

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2322

PILOT ROCK SOLAR 1, LLC, an Oregon limited liability company; PILOT ROCK SOLAR 2, LLC, an Oregon limited liability company; TUTUILLA SOLAR, LLC, an Oregon limited liability company; BUCKAROO SOLAR 1, LLC, an Oregon limited liability company; and BUCKAROO SOLAR 2, LLC; an Oregon limited liability company;

Complainants,

vs.

PACIFICORP, dba PACIFIC POWER, an Oregon corporation,

Defendant,

Pursuant to ORS 756.500.

ORDER

**DISPOSITION: MOTION DENIED**

Complainants in this proceeding, five community solar projects, filed a motion for compliance with this Commission's prior orders in this docket. We do not find that PacifiCorp has failed to comply with our prior orders in this case. We also deny several of the complainants' requests because we find that they are outside the scope of this proceeding. There are also existing procedures for some of the complainants' requests that do not require a Commission order.

**I. PROCEDURAL HISTORY**

On April 4, 2024, complainants initiated this proceeding by filing a complaint, seeking that the Commission amend their interconnection agreements (IAs). At the same time, they filed a motion for interim relief and preliminary injunction, asking that the Commission prevent PacifiCorp, dba Pacific Power, from terminating their IAs for failure to pay certain disputed progress payments. The Commission granted that interim

relief for a period of 30 days to give it time to consider PacifiCorp's response. On April 18, 2024, PacifiCorp filed a response stating that it had agreed with complainants that it would not terminate their IAs during the pendency of the complaint proceeding.

Subsequently, on May 17, 2024, PacifiCorp filed its answer to the complaint, and, at the same time, filed a motion to dismiss. The motion to dismiss alleged, among other things, that complainants were improperly relitigating items that had been decided in complainants' prior complaint docket, docket UM 2118. On July 8, 2024, the Commission issued Order No. 24-208 denying the motion to dismiss in its entirety and allowing the complaint to proceed.

Parties then filed testimony and exhibits over the course of summer 2024; a hearing was held on September 10, 2024, where complainants and PacifiCorp were able to cross-examine witnesses, after which the parties submitted opening and closing briefs. Finally, on November 1, 2024, the Commission issued Order No. 24-402, granting the complaint in part and denying it in part, as detailed below. That order also held open PacifiCorp's counterclaim to dismiss the IAs for breach of contract, as complainants had failed to make certain progress payments required by their IAs.

On April 9, 2025, we issued Order No. 25-132, which concerned Pilot Rock 1 and 2. Following this order, the two projects achieved commercial operation on December 15, 2025.

## II. PRIOR ORDERS

In Order No. 24-402, we resolved the issues raised by complainants related to the IAs between the parties, granting the complaint in part and denying it in part. We summarize those decisions as they relate to the claims raised by the complainants in their recent filings.

In the 2024 complaint, complainants requested that they not be required to make the remaining progress payments for four of the projects, Pilot Rock 1, Pilot Rock 2, Tutuilla, and Buckaroo 1, until after commercial operation. Under our rules, an applicant may agree to make progress payments "on a schedule established by the applicant and the interconnecting public utility."<sup>1</sup> However, "[i]f an applicant does not agree to make progress payments, then the public utility may require the applicant to pay a deposit up to 100 percent of the estimated costs."<sup>2</sup> In Order No. 24-402, we denied the complainants' request and found that "[a]llowing complainants to make progress payments after

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<sup>1</sup> OAR 860-082-0035(5)(a).

<sup>2</sup> OAR 860-082-0035(5)(b).

commercial operation would require waiver of our rules, which we do not think is warranted in this instance.”

