the request.² Does PacifiCorp agree with the project's account of utility interconnection delays in the section titled "reason for delay". If PAC disagrees, provide a detailed response explaining any disagreement.

Response to OPUC Data Request 16

The Company assumes that the reference to "PAC" is intended to be a reference to PacifiCorp. Based on the foregoing assumption, the Company responds as follows:

PacifiCorp does not agree.

The interconnection delays are related both to the customer's inability to obtain an easement by the date required under the "Milestones" of the interconnection agreement, as well as the identification by PacifiCorp of the need to install a new conductor to ensure reliability and safety of its system.

First, PacifiCorp acknowledges that it experienced some delays in construction due to a design issue with several of its existing transmission structures that required a new conductor to be installed. The installation of the conductor resulted in a delay.

Second, as a part of the OCS045 interconnection agreement's "Milestones", the customer was required to obtain an easement by August 21, 2021. The easement was necessary to allow PacifiCorp to construct its typical overhead line extension to the customer's site. The customer was unable to obtain the easement. PacifiCorp discussed with the customer other options to allow the project to continue towards successful interconnection. Due to the lack of the easement, PacifiCorp proposed to redesign its line extension to an underground extension. The need to redesign the line extension delayed the construction for the project.

² Docket No. UM 1930, CSP PA recommendation to grant Certification deadline extensions, pp. 3-5, Oct. 27, 2023.
<https://edocs.puc.state.or.us/efdocs/HAH/um1930hah15210.pdf>

Attachment C

Recent Emails Regarding Interconnection of Green Solar

From: [Brandon Conard](#)
To: [Bremer, Kristopher \(PacifiCorp\)](#)
Cc: [Edward Shogry](#); [John Brown](#); [Jeschke, Jordan \(PacifiCorp\)](#); [Moore, Robin \(PacifiCorp\)](#); [Jim Goldmann](#); [Tom Firstbrook](#); [Michael Jackson](#); [Billy Rowse](#)
Subject: SR | PAC - Green Interconnection Completion Date
Date: Thursday, April 18, 2024 6:51:42 PM

Kris -

Based on your email, I have arranged for our various contractors to be onsite April.29th for Green's energization. As you know, since Green uses central inverters, it will take a day after energization before the transformers are ready for the witness test. In order to give a buffer, we have asked the testing engineers to come back on May 2nd for the witness test.

Could you please confirm that PAC will work with that schedule?

BRANDON CONARD
Managing Partner – SolRiver Capital LLC
o: 720-593-1158 | www.solrivercapital.com

On Wed, Apr 17, 2024, 12:08 PM Bremer, Kristopher (PacifiCorp)
<Kristopher.Bremer@pacificorp.com> wrote:

Perhaps, but if your team has the ability to fully commission the facility on the same day, we may be able to knock out backfeed, first sync and formal commercial operation on the same day. We've seen that with other small solar facilities like this. We'll defer to you and your team as to whether you think that is feasible. Probably assume we'll need more than one for the purposes of scheduling folks to be on site, but if we can get all done in one day, that would be great.

Kris Bremer

From: Brandon Conard <brandon@solrivercapital.com>
Sent: Wednesday, April 17, 2024 9:10 AM
To: Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com>
Cc: Edward Shogry <edward@solrivercapital.com>; John Brown <projects@solrivercapital.com>; Jeschke, Jordan (PacifiCorp) <Jordan.Jeschke@pacificorp.com>; Moore, Robin (PacifiCorp) <Robin.Moore@pacificorp.com>; Jim Goldmann <jim@solrivercapital.com>; Tom Firstbrook <tom.firstbrook@meridiem-eng.com>; Michael Jackson <M.Jackson@konistoco.com>; Billy Rowse <B.Rowse@konistoco.com>
Subject: Re: [INTERNET] SR | PAC - Green Interconnection Completion Date

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Kris - Thanks. Should we also plan on the Witness Test occurring on May 1st?

BRANDON CONARD

Managing Partner – **SolRiver Capital LLC**

o: 720-593-1158 | www.solrivercapital.com

On Tue, Apr 16, 2024 at 5:42 PM Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com> wrote:

Brandon,

The PacifiCorp team is targeting an energization date for Green Solar on Monday, April 29. Please inform your team to be ready on that date. Thank you.

