



April 3, 2024

### Docket No. AR 665: Community Solar Program Rulemaking on Delegated Authority for Project Pre-Certification

Staff invites comments on the enclosed draft revisions to the Community Solar Program (CSP) rules, Oregon Administrative Rules (OAR) 860-088-0040(3)-(6). Comments should be emailed to [puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov) by April 18, 2024, referencing Docket No. AR 665.

This rulemaking is intended to narrowly address one issue: Since January 26, 2022, under Commission Order No. 24-018 authority to grant non-controversial project pre-certifications, waivers, extensions, and amendments is delegated to the Program Administrator (PA), as described in the Program Implementation Manual (PIM).<sup>1</sup> Staff proposes to allow for a permanent delegation of authority, which requires narrow changes to OAR 860-088-0040(3)-(6). After the rulemaking, the PIM may be modified to reflect the new rule. Please note that the proposed rule change does not alter how the program currently operates. There will be opportunities for input in program design later this year during subsequent revisions to the PIM.

Under the delegation of authority, Staff reviews the Program Administrator's (PA) Project recommendations on non-controversial project pre-certifications, waivers, extensions, and amendments. If Staff finds the PA's recommendations to be non-controversial, Staff posts the recommendations to Docket No. UM 1930 with a public comment period of two weeks. If no comments in opposition are received prior to the end of the comment period, the recommendation goes into effect. If comments in opposition are received prior to the end of the comment period, the recommendation does not go into effect and Staff brings the matter to the Commission for a decision at the next available public meeting.

Between January 26, 2022, and December 22, 2023, the Program Administrator used its delegated authority in 136 instances which were bundled into 48 filings in Docket No. UM 1930. Of the 138 recommendations made by the PA, none received comments substantiating Commission review. Delegation of authority to the PA resulted in regulatory streamlining and saved the Commission consideration of at least 48, non-controversial, Public Meeting items, allowing the Program to provide timely decisions to project developers. For more background, see [Commission Order No. 24-018](#).

The rulemaking will occur in two phases and schedule.

- **April 3 - May 14, 2024.** During this first, informal phase, Staff requests stakeholder feedback on the enclosed draft revisions to OAR 860-088-0040. Comments submitted during the informal phase will be used to inform Staff's recommendation to the Commission to open a formal rulemaking. These comments will not be part of the official rulemaking record.

---

<sup>1</sup> See UM 1930, [Order No. 22-019](#), January 26, 2022.



## Request for Comments

- **May 15 – July 2024.** For the formal rulemaking period, the PUC’s Administrative Hearings Division (AHD) will issue a Notice of Proposed Rulemaking. The formal phase will include a public hearing and comment period, led by an Administrative Law Judge within AHD. A final decision by the Commission is required to enact the rules and is anticipated in a public meeting in July 2024.

Stakeholders may provide comments by posting a version of this document that has been edited using Microsoft Word’s track changes and comment features, or by posting comments in narrative form to Docket No. AR 665 (via [puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov)).

### Staff Contacts

If you would like to join the service list for AR 665, email your request to [puc.hearings@puc.oregon.gov](mailto:puc.hearings@puc.oregon.gov). If you have questions or comments, please contact Benedikt Springer at (503) 428-9210 or [benedikt.springer@puc.oregon.gov](mailto:benedikt.springer@puc.oregon.gov).

/s/Benedikt Springer

Senior Utility Analyst  
Oregon Public Utility Commission  
201 High St. SE Salem, OR 97301  
(503) 428-9210  
[benedikt.springer@puc.oregon.gov](mailto:benedikt.springer@puc.oregon.gov)

## Proposed Revisions to Oregon Administrative Rules

### 860 860-088-0040 Project Pre-Certification

- (1) The Project Manager must submit an application for project pre-certification to the Program Administrator.
- (2) An application for pre-certification must include:
  - (a) Documentation of Project Manager registration;
  - (b) A detailed description of the project including location, nameplate capacity, performance characteristics, and plan for project end of useful life;
  - (c) Permitting requirements and status of compliance;
  - (d) All documentation relevant to the interconnection process as provided in OAR chapter 860, division 82;
  - (e) Participant acquisition approach;
  - (f) Proposed marketing materials;
  - (g) Proposed forms and standard contracts for ownership interests and subscriptions;
  - (h) Plan for meeting applicable low-income capacity requirements;
  - (i) Payment of any applicable application fees; and
  - (j) Other information or documentation as set forth in the Program Implementation Manual.
- (3) The Program Administrator reviews applications for pre-certification in the order received to determine compliance with applicable requirements ~~and presents applications to the Commission for pre-certification~~. The Program Administrator must notify the Project Manager of any deficiencies and allow reasonable time for remedy.
- (4) Once ~~a project is the Commission pre-certified~~ ~~s a project~~, the Project Manager may execute contracts with participants for ownership or subscription interests.
- (5) A project remains pre-certified for a period of 18 months, unless granted an extension ~~by Commission order~~. If not certified within this period, the project forfeits its place in the queue of pre-certified projects. The Project Manager must submit a new application for pre-certification to be considered for participation in the Community Solar Program.
- (6) The Project Manager must seek ~~Commission~~ approval of any modification to a pre certified project relating to project elements set forth in the Program Implementation Manual. An amendment will not extend the 18-month period. The Program Implementation Manual will prescribe the form and manner of amendment submission and approval.

**Statutory/Other Authority:** OL 2016, ch 28, sec. 22

**Statutes/Other Implemented:** OL 2016, ch. 28, sec. 22