In the 2024 complaint, complainants argued that the commercial operation dates contained in their May 2023 IAs, as well as those later offered by PacifiCorp on December 8, 2023, were unreasonably long. We found that it was not reasonable to change the commercial operation date to be earlier than specified in the existing IAs. In short, we found that “[t]he delays directly attributable to defendant \* \* \* appear relatively minor compared to complainants’ own starts and stops in the course of developing these projects.”<sup>3</sup> In particular, we cited to complainants’ failure to make the progress payments it agreed to in the executed May 2023 amendments to their IAs, finding that “we cannot say that in this specific case defendant acted unreasonably in failing to offer more expedited dates when complainants were in breach of the interconnection agreement they signed.”<sup>4</sup>

In Order No. 24-402, we addressed a dispute regarding the inclusion of direct transfer trip (DTT) in the IAs for the projects. DTT is a communications-based method for disconnecting a generator from the distribution and transmission system when an upstream fault occurs. PacifiCorp initially sought to require DTT on each of complainants’ projects, arguing that it was necessary to minimize outage duration and avoid unintentional islanding. It also stated that DTT mitigates fire risk. We found that PacifiCorp must remove DTT from the IAs, stating that “we do not believe that defendant has demonstrated the need for DTT at the complainants’ projects.”<sup>5</sup> Further, we said, the risks cited by PacifiCorp appeared to be either theoretical or minimal. Instead, we directed complainants and PacifiCorp to work together “to develop a cost-effective solution” to any fire risks that existed.<sup>6</sup> We “encourage[d] Staff to convene a working group to address DTT as well as other technical interconnection issues, recognizing that addressing these issues through the working group format will facilitate stakeholder input.”<sup>7</sup>

In Order No. 24-402, we also addressed the potential installation of a battery energy storage system (BESS) at Buckaroo 1. Complainants also sought particular cost treatment for that BESS. We found that there is no legal impediment to installing a BESS at a community solar site and that complainants did not need to enter into a new IA, as PacifiCorp had at one point argued. We also found that defendant “should follow its standard IA procedures to restudy Buckaroo 1, at the complainant[s]’ request. However,

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<sup>3</sup> Order No. 24-402 at 5 (Nov. 1, 2024).

<sup>4</sup> *Id.* at 6.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 7

<sup>7</sup> *Id.*

the complainants must be clear about the configuration they are requesting and should be cautious about signing an IA that does not align with existing commercial agreements.”<sup>8</sup>

Defendant PacifiCorp had also brought forth a counterclaim, asking us to find that complainants had breached each of their IAs and, unless cured, that the IAs should be terminated. We declined to grant defendant’s counterclaim in Order No. 24-402, stating that “[t]his order provides several points on which complainants and defendant should confer and we believe complainants may be able to work out a path forward with defendant.” However, we declined to dismiss defendant’s counterclaim, noting “complainants’ history of delays and missing progress payments.”<sup>9</sup> We stated that “[t]here may come a point where we believe that they have incurably breached their IAs and that those agreements should be terminated.”<sup>10</sup> Accordingly, we retained jurisdiction over defendant’s counterclaim.

Subsequently, the Commission issued Order No. 25-132, adopting Staff’s proposal to “resolve the parties’ dispute and provide a feasible path forward for [Pilot Rock] 1 and [Pilot Rock] 2.”<sup>11</sup> In that order, we approved on a non-precedential basis installation of three grounding banks with relays at the generation projects and sectionalizers at the project’s line extension tap pole. We also granted a one-time, non-precedential exception to interconnection cost allocation in OAR 860-082-0035(3) and assigned \$350,404 to PacifiCorp’s Oregon retail customers for communication equipment.

Complainants have three projects which have not yet reached commercial operation: Tutuilla, Buckaroo 1, and Buckaroo 2. Complainants, in a February 27, 2026 *pro se* filing, asserted PacifiCorp was not in compliance with Commission orders regarding those projects. On March 23, 2026, complainants, through counsel, submitted a reply to PacifiCorp’s response, which laid out in detail the alleged non-compliance and included numerous requests for relief. PacifiCorp motioned for leave to reply, which was granted; PacifiCorp filed its response on April 8, 2026, and complainants subsequently filed their reply on April 15, 2016.

### III. COMPLAINANTS’ MOTIONS

In their reply brief, complainants request a number of actions. First, they request a declaration from the Commission that PacifiCorp’s February 2026 proposed IA amendments to costs and schedule for Tutuilla, Buckaroo 1 and Buckaroo 2 do not comply with Order No. 24-402. They argue that removal of DTT was meant to relieve

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<sup>8</sup> *Id.* at 9.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Order No. 25-132 at 2 (Apr. 9, 2025).

complainants of an expensive burden; but despite the removal of DTT, PacifiCorp's revised costs for the projects have actually increased by an average of 57 percent. Complainants cite Order No. 24-402, where the Commission stated that it expected PacifiCorp to work with complainants to develop a "cost-effective solution," and conclude that "[b]y 'cost-effective solution' the Commission could only mean the changes must result in a net cost decrease."