Kris Bremer

From: Brandon Conard <brandon@solrivercapital.com>
Sent: Tuesday, April 16, 2024 3:04 PM
To: Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com>
Cc: Edward Shogry <edward@solrivercapital.com>; John Brown <projects@solrivercapital.com>; Jeschke, Jordan (PacifiCorp) <Jordan.Jeschke@pacificorp.com>; Moore, Robin (PacifiCorp) <Robin.Moore@pacificorp.com>; Jim Goldmann <jim@solrivercapital.com>; Tom Firstbrook <tom.firstbrook@meridiem-eng.com>; Michael Jackson <M.Jackson@konistoco.com>; Billy Rowse <B.Rowse@konistoco.com>
Subject: Re: [INTERNET] SR | PAC - Green Interconnection Completion Date

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Kris -

Your crews previously said PAC may be ready to energize Green by April 22nd. It takes us a few days to coordinate personnel to be onsite for the energization and then witness test 2 days later. Will PAC be ready to energize Green on April 22nd? If not then, what day should we plan on them coming out to meet PAC's team?

BRANDON CONARD

Managing Partner – **SolRiver Capital LLC**

o: 720-593-1158 | www.solrivercapital.com

On Wed, Apr 10, 2024 at 8:03 AM Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com> wrote:

Brandon,

Please see responses below. PacifiCorp continues to troubleshoot options to finish up this project and will provide updates and any substantive progress is made.

Thank you.

Kris Bremer

From: Brandon Conard <brandon@solrivercapital.com>
Sent: Thursday, April 4, 2024 6:44 PM
To: Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com>
Cc: Edward Shogry <edward@solrivercapital.com>; John Brown <projects@solrivercapital.com>; Jeschke, Jordan (PacifiCorp) <Jordan.Jeschke@pacificorp.com>; Moore, Robin (PacifiCorp) <Robin.Moore@pacificorp.com>; Jim Goldmann <jim@solrivercapital.com>; Tom Firstbrook <tom.firstbrook@meridiem-eng.com>; Michael Jackson <M.Jackson@konistoco.com>; Billy Rowse <B.Rowse@konistoco.com>
Subject: Re: [INTERNET] SR | PAC - Green Interconnection Completion Date

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Kris -

This notice is incredibly disappointing, quite damaging to us, while also raising a number of questions. In this email, I'll focus on the questions:

1. Previously, PacifiCorp committed to energizing on Tuesday April 2, 2024. When is PAC *now* saying it will energize our system and conduct the witness test? –

Unfortunately PacifiCorp does not have a firm date but is doing everything it can to finish its construction as soon as possible.

2. What fiber and microwave equipment are you referring to? We paid the interconnection costs and began engineering in the summer of 2022. If this equipment is "required" why was it not ordered at any point in the last 2 years? Given the unreasonable delay by PAC and minimal benefit of DTT, will PAC at least allow us to energize and begin delivering energy while PAC takes its pass the witness test allow – The DTT ensures reliability for PacifiCorp's existing customers and safety of its employees. The benefit is not "minimal", it's critical to ensure service is not degraded to retail customers once the solar facility commences operation and to ensure the facility is offline if PacifiCorp personnel need to address a fault on the circuit.

3. Now, in April of 2024, almost a year after we completed all work on the system, PAC is saying we are also being delayed while it completes some underground work at PAC's substation. This is the most confusing part. Our system ties into existing overhead lines. What about our project requires any underground conduit work at the Culver substation? Is PAC planning to take the position that Green Solar must pay for the additional underground work? – Please refer to the scope of work in the interconnection agreement. PacifiCorp needs to tie in the fiber installed to support this project into Culver substation. The standard installation of this type of fiber is underground in conduit inside the substation fence. This has always been part of this project.

4. As you know, in the SGIA, PAC committed to energizing the system years ago. We paid the full interconnection cost required by the SGIA in 2022. We completed all work

on the system in May of 2023. In March 2023, PAC informed us that it would refuse to energize our system until it completed transmission upgrades completely unrelated to our system and not mentioned whatsoever in our IX studies. At one point, PAC agreed to energize our system by the beginning of November 2023. Given the 18 months notice, why did PAC refuse to begin this work until April 2024? – Please refer to the studies PacifiCorp produced for your interconnection request and the scope of work in the interconnection agreement. They both clearly state that PacifiCorp needed to reconductor a stretch of the distribution circuit to support this project. That section is installed as underbuild on transmission structures and several of those structures had to be replaced to support the larger conductor. This has always been part of this project.

BRANDON CONARD

Managing Partner – **SolRiver Capital LLC**

o: 720-593-1158 | www.solrivercapital.com

On Wed, Apr 3, 2024 at 1:16 PM Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com> wrote:

SolRiver Team,

I'm writing to provide a status update on PacifiCorp construction in support of the Green Solar project. Unfortunately the news is not great.

