

ORDER NO. 20-499

ENTERED Dec 30 2020

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1930

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Request for Precertification of Projects in the
Community Solar Program.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on December 29, 2020, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



Nolan Moser

Chief Administrative Law Judge



A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 29, 2020**

REGULAR X CONSENT EFFECTIVE DATE December 29, 2020

DATE: December 28, 2020

TO: Public Utility Commission

FROM: Kacia Brockman

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1930)
Requests pre-certification of projects in the Community Solar Program.

STAFF RECOMMENDATION:

Approve pre-certification of four projects and conditional pre-certification of one project in the Community Solar Program (CSP or Program).

DISCUSSION:

Issue

Whether the Oregon Public Utility Commission (Commission) should approve the CSP Program Administrator's recommendation for pre-certification of four projects and conditional pre-certification of one project.

Applicable Rule or Law

Section 22 of Senate Bill 1547, effective March 8, 2016, and codified in ORS 757.386, directs the Commission to establish a community solar program.

On June 29, 2017, the Commission adopted formal rules for the Program under OAR Division 88 of Chapter 860. OAR 860-088-0040 lists the requirements for project pre-certification.

In accordance with OAR 860-880-0190, on December 17, 2019, in Order No. 19-438, the Commission adopted the CSP Program Implementation Manual (PIM) and the program policies and procedures therein. The PIM includes detailed requirements for

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project pre-certification. The CSP Program Implementation Manual (PIM) provides that the Program Administrator may recommend a waiver of any PIM provision on a case-by-case basis as part of the Commission's decision on pre-certification, certification, major project amendment, or other decision reserved to the Commission. Any recommended waiver is subject to approval by the Oregon Public Utility Commission at the time of Project pre-certification or certification.¹

Analysis

Background

Project Managers registered with the CSP may submit applications for project pre-certification to the CSP platform. As required by OAR 860-088-0040(3), the CSP Program Administrator reviews the applications for compliance with Program requirements and recommends whether the Commission approve the projects for pre-certification.

The Program Administrator recently received pre-certification applications for the following five projects. After reviewing the applications and supporting documentation provided by the Project Manager, the Program Administrator determined that these five projects met the pre-certification requirements in the PIM and recommended approval.

Conditional Pre-certification for Marble Solar

On December 23, 2020, the Program Administrator and Staff learned that the conditional use permit granted to the Marble Solar project by Linn County has been appealed. As a result, the Program Administrator now recommends *conditional* pre-certification for the Marble Solar project, subject to Linn County's denial of the pending appeal such that the conditional use permit stands. The appeal is scheduled to be heard by Linn County on January 12, 2021.

Recommended Projects

Recommendation	Project Name	Name of Project Manager	Utility Territory	Project Size (kW-AC)	Attachment #
Pre-certification	Burlingame Solar	Sulus Solar, LLC	Pacific Power	2,125	Attachment A
Conditional pre-certification	Marble Solar	Sulus Solar, LLC	Pacific Power	2,875	Attachment B

¹ Program Implementation Manual, updated December 26, 2019, p. 54.

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Pre-certification	Taylor Solar	Sulus Solar, LLC	Pacific Power	1,500	Attachment C
Pre-certification	Pine Grove Solar	Pine Grove PM, LLC	Pacific Power	1,400	Attachment D
Pre-certification	Round Lake Solar	Round Lake PM, LLC	Pacific Power	978	Attachment E

Three of the recommended projects were submitted by the Project Manager Sulus Solar, which is also responsible for a pre-certified project in PGE service area. All three recommended projects are located in PAC service area in Linn County, Oregon. With these three projects, Sulus Solar will have reserved 6.5 MW of the per-Project Manager limit of 8.075 MW in PAC service area imposed during the Program's initial interim capacity offering.

- Burlingame Solar is a 2.125 MW-AC project located outside the City of Brownsville.
- Marble Solar is a 2.875 MW-AC project located outside the City of Albany. This project is recommended for conditional pre-certification subject to surviving an appeal of its county conditional use permit.
- Taylor Solar is a 1.5 MW-AC project located between the Cities of Lyons and Mill City.

Two of the recommended projects were submitted by new Project Manager entities controlled by TLS Capital. These are Pine Grove PM, LLC, and Round Lake PM, LLC. TLS Capital is also responsible for another pre-certified project in PAC service area and three pre-certified projects in PGE service area. Both recommended projects are located in PAC service area in Klamath County, Oregon. With the addition of these two projects, TLS Capital will have reserved 6.5 MW of the per-Project Manager limit of 8.075 MW in PAC service area.

- Pine Grove Solar is a 1.4 MW-AC project located outside the community of Altamont southeast of Klamath Falls, and is managed by Pine Grove PM, LLC.
- Round Tree Solar is a 978 kW-AC project located outside the community of Keno southwest of Klamath Falls, and is managed by Round Lake PM, LLC.