Similarly, and for the same the reasons, complainants request a declaration from the Commission that Order No. 24-402 requires PacifiCorp to update only the DTT related changes and otherwise leave the costs in the May 2023 IAs unchanged.

Complainants also seek an order that PacifiCorp interconnect the Tutuilla Project in 2026, and Buckaroo projects by June 2027. They argue that an interconnection that is less complex due to removal of DTT should take less time to interconnect, but that PacifiCorp has actually lengthened the time to interconnection. It states that PacifiCorp interconnected Pilot Rock 1 and 2 in 262 days but now argues that it needs 572 days to interconnect Tutuilla, 607 days to interconnect Buckaroo 1, and 768 days to interconnect Buckaroo 2. It argues that these times are *prima facie* excessive.

Next, complainants seek an order that PacifiCorp allow them to self-build all interconnection facilities not located inside a PacifiCorp substation. It states that because PacifiCorp has repeatedly responded to the Commission's Orders to reduce costs by increasing costs (and schedules), complainants should be able to build the interconnection facilities using PacifiCorp-certified contractors.

They additionally seek an order that PacifiCorp study the BESS configuration at Buckaroo 1 in 20 business days. Complainants argue that PacifiCorp's failure to do this is in violation of Order No. 24-402 and states that complainants submitted a single line diagram, as requested by PacifiCorp, to Staff of the Oregon Public Utility Commission on multiple occasions, understanding that it had been passed along to PacifiCorp.

Complainants also ask for a declaration from the Commission that the Tutuilla Project is eligible for up to 2 MW net energy metering and, similarly, seek a Commission declaration that the Commission will approve early termination of Tutuilla PPA in the event complainants request to make Tutuilla Project a net energy metered project. They argue that this is necessary to permit complainants "and the Confederated Tribes of the Umatilla Indian Reservation to recoup part of their investment in the event the parties do not timely implement an agreement to energize" Tutuilla in 2026, which they characterize as "somewhat likely." They note that switching the Tutuilla Project from community solar to net metering also requires early termination of Tutuilla's 20-year

Community Solar Program (CSP) Purchase Agreement which requires Commission approval.

Next they ask that the Commission declare that complainants shall not be liable for the costs of the February 2026 facilities study at Tutuilla or Buckaroo 1 and 2. They state that PacifiCorp did not discuss the restudies with complainants, provide complainants a cost-estimate for such studies, or tender complainants a study agreement. Accordingly, they argue, complainants should not be liable for the cost of these studies.

Finally, complainants request that PacifiCorp be notified of the possibility of penalties, pursuant to SB 688 (2025) and EO 25-25, if it fails to comply with Orders Nos. 24-402, 25-132, and any order on complainants' pending motion.

#### IV. PACIFICORP'S RESPONSES

PacifiCorp objects to each element of complainants' requested relief. In particular, it states that the interconnection agreements approved by the Commission are not "fixed price" contracts and that the descriptions of its costs to construct and install interconnection facilities and system upgrades are actually *estimates*. The original cost estimates for Tutuilla and Buckaroo 1 and 2, it says, date back to the original execution of the IAs in 2021 and 2022. In the interim, it states, there has been a period of significant supply chain delays and inflation impacting the electric industry. It argues that the prices for conductor have doubled since 2019 and the cost of transformers has risen by 75 percent.<sup>12</sup>

PacifiCorp also addresses the BESS issue, stating that it expected complainants to provide a single-line diagram for Buckaroo 1 that would show how complainants intend to incorporate BESS into its solar facilities. It states that it received a document from complainants via Staff in an email in January 2026, but that the information provided does not advance PacifiCorp's ability to study the BESS proposal. Specifically, PacifiCorp explains that it communicated in an email to Staff on January 23, 2026, attached as Attachment B to PacifiCorp's response, that the diagram in question was not the single-line diagram it had requested. PacifiCorp states that the provided document appeared to be a high-level conceptual system diagram that contains complainants' proposal to use PacifiCorp's distribution system to create some sort of microgrid between the storage location and the water treatment plant location during outages.<sup>13</sup> PacifiCorp

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<sup>12</sup> PacifiCorp Response to Sunthurst's Motions at 10, n 26 (citing International Energy Agency, *Building the Future Transmission Grid: Strategies to navigate supply chain challenges*, Executive Summary at 8 (Feb. 25, 2025) (available at: <https://iea.blob.core.windows.net/assets/744ff0bb-905a-4f9f-83e3-2d04ce99e09c/BuildingtheFutureTransmissionGrid.pdf> (last visited Apr. 6, 2026))).

