

**OREGON PUBLIC UTILITY COMMISSION
INTEROFFICE CORRESPONDENCE**

DATE: July 2, 2021

TO: File through JP Batmale and Sarah Hall

FROM: Kacia Brockman

SUBJECT: PACIFIC POWER:
(Docket No. ADV 1284/Advice No. 21-014)
Community Solar Program Purchase Agreement.

I have reviewed this filing and recommend that an acknowledgement letter be sent. With this filing, PacifiCorp dba Pacific Power (PacifiCorp or Company) revises its Community Solar Program (CSP or Program) Purchase Agreement in compliance with Order No. 21-192.

Issue

Whether the submitted CSP Purchase Agreement complies with Order No. 21-192 and should be allowed to become effective on and after June 18, 2021.

Applicable Rule or Law

ORS 757.205(1) provides that “[e]very public utility shall file with the Public Utility Commission, within a time to be fixed by the commission, schedules which shall be open to public inspection, showing all rates, tolls and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it.”

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 a community solar energy system.

OAR 860-088-0140, utilities must enter into contracts for the procurement and purchase of energy from CSP projects.

OAR 860-088-0120(4) requires electric companies to obtain Commission approval of any applicable tariffs required by the CSP rules

Pursuant to Commission Order No. 21-192, PacifiCorp was directed to re-file their CSP Purchase Agreement to incorporate the modifications recommended by Staff and develop a provision in the contract that allows modification of the 120-day maximum for a utility to purchase the Start-up Test Energy from community solar projects that are not yet certified, upon approval of the Commission.

Analysis

PacifiCorp filed Advice No. 21-014 on June 18, 2021, with a proposed effective date of June 18, 2021. PacifiCorp incorporated Staff's suggested modifications by revising the time limit for which a project may deliver Start-up Test Energy prior to commercial operation to 120 days for projects not yet certified, with no time limit for certified projects (other than program milestones associated with certified projects). Similarly, the Company included language permitting the Commission to extend the 120-day time limit on a case-by-case basis. PacifiCorp included these changes in Section 3.2 which reads:

3.2 Delivery and Purchase of Start-up Test Energy. Subject to Section 3.1 above, to the extent permitted under applicable laws, regulations (including without limitation the Community Solar Program rules) and other requirements applicable to Project Manager's Community Solar Program Project, PacifiCorp will accept Start-up Test Energy delivered to the Point of Delivery as early as ninety (90) days prior to the Scheduled Commercial Operation Date, provided that PacifiCorp's **obligation to purchase Start-up Test Energy from a Facility that is not at such time a Certified Project will not exceed a maximum period of one hundred twenty (120) days, or such time as may be directed by the Commission.**

Staff finds that this language is consistent with Staff's recommendations and the Commission's direction in Order No. 21-192.

Conclusion

PacifiCorp's Advice No. 21-014 complies with applicable laws and the requirements in Commission Order No. 21-192. The filed CSP Purchase Agreement should be allowed to become effective, and an acknowledgement letter should be sent.