

ORDER NO. 21-307

ENTERED Sep 22 2021

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1930

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

Request for Certification of Project with  
Waiver in the Community Solar Program.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on September 21, 2021, 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:



A handwritten signature in blue ink, appearing to read "Nolan Moser".

**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: September 21, 2021**

REGULAR  CONSENT  EFFECTIVE DATE \_\_\_\_\_ N/A \_\_\_\_\_

**DATE:** September 13, 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)  
Requests Certification of project with waiver in the Community Solar Program.

**STAFF RECOMMENDATION:**

Grant the recommended waiver and certify the recommended project in the Community Solar Program.

**DISCUSSION:**

Issue

Whether the Commission should grant the recommended waiver and certify the Oregon Shakespeare Festival Community Solar Project in the Community Solar Program.

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 (hereinafter referred to as "Program", or "CSP").

On June 29, 2017, the Commission adopted formal rules for the Program under OAR Division 88 of Chapter 860. OAR 860-088-0050 details the requirements for project certification.

Docket No. UM 1930  
 September 13, 2021  
 Page 2

Section 3.16 of the CSP Program Implementation Manual (PIM) allows the PA to recommend a waiver of PIM provisions on a case-by-case basis and as part of the Commission's decision on Certification. Any recommended waiver is subject to approval by the Oregon Public Utility Commission at the time of pre-certification or certification.

Section 5.2 of the CSP PIM outlines the information and documentation that must be submitted to the PA as part of the Certification application.

### Analysis

#### *Background*

A Project Manager (PM) registered with CSP may submit applications for project certification to the Program Administrator (PA). As required by OAR 860-088-0050(3), the PA reviews applications for compliance with Program requirements and recommends projects for Certification by the Commission.

The PA recently received an application for the following project. After reviewing the application and supporting documentation provided by the PM, the PA has recommended that the Commission grant the requested waiver and certify the project in the Program. See the Certification Recommendation Form, Attachment A.

#### *Recommended Project*

<b>Project Name</b>	<b>Name of Project Manager</b>	<b>Utility Territory</b>	<b>Project Size (kW-AC)</b>	<b>Attachment #</b>
Oregon Shakespeare Festival Community Solar Project	Oregon Clean Power Cooperative	Pacific Power	129.6	Attachment A

The Oregon Shakespeare Festival Community Solar Project is a 129.6 kW-AC rooftop solar project managed by Oregon Clean Power Cooperative in partnership with Solarize Rogue. The project is located in the City of Talent, Jackson County, in the Pacific Power service area. The project has been fully enrolled by nineteen households in Southern Oregon, including three low-income households. The project is jointly owned by participants who are not low-income. This is the first carve-out project, the first participant-owned project, and the first Pacific Power project to request Certification in the Oregon Community Solar Program.

The project has submitted a Project Waiver Request (Attachment B) to allow Certification prior to completing construction, and to provide construction drawings in

Docket No. UM 1930  
September 13, 2021  
Page 3

lieu of as-built plans. The project will provide as-built plans to the PA within six months of commencing operations. This request is intended to allow the project to become immediately operational upon construction, without waiting for Commission approval at a subsequent public meeting. The project is currently under construction and anticipates being complete by mid-September 2021, with commissioning occurring in late September or early October 2021.

The PA supports granting this Certification with waiver, noting that, as a small rooftop project, construction is expected to occur quickly. Additionally, permitting Certification for projects prior to completing construction benefits both participants and projects by avoiding delay. Staff has drafted proposed PIM modifications that would allow the PA to recommend project Certification when construction drawings are provided.

#### Conclusion

Staff has discussed the project application with the PA and reviewed CSP requirements. Staff supports the PA's recommendation that the Commission approve the project with waiver for certification in the Program.

#### **PROPOSED COMMISSION MOTION:**

Grant the recommended waiver and certify the Oregon Shakespeare Festival Community Solar Project in the Community Solar Program.