First, as I mentioned in my email below, PacifiCorp has run into some significant rock in its Culver substation that is severely slowing down the process for the installation of the required conduit. The contractor performing the work is doing what they can to mitigate the timing while maintaining safety and reliability for the substation but it's likely to be another week before that work will be complete.

In addition, it has also been discovered that some communications equipment needed to be installed in support of the fiber optic cable and microwave links for the transfer trip requirements for the project may not have been ordered. PacifiCorp is working feverishly to determine if the material was actually ordered and received or not. PacifiCorp is also simultaneously attempting to determine if the missing material is available in other locations if it turns out it was not ordered. As it stands at this moment, those questions have not been answered so PacifiCorp will follow up as it

gets more clarity. Worst case scenario appears to be that the longest lead item could be three weeks out if it needs to be ordered meaning energization of the project could push to the end of April.

To be clear, these issues have absolutely nothing to do with the request to sign an interconnection agreement amendment. PacifiCorp does not intend to hold up energization of the project if the amendment is not executed in its currently proposed draft.

PacifiCorp is doing everything it can to finalize the project and will provide status updates as soon as anything substantive is known but Green Solar will not be ready for energization this week.

Thank you.

Kris Bremer

From: Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com>
Sent: Wednesday, March 27, 2024 7:23 AM
To: Brandon Conard <brandon@solrivercapital.com>
Cc: Edward Shogry <edward@solrivercapital.com>; John Brown <projects@solrivercapital.com>; Jeschke, Jordan (PacifiCorp) <Jordan.Jeschke@pacificorp.com>; Moore, Robin (PacifiCorp) <Robin.Moore@pacificorp.com>; Jim Goldmann <jim@solrivercapital.com>; Tom Firstbrook <tom.firstbrook@meridiem-eng.com>; Michael Jackson <M.Jackson@konistoco.com>; Billy Rowse <B.Rowse@konistoco.com>
Subject: RE: [INTERNET] SR | PAC - Green Interconnection Completion Date

Brandon,

Attached are the following documents:

1. Agreement to Amend SGIA. The amended SGIA contains a comprehensive update of everything that has changed with Green Solar since the original interconnection agreement was executed. It includes proposed changes from

both SolRiver and PacifiCorp. This amendment agreement must be executed in order to allow energization of the Green Solar facility as the current agreement does not contain the equipment that is set to be energized. The amendment contains the following updates.

- a. Updated contact information that shows SolRiver as the owner of the project.
 - b. A minor correction to PacifiCorp's contact information.
 - c. Updated description of the equipment that SolRiver changed for the solar facility as well as an updated one line diagram.
 - d. Updated cost estimates for PacifiCorp's interconnection facilities and system upgrades.
 - e. Updated scope of work with revisions including the change to the line extension that PacifiCorp had to construct underground.
 - f. Update milestone schedule that aligns with actual dates.
2. A redline of the items proposed to be updated by SolRiver and PacifiCorp in the agreement.
 3. A cost estimate variance summary.

PacifiCorp is currently still targeting energization of the project next week but it has run into some issues with its fiber installation in the Culver substation due to unexpected rock in the area assumed to have conduit installed. PacifiCorp will keep SolRiver updated as progress is made.

Please let me know if you have any questions or concerns with the proposed updates to the agreement. If not, please sign and return the agreement as soon as possible. Thank you.

Kris Bremer

From: Brandon Conard <brandon@solrivercapital.com>
Sent: Monday, February 26, 2024 3:24 PM
To: Jeschke, Jordan (PacifiCorp) <jordan.jeschke@pacificorp.com>
Cc: Edward Shogry <edward@solrivercapital.com>; Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com>; Martin, Jarrod (PacifiCorp) <Jarrod.Martin@pacificorp.com>; John Brown <projects@solrivercapital.com>
Subject: Re: [INTERNET] SR | PAC - Green Interconnection Completion Date

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Kris,

We appreciate PacifiCorp confirming it will complete the work it must do to interconnect Green Solar by the end of the month. At the same time, to be clear, Green Solar cannot specifically opine on the cost estimates provided by PacifiCorp as explained below. Nevertheless, Green Solar requests that PacifiCorp move forward to interconnect Green Solar as early as possible and no later than by April 1, 2024 and at the lowest cost possible.