Outreach and customer management for all TLS Capital-controlled projects is conducted through Oregon Shines, an entity formed by several Project Managers to conduct CSP customer recruitment and management on their behalf.

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Conclusion

Staff has discussed these project applications with the Program Administrator and reviewed the CSP requirements for pre-certification. Staff supports the Program Administrator's recommendation that the Commission approve the projects listed above for pre-certification and conditional-precertification in the CSP.

Staff finds that the appeal of a county permit is not specifically addressed in the PIM or the Program rules. Staff will work with Staff counsel and the Program Administrator to determine whether such clarification should be added. Staff will present any future proposed revisions to the PIM to the Commission.

PROPOSED COMMISSION MOTION:

Approve CSP pre-certification of the Burlingame Solar, Taylor Solar, Pine Grove Solar, and Round Lake Solar projects. Approve conditional pre-certification of the Marble Solar project, subject to Linn County's denial of the appeal currently pending against the project's conditional use permit.



Community Solar Pre-Certification Recommendation

Public Meeting Date: 12/29/20

Project Overview

Project ID:	PP-2020-76		
Project Name:	Burlingame Solar LLC		
Project Manager:	Sulus Solar LLC		
Site Address:	44°23'16.00"N, 123° 0'46.41"W	Brownsville	97327
Utility Territory:	Pacific_Power		
Project Size (kW-AC):	2125		
Applicable Designations :	Low Income	No	
	Workforce Diversity	No	
	Brownfield	No	
	Dual-Use Ag	No	

Development Entity Type: LLC
 Projected COD: 10/1/2021
 Project Description: 2.125 MWac ground-mounted project located just outside City of Brownsville in Linn County.

Participation and Billing Structure

Low Income Recruitment Method: Low-Income Coordinator
 Low-Income Participation: 10 %
 Residential & Small Business: 50 %
 Large Commercial, Agricultural, & Industrial: 40 %
 Ownership or Subscription: Subscription

Requirements Checklist (OAR 860-088-0040)

Project manager has registered with the CSP: Yes 1/7/2020
 Meets all insurance project requirements: Yes
 Submitted a detailed description of the project: Yes
 Has obtained all non-ministerial permits: Yes
 Has complied with interconnection requirements: Yes
 Submitted participant acquisition approach: Yes
 Submitted plan for meeting low-income requirements: Yes
 Submitted estimated project cost information: Yes
 Submitted development timeline: Yes

PA Recommendation

Recommendation: No_Reservations
 Recommendation Date: 12/10/2020

Project recommended without reservations.



Community Solar Pre-Certification Recommendation

Public Meeting Date: 12/29/20

Project Overview

Project ID:	PP-2020-82										
Project Name:	Marble Solar										
Project Manager:	Sulus Solar LLC										
Site Address:	36038 Eicher Road	Albany	97322								
Utility Territory:	Pacific_Power										
Project Size (kW-AC):	2875										
Applicable Designations :	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Low Income</td> <td style="width: 30%;">No</td> </tr> <tr> <td>Workforce Diversity</td> <td>No</td> </tr> <tr> <td>Brownfield</td> <td>No</td> </tr> <tr> <td>Dual-Use Ag</td> <td>No</td> </tr> </table>			Low Income	No	Workforce Diversity	No	Brownfield	No	Dual-Use Ag	No
Low Income	No										
Workforce Diversity	No										
Brownfield	No										
Dual-Use Ag	No										
Development Entity Type:	LLC										
Projected COD:	10/29/2021										
Project Description:	2.875 MWac ground-mounted project project located just outside City of Albany in Linn County.										

Participation and Billing Structure

Low Income Recruitment Method:	Low-Income Coordinator
Low-Income Participation:	10 %
Residential & Small Business:	50 %
Large Commercial, Agricultural, & Industrial:	40 %
Ownership or Subscription:	Subscription

Requirements Checklist (OAR 860-088-0040)

Project manager has registered with the CSP:	Yes	1/7/2020
Meets all insurance project requirements:	Yes	
Submitted a detailed description of the project:	Yes	
Has obtained all non-ministerial permits:	Yes	
Has complied with interconnection requirements:	Yes	
Submitted participant acquisition approach:	Yes	
Submitted plan for meeting low-income requirements:	Yes	
Submitted estimated project cost information:	Yes	
Submitted development timeline:	Yes	

PA Recommendation

Recommendation: Recommending with reservations
 Recommendation Date: 12/24/2020 (updated)
Recommend conditional pre-certification subject to Linn County's denial of an appeal currently pending against the project's conditional use permit.