### Community Solar Certification Recommendation

Public Meeting Date: 9/21/21

**Project Overview**

Project ID:	PP-2020-78		
Project Name:	Oregon Shakespeare Festival Community Solar Project		
Project Manager:	Oregon Clean Power Cooperative		
Site Address:	408 Talent Ave.	Talent	OR 97540
Utility Territory:	Pacific_Power		
Project Size (kW-AC):	129.6		
Applicable Designations :	Low Income	No	
	Workforce Diversity	No	
	Brownfield	No	
	Dual-Use Ag	No	
Development Entity Type:	Nonprofit		
Projected COD:	10/15/2021		
Project Description:	Roof mounted community solar project located at the Oregon Shakespeare Festival production building in Talent.		

**Requirements Checklist (OAR 860-088-0050 and PIM Chapter 5)**

Participant requirements:

≥ 5 different participants	Yes
≥ 50% project capacity subscribed/owned	Yes
≥ 10% capacity subscribed/owned by low-income participants	Yes
≤ 40% capacity subscribed/owned by single participant	Yes
< 50% capacity subscribed/owned by large commercial/industrial/irrigation	Yes
All participants verified as eligible	Yes

Project requirements:

Project has not changed materially since pre-certification	Yes
Conditions imposed at pre-certification have been met	Yes
Executed utility PPA submitted	Yes
As-built plan set submitted	No
Final project cost information submitted	Yes
Status of utility interconnection upgrades and inspection submitted	Yes
Commercial Operation Date expected within 6 months	Yes

**PA Recommendation**

Recommendation: With\_Reservations  
 Recommendation Date: 8/18/2021

**Project has requested a waiver to be Certified prior to completing construction and has provided construction drawings. Project would provide as-built plans within six months of beginning operations.**



# General Waiver Request Form

The Oregon Community Solar Program allows for Project Managers to submit a waiver to the Program Administrator for select Program Implementation Manual (PIM) project requirements on a case-by-case basis. The Program Administrator may recommend a waiver of any PIM provision as part of the pre-certification, certification, or major project amendment process, subject to final approval by the Oregon Public Utility Commission.

To request a waiver to the low-income subscription discount requirement, please fill out the Low-Income Discount Waiver Request Form at [www.oregoncsp.org](http://www.oregoncsp.org). This form is applicable for all other waiver requests. .

## The process for requesting a waiver is as follows:

- 1. The Project Manager will fill out this waiver request form and submit to the Program Administrator on the Community Solar Program Platform at [www.oregoncsp.org](http://www.oregoncsp.org).** Waiver requests may be submitted as part of the project pre-certification or certification submittal process. It is recommended that Project Managers submit their waiver requests early in the process in order to better inform their project planning.
- 2. The Program Administrator will review the waiver request and provide a recommendation to the Oregon Public Utility Commission.** As part of this review, the Program Administrator may schedule a meeting with the Project Manager to discuss their project plans. Waiver requests will not be granted automatically but will be considered based on their merits on a case-by-case basis. The final decision to grant a waiver is made by the Commission at the time that a project is pre-certified or certified, and the recommendation provided by the Program Administrator is not binding.
- 3. The Oregon Public Utility Commission will make a final determination on whether to grant the waiver request at the time of pre-certification or certification.** As part of approving a waiver, the Commission may place additional conditions on a project that must be met

---

## Oregon Community Solar Program Waiver Request

Project Manager Entity Name: Oregon Clean Power Coop

Point of Contact Name: Dan Orzech

Point of Contact Phone Number: 610-650-7755

Point of Contact Email: dan@oregoncleanpower.coop

ORDER NO. 21-307

Please provide the specific PIM language you are requesting relief from below:

PIM Chapter: Chapter 5

PIM Section: Information Required in the Certification Application

Description:

Please provide a brief narrative that describes:

- a) The reason that you are requesting a waiver, and
- b) How this waiver would benefit the Program and/or Program Participants.

*You may submit this narrative as a separate document if preferred. You may also attach documentation to this waiver request if relevant and necessary.*