<sup>13</sup> *Id.*, Attachment B.

stated that it attached a sample of the type of one-line diagram it needed to its email. PacifiCorp also stated in its email that it had already communicated that information to complainants.

PacifiCorp addresses complainants' request for interconnection at an earlier date, stating that it would require the Commission to override the IAs of other community solar projects that "are already underway and may have conflicting construction timelines."<sup>14</sup>

PacifiCorp argues that, because it is complying with its obligations in the IAs, there is no basis for the "extraordinary remedy" of allowing complainants a self-build option. And it argues that the net-energy metering project is outside the scope of this proceeding.

PacifiCorp also addresses the system studies for which complainants argue that they should not be liable. PacifiCorp states that the studies in question were not formal re-studies but were undertaken to provide complainants with updated information as they considered amendments to the projects' interconnection agreements. The cost ranges from \$400 for Buckaroo 2 to \$1,500 for Tutuilla. PacifiCorp argues they were done using standard IA procedure.

Finally, it asks that the Commission grant the PacifiCorp counterclaim—to dismiss the interconnection agreements for breach of contract due to their failure to make progress payments specified in the agreement—that remains pending in this docket.

## V. DISCUSSION

This docket was opened to address complainants' 2024 complaint. The disputes presented in the 2024 complaint arose from a failure of the parties to reach agreement on further amendments to the May 2023 IAs. In addressing the issues raised in the 2024 complaint regarding progress payments, commercial operation date, DTT, and BESS restudy, we left space for the parties to continue to confer and work towards mutually agreeable solutions. Additionally, we specifically declined to act on defendant's counterclaim regarding termination of the IAs for breach. We recognized the potential path forward for the parties based on the directives in our order but also stated that we were not ready to dismiss the counterclaim, noting complainants' history of delays and missing progress payments. The scope of this proceeding is limited to the 2024 complaint as addressed in Order Nos. 24-402 and 25-132. This proceeding can only address implementation of the decisions we made in those orders and the remaining, unaddressed counterclaim regarding termination of the IAs.

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<sup>14</sup> *Id.* at 17.

We note that this is an unusual circumstance where we left open the possibility of further process by declining to act on the defendant's counterclaim in Order No. 24-402. This, however, did not hold open this proceeding to address any future disputes related to these projects that may arise between the parties. New complaints are outside the scope of the 2024 complaint. New issues require creation of a factual record that addresses those issues. In this order, we consider complainants' claims alleging noncompliance with the orders in this docket. As addressed below, we find that the complainants have not demonstrated that PacifiCorp failed to comply with our orders.

First, complainants assert that Order No. 24-402 required PacifiCorp to update only the DTT related changes and otherwise leave the costs in the May 2023 IAs unchanged. They also assert PacifiCorp's February 2026 proposed IA amendments to costs and schedule for Tutuilla, Buckaroo 1 and Buckaroo 2 do not comply with Order No. 24-402. Order No. 24-402 ordered the removal of DTT from the IAs, finding that "[t]he risks cited by [D]efendant appear to be either theoretical or minimal and we do not believe that is sufficient to require installation of an expensive system that constitutes a substantial burden to interconnection of community solar projects."<sup>15</sup> Complainants assert that the Commission ordered removal of DTT in order to decrease the overall costs of the projects.

Contrary to complainants' assertion, our order did not include any specific directives regarding project costs and timelines, aside from the removal of DTT. We did not establish any requirement to hold other cost estimates in the IAs at the level included in the May 2023 amendments or determine that those estimates should be treated as binding. Accordingly, we find no basis for determining that PacifiCorp failed to comply with our order. Any dispute regarding the cost estimates in negotiating further amendments to the IAs is a new issue, outside the scope of the 2024 complaint.