Community Solar Pre-Certification Recommendation

Public Meeting Date: 12/29/20

Project Overview

Project ID:	PP-2020-87		
Project Name:	Taylor Solar		
Project Manager:	Sulus Solar LLC		
Site Address:	46870 Lyons Mill City Drive	Lyons	97358
Utility Territory:	Pacific_Power		
Project Size (kW-AC):	1500		
Applicable Designations :	Low Income	No	
	Workforce Diversity	No	
	Brownfield	No	
	Dual-Use Ag	No	

Development Entity Type: LLC
 Projected COD: 8/23/2021
 Project Description: 1.5 MWac ground-mounted project located between the cities of Lyons and Mill City in Linn County.

Participation and Billing Structure

Low Income Recruitment Method: Low-Income Coordinator
 Low-Income Participation: 10 %
 Residential & Small Business: 50 %
 Large Commercial, Agricultural, & Industrial: 40 %
 Ownership or Subscription: Ownership

Requirements Checklist (OAR 860-088-0040)

Project manager has registered with the CSP: Yes 1/7/2020
 Meets all insurance project requirements: Yes
 Submitted a detailed description of the project: Yes
 Has obtained all non-ministerial permits: Yes
 Has complied with interconnection requirements: Yes
 Submitted participant acquisition approach: Yes
 Submitted plan for meeting low-income requirements: Yes
 Submitted estimated project cost information: Yes
 Submitted development timeline: Yes

PA Recommendation

Recommendation: No_Reservations
 Recommendation Date: 12/10/2020

Project recommended without reservations.



Community Solar Pre-Certification Recommendation

Public Meeting Date: 12/29/20

Project Overview

Project ID:	PP-2020-84										
Project Name:	Pine Grove Solar										
Project Manager:	Pine Grove PM, LLC										
Site Address:	42°11'7.70"N, 121°41'12.42"W	Klamath Falls	97621								
Utility Territory:	Pacific_Power										
Project Size (kW-AC):	1400										
Applicable Designations :	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Low Income</td> <td style="width: 30%;">No</td> </tr> <tr> <td>Workforce Diversity</td> <td>No</td> </tr> <tr> <td>Brownfield</td> <td>No</td> </tr> <tr> <td>Dual-Use Ag</td> <td>No</td> </tr> </table>			Low Income	No	Workforce Diversity	No	Brownfield	No	Dual-Use Ag	No
Low Income	No										
Workforce Diversity	No										
Brownfield	No										
Dual-Use Ag	No										
Development Entity Type:	LLC										
Projected COD:	11/30/2021										
Project Description:	1.4 MWac ground-mounted project located southeast of Klamath Falls in Klamath County.										

Participation and Billing Structure

Low Income Recruitment Method:	PM will collaborate with the Low-Income Facilitator
Low-Income Participation:	10 %
Residential & Small Business:	40 %
Large Commercial, Agricultural, & Industrial:	50 %
Ownership or Subscription:	Subscription

Requirements Checklist (OAR 860-088-0040)

Project manager has registered with the CSP:	Yes	11/23/2020
Meets all insurance project requirements:	Yes	
Submitted a detailed description of the project:	Yes	
Has obtained all non-ministerial permits:	Yes	
Has complied with interconnection requirements:	Yes	
Submitted participant acquisition approach:	Yes	
Submitted plan for meeting low-income requirements:	Yes	
Submitted estimated project cost information:	Yes	
Submitted development timeline:	Yes	

PA Recommendation

Recommendation:	No_Reservations
Recommendation Date:	12/10/2020

Project recommended without reservations.



Community Solar Pre-Certification Recommendation

Public Meeting Date: 12/29/20

Project Overview

Project ID: PP-2020-86
 Project Name: Round Lake Solar
 Project Manager: Round Lake PM, LLC
 Site Address: 42° 7'37.12"N, 121°54'24.14"W Klamath Falls 97621
 Utility Territory: Pacific_Power
 Project Size (kW-AC): 978

Applicable Designations :	Low Income	No
	Workforce Diversity	No
	Brownfield	No
	Dual-Use Ag	No

Development Entity Type: LLC
 Projected COD: 11/30/2021
 Project Description: 0.978 MWac ground-mounted project located just outside of the community of Keno in Klamath County.

Participation and Billing Structure

Low Income Recruitment Method: PM will collaborate with the Low-Income Facilitator
 Low-Income Participation: 10 %
 Residential & Small Business: 40 %
 Large Commercial, Agricultural, & Industrial: 50 %
 Ownership or Subscription: Subscription

Requirements Checklist (OAR 860-088-0040)

Project manager has registered with the CSP: Yes 11/23/2020
 Meets all insurance project requirements: Yes
 Submitted a detailed description of the project: Yes
 Has obtained all non-ministerial permits: Yes
 Has complied with interconnection requirements: Yes
 Submitted participant acquisition approach: Yes
 Submitted plan for meeting low-income requirements: Yes
 Submitted estimated project cost information: Yes
 Submitted development timeline: Yes

PA Recommendation

Recommendation: No_Reservations
 Recommendation Date: 12/11/2020

Project recommended without reservations.