Despite repeated requests, Green Solar has not received sufficient information to evaluate the potential change in interconnection costs. On the December 12, 2023 call with PacifiCorp, your team introduced for the first time a potential increase in the interconnection costs. At that time, we asked for more information on the potential cost change, a breakdown of the costs already spent for work done, and comparison of the work and cost estimate identified in the Interconnection Agreement with the new work scope and cost estimates. PacifiCorp stated it would provide this information, yet it has not done so. We received an email on January 31, 2024 with an estimate of the remaining costs, but not the rest of information we need. For example, that email did not speak to the scope of the new work versus the scope of work identified in the Interconnection Agreement. In addition, the information of costs already spent is not specific or clear. Therefore, Green Solar cannot evaluate PacifiCorp's new cost estimate or make informed business decisions if it does not have all the information.

Green Solar also understands that PacifiCorp believes that it can interconnect the project by April 1, 2024, which we request be completed without further delay at the lowest cost. The end of March 2024 is 18 months after the October 7 2022 commissioning date in the Interconnection Agreement. Further, it is four (4) months after the November 2023 in service date you committed to last April. We request that PacifiCorp honor the April 1, 2024 deadline, as time is of the essence with each day causing Green Solar substantial and increasing damage.

In requesting that PacifiCorp complete the interconnection at the lowest reasonable cost, Green Solar is explicitly not agreeing that the new total estimated cost or the completion date is reasonable or consistent with PacifiCorp's obligations. Moreover, Green Solar reserves all legal and contractual rights under the law, including but not limited to its rights under the Interconnection Agreement and the PPA, including the right to challenge the actual costs and completion date for the interconnection. Green Solar is expressly not agreeing that proceeding with interconnection discharges, in full or in part, permanently or temporarily, any of the current or past-due obligations of PacifiCorp, PacifiCorp's past and present parents, subsidiaries, affiliates, employees, officers, directors, shareholders, or assigns, nor discharges any of Green Solar's rights, including but not limited to, under an accord and satisfaction, substituted performance, suspension of performance, modification, waiver, release, or any other theory of law. Green Solar also reserves all its legal and contractual rights

as noted in its Notice of Complaint from Docket No. UM 2305.

Please confirm that PacifiCorp is moving forward with the interconnection, its total estimated project cost, and completion date. Let us know if you have any questions or want to discuss.

Thank you,

Brandon Conard

on behalf of Green Solar

BRANDON CONARD

Managing Partner – **SolRiver Capital LLC**

o: 720-593-1158 | www.solrivercapital.com

On Mon, Feb 19, 2024 at 1:51 PM Jeschke, Jordan (PacifiCorp) <jordan.jeschke@pacificorp.com> wrote:

Edward,

Yes, we fully intend on having the site energized by the end of March 2024.

Thanks,

-Joey

From: Edward Shogry <edward@solrivercapital.com>

Sent: Friday, February 16, 2024 3:58 PM

To: Jeschke, Jordan (PacifiCorp) <jordan.jeschke@pacificorp.com>; Bremer, Kristopher (PacifiCorp) <Kristopher.Bremer@pacificorp.com>; Martin, Jarrod (PacifiCorp) <Jarrod.Martin@pacificorp.com>

Cc: John Brown <projects@solrivercapital.com>

Subject: [INTERNET] SR | PAC - Green Interconnection Completion Date

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Joey,

On the call today, you said PAC could confirm in writing that it will complete its work at Green and energize the system by the end of March 2024. Could you please send us that email confirmation this afternoon?

Thank you,

Edward Shogry

Analyst | SolRiver Capital
(505) 379-0227



From: **Christopher Sill** <C.Sill@konistoco.com>
Date: Wed, May 1, 2024 at 5:20 PM
Subject: RE: Green Energization
To: Brandon Conard <brandon@solrivercapital.com>, Will Lupfer <will@solrivercapital.com>, Edward Shogry <edward@solrivercapital.com>, Jim Goldmann <jim@solrivercapital.com>, John Brown <projects@solrivercapital.com>
Cc: Michael Jackson <M.Jackson@konistoco.com>, Nick Laitsch <N.Laitsch@konistoco.com>, Scott Shell <S.Shell@konistoco.com>