Complainants next request that we order PacifiCorp to study the BESS configuration at Buckaroo 1 in 20 business days. In Order No. 24-402, we directed PacifiCorp to follow its standard IA procedures to restudy Buckaroo 1, at the complainants' request. We specified that the complainants must be clear about the configuration they are requesting. With its response, PacifiCorp submitted a statement with a supporting declaration that it has not received the necessary information.<sup>16</sup> Complainants state that they provided the requested information to Staff, who had transmitted it to PacifiCorp. PacifiCorp provided an email that the company had sent to Staff from January 23, 2026, stating that PacifiCorp had notified complainants that the information provided was not adequate and

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<sup>15</sup> Order No. 24-402 at 6

<sup>16</sup> PacifiCorp Response at 7-8, 21.

explaining what was required.<sup>17</sup> The record does not indicate that any further information was provided by complainants, via Staff or otherwise. Accordingly, we find no basis for determining that PacifiCorp has failed to comply with our order.

Complainants also request an order directing PacifiCorp to interconnect the Tutuilla Project in 2026, and Buckaroo projects by June 2027. In February 2026, PacifiCorp tendered new amendments to the IAs that would lead to Tutuilla having a commercial operation date in September 2027; Buckaroo 1 in October 2027; and Buckaroo 2 in April 2028. Parties have been unable to reach agreement on these amendments due to disputes over the costs and interconnection timelines. In Order No. 24-402, we considered a similar request by complainants to move up the commercial operation date of their projects beyond those included in the existing IAs and rejected it, saying that complainants had executed the agreements and then failed to make the progress payments laid out in the agreements, leading to delays. Here, as presented by the complainants, the requested remedy does not relate to a claim of noncompliance with our orders. Rather, this appears to be a continuation of the parties' failure to reach agreement on the terms of a further amendment to the IA. As a result, this is out of the scope of this proceeding. Additionally, we note that at the time of Order No. 24-402, complainants were not current with progress payments under the May 2023 IA amendments executed by the parties and that was part of the basis for our decision to not direct expedited commercial operation dates at that time. Based on the filings submitted by PacifiCorp and uncontested by complainants, complainants are still not current on the progress payments under the executed agreements.<sup>18</sup>

Complainants' remaining claims and requested remedies are outside the scope of compliance with our earlier orders and outside the scope of this proceeding. Our rules and the Oregon CSP Implementation Manual establish processes for requesting a number of the remedies that complainants have sought here.

For example, the procedure for requesting removal from the CSP is set forth in the Oregon CSP Implementation Manual. This process begins with notifying the CSP Administrator and does not require a Commission order.<sup>19</sup>

Application for PacifiCorp's net metering program is governed by our rules at OAR 860-039-0025(1). This process commences with the submission of an application for net metering, which utilities are required to make available on their websites.<sup>20</sup>

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<sup>17</sup> PacifiCorp Response to Sunthurst's Motions at 8, Attachment B.

<sup>18</sup> *Id.* at 4, 17.

<sup>19</sup> See *Program Implementation Manual* (Version v20250219) § 4.8 (Project Cancellation).

<sup>20</sup> OAR 860-039-0025(1).

Finally, we adopted emergency interconnection rules in Order No. 26-108 on April 1, 2026, in response to EO 25-25, to offer a more certain path to interconnection for small generators who may be impacted by federal regulatory changes and have the capacity to act on interconnection obligations. These rules provide an option for an applicant to enter into an agreement to self-build interconnection facilities under certain circumstances, as addressed at OAR 860-082-0060(13). As the parties continue to negotiate amendments to the existing IAs, these emergency rules are in force. However, we caution the complainants that these rules include construction and milestone obligations for the small generator. Small generators are expected to exercise due diligence regarding their capacity to perform before taking up these obligations.

PacifiCorp renews its request to ask us to terminate the complaint under its counterclaim. We decline to do so based on the filings before us. Terminating the interconnection agreements would require further process in this docket.

**VI. ORDER**

IT IS ORDERED that complainants' motion for compliance is denied.

Made, entered, and effective May 27 2026.



**Letha Tawney**  
Chair



**Les Perkins**  
Commissioner



**Karin Power**  
Commissioner



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 Court of Appeals in compliance with ORS 183.480 through 183.484.