



Commission Consent to Collateral Assignment

June 2, 2023

Community Solar Program - Docket No. UM 1930

On January 11, 2022, in Order No. 22-007, the Commission permitted the delegation of Commission authority to the Community Solar Program Administrator (PA) to grant noncontroversial project pre-certifications, waivers, extensions, and amendments. Under the permitted delegation of authority, Staff will post the PA's project recommendation to UM 1930 with a comment period of two weeks. If no comments in opposition are received prior to the end of the comment period, the recommendation will go into effect. If comments in opposition are received prior to the end of the comment period, the recommendation will not go into effect and the matter will be referred to the Commission for a decision at the next available public meeting.

On June 20, 2022, in Order No. 22-245, the Commission issued blanket consent to the assignment of a Project Manager (PM) or project owner's rights and responsibilities under the CSP Power Purchase Agreement in the event of a default in the project's financing arrangements. The Commission's consent applies to projects that the PA has confirmed meet the assignment criteria, which are defined in Order No. 22-245.

Staff posts the PA's Project Consent to Collateral Assignment Review for the following two projects:

PGE-2020-42 (Kaiser Creek Solar, LLC)

PGE-2020-38 (Sandy River Solar)

The PA has reviewed documentation provided by the PMs and has confirmed that the assignment criteria have been met. Stakeholders in opposition of issuing Commission consent to collateral assignment for the project should post comments to UM 1930 by June 16, 2023.

To Submit Public Comment:

Stakeholders can submit written comments by email to puc.filingcenter@puc.oregon.gov. Please email puc.hearings@puc.oregon.gov to be added to the UM 1930 docket service list and receive notifications in the UM 1930 docket. Please direct questions to:

Joe Abraham
Oregon Public Utility Commission
201 High St. SE
Salem, OR 97301
(503) 428-0699
joseph.abraham@puc.oregon.gov



Project Consent to Collateral Assignment Review

A community solar Project Manager (PM) or Project Owner is requesting that the Commission consent to assignment of its rights and responsibilities in a Community Solar Power Purchase Agreement in the event of a future default. In line with Commission Order 22-245, the Oregon Community Solar Program Administrator (PA) has reviewed documents and information provided by the project and has confirmed that they satisfy the criteria established by the Commission in that order.

Project Information

Project ID: PGE-2020-42

Project Name: Kaiser Creek Solar, LLC

Project Manager: Kaiser Creek Project Manager, LLC

Community Solar Power Purchase Agreement Signee: Kaiser Creek Solar, LLC

CSPPA Signee's Relation to Project: Project Owner

Project Lender (assignee in event of default): Live Oak Banking Company

Utility Service Area: PGE

Project Site Address: 45°08'34.8"N, 122°36'32.4"W, Molalla, OR 97038

Project Size (kW-AC): 2000

Carveout-eligible: No

Project Status: Operational

Review Summary

Date Review Completed: 05/24/2023

Criteria Review:

- *Has the Project Manager or Project Owner signed a PPA with their utility for the power produced by a pre-certified project? Yes*
- *Does a project financing agreement require the project be offered as collateral in the event of a default in that agreement? Yes*
- *Does a project financing agreements require that the Project Manager or Project Owner assign its rights and responsibilities to the lender, in and only in the event of default? Yes*
- *Has the electric utility provided consent to collateral assignment for this project? Yes*

Project Satisfies all Pre-certification Requirements?:

Yes

Review Notes

None

Consent to PPA Assignment Request Form

The Oregon Public Utility Commission will consent to assignment of Community Solar Power Purchase Agreements (PPAs) in certain situations where the project is offered as collateral to financial lenders in the event of project default. This procedure is documented in Commission Order 22-245.

I attest that my organization is the Project Manager (PM) or Project Owner of a project in the Oregon Community Solar Program (ORCSP), and that the following conditions are met:

- My organization has signed a PPA with an electric utility for the power produced by the pre-certified project described below, and I have provided a copy of this agreement to the ORCSP Program Administrator.
- My organization has entered into, or will enter into upon provision of consent to assignment, a construction loan agreement or similar financing agreement that requires the PM or Project Owner to offer this project as collateral in the event of default in its lending agreement.
- My organization has obtained a construction loan agreement or similar financing arrangement that requires us to assign our right and responsibilities to the lender in the case of default in its lending agreement; and that default in the lending agreement is the only condition that would cause this assignment.
- The electric utility that is party to the PPA for this project has provided consent to this collateral assignment to the PM or Project Owner, and I have provided a copy of this agreement to the ORCSP Program Administrator.

Additionally, I attest that the following information is correct:

Project Name: Kaiser Creek Solar

ORCSP Project ID: PGE-2020-42

Project Manager: Kaiser Creek Project Manager

Project Owner: Kaiser Creek Solar, LLC

Financial Lender that would receive rights and responsibilities in the event of default: Live Oak Banking Company

Date that project financing agreement was executed: May 11, 2023

Section within project financing agreement that requires this collateral assignment:

3.01 (a) of loan agreement

I understand that the Program is not requesting that I provide documentation of my project financing agreement at this time, but that if requested by the Commission I will do so subject to any appropriate confidentiality restrictions.

Ingo Burkhardt

Name

Authorized Signatory

Title

Kaiser Creek Solar, LLC

Organization



Project Consent to Collateral Assignment Review

A community solar Project