All,

1. Status as of May 1st, 5:00pm for Green

- a. Site is energized to the skid transformer. To complete this task, we disabled the utility transfer trip logic temporarily. The logic will be restored prior to export of power.
 - i. PAC power has been advised (meter technician) of our actions.
 - ii. PAC Power was on site today to energize the site. Konisto received power approximately 11:30 Pacific time.
 - b. Konisto is ready for the witness test on the recloser.
 - c. Konisto called Joey with PAC to confirm the schedule for tomorrow. The relay tech will be on site at 9:00 am Pacific time for setting verification and witnessing recloser operation. It is the understanding of Konisto that this activity comprises the PAC witness test requirements with the exception of final verification of transfer trip and power export.
 - i. In the conversation with PAC, Konisto was appraised that the communication work on PAC's radios and fiber was not complete, and this will hold up the second portion of the witness test until May 6th, which is the final verification as listed above. (Fiber cable was 1' short and will not be available until Friday night)
 - ii. As such Konisto is working with Sungrow as we can not complete the inverter commissioning without export power. This will be an increased cost for Sungrow to stay on site beyond the originally scheduled duration. Konisto at this time has not been able to confirm that Sungrow can even stay to complete this work.
1. To mitigate this problem, we have asked that PAC allow time tomorrow (5 minutes) for observed export power to complete inverter commissioning. As of this email, Konisto has not received a response from PAC.

Thank you,

Christopher Sill
970-749-8744

From: Christopher Sill
Sent: Tuesday, April 30, 2024 3:53 PM
To: Brandon Conard <brandon@solrivercapital.com>; Will Lupfer <will@solrivercapital.com>; Edward Shogry <edward@solrivercapital.com>; Jim Goldmann <jim@solrivercapital.com>; John Brown <projects@solrivercapital.com>
Cc: Michael Jackson <M.Jackson@KonistoCo.com>; Nick Laitsch <N.Laitsch@KonistoCo.com>; Scott Shell <S.Shell@KonistoCo.com>
Subject: RE: Green Energization

All,
Please note the following status on Green Energization

1. Konisto has been on site since Monday.
2. Today Sun Grow has showed up to commission the inverter. Currently cold commissioning is underway.
3. PAC has notified us as of 3:50 today that they will not energize the site today but will energize us between 9:30 and 10:30 am Pacific Time tomorrow.
4. Konisto is working on communications and low voltage SCADA work in preparation for energization.

Thanks
Chris

From: Christopher Sill
Sent: Monday, April 29, 2024 3:41 PM
To: Brandon Conard <brandon@solrivercapital.com>; Will Lupfer <will@solrivercapital.com>; Edward Shogry <edward@solrivercapital.com>; Jim Goldmann <jim@solrivercapital.com>; John Brown <projects@solrivercapital.com>
Cc: Michael Jackson <M.Jackson@KonistoCo.com>; Nick Laitsch <N.Laitsch@KonistoCo.com>; Scott Shell <S.Shell@KonistoCo.com>
Subject: Green Energization
Importance: High

All,
In our follow up process in preparing for the energization and witness test for Green, we were informed that PAC is moving the date to Thursday because they are behind on their side. We are moving our teams to plan for a Thursday start.

Thanks
Chris

From: **Christopher Sill** <C.Sill@konistoco.com>
Date: Mon, May 6, 2024 at 5:42 PM
Subject: Green Energization Update May 6, 2024
To: Brandon Conard <brandon@solrivercapital.com>, Will Lupfer <will@solrivercapital.com>, Edward Shogry <edward@solrivercapital.com>, Jim Goldmann <jim@solrivercapital.com>, John Brown <projects@solrivercapital.com>
Cc: Nick Laitsch <N.Laitsch@konistoco.com>, Scott Shell <S.Shell@konistoco.com>, Michael Jackson <M.Jackson@konistoco.com>

All,

Today Konisto finished QC paperwork and wire management items on site waiting for PAC to complete their work. Our on site staff noted that PAC staff were on and off site working on the antenna. The antenna is mounted on their pole. It is our understanding that this work is still not complete as of the writing of this email. As such, we have not been able to start up the inverter and complete any additional “hot” commissioning work. The cost of the SunGrow technician is \$2000/day. We have already extended the time by four days to Monday with no results.

Konisto contacted Joey and Ross with PAC several times today trying to get a sense of when work would be complete. We believe they were not able to complete their work today. At 3:30 Pacific Time Konisto staff drove down to the substation and found no one was present. No one with PAC took calls or responded to texts to confirm.

SunGrow has informed Konisto that they not longer can stay on site. It is the intention of Konisto to demobilize and not return until we can have confirmation from PAC that they are ready to turn on.

SunGrow will have to be rescheduled for commissioning with at least a 5-8 working day notice.

Please call with questions. It is the intention of the Konisto office to continue to try to coordinate with PAC to set another date. The mobilization of SunGrow for the second time will be an increase in cost again.