

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1930

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Community Solar Implementation.

COMMENTS OF THE
RENEWABLE ENERGY
COALITION ON STAFF’S
PROPOSED REVISIONS TO
COMMUNITY SOLAR POWER
PURCHASE AGREEMENTS

The Renewable Energy Coalition (the “Coalition”) appreciates Staff’s efforts to resolve the concerns raised in the Coalition’s prior comments on PacifiCorp’s and Portland General Electric Company’s (“PGE’s”) community solar program (“CSP”) power purchase agreements (“PPAs”).¹ We understand that Staff revised the proposed PPAs to address one concern raised by REC, but they still unlawfully prohibit a CSP project from selling power under the Public Utility Regulatory Policies Act (“PURPA”). The proposed revisions also overlook significant practical difficulties, as explained by the Oregon Solar + Storage Industries Association (“OSSIA”).² The Coalition supports and agrees with OSSIA’s Comments.

Staff has revised the PPAs to allow PGE and PacifiCorp to stop payments for test energy after 90 days, except where the project is certified. This exception was intended to address the Coalition’s concern that a utility could indefinitely prolong the time period where a project is not paid for its energy by refusing to deem the project as having met its

¹ The Coalition maintains its arguments as stated in prior comments.

² See generally OSSIA’s Comments (May 17, 2021).

commercial operation date. However, this fails to recognize that utility interconnection delays can cause other financial or development problems that may make it difficult for a CSP project to become certified.

Staff's proposed PPA revisions also do not avoid the unlawful possibility that a CSP project may receive no payment for deliveries of start-up test energy, which can occur if the project is not certified under the CSP within 90 days from the date it begins delivering start-up test energy. Because all CSP projects are qualifying facilities ("QFs") under PURPA, the utilities must "purchase all energy made available ... [and] the price paid must not be less than the utility's avoided costs."³ The Coalition respectfully requests that the Commission reject the utilities and Staff's proposed PPA revisions and instead order the utilities to revise their PPAs in a manner consistent with their legal obligations.

Dated this 17th day of May 2021.

Respectfully submitted,



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³ *Snow Mt. Pine Co. v. Mauldin*, 84 Or App 590, 595 (1987) (internal citations omitted) (internal quotations omitted); *see also* ORS 758.525; 18 CFR 292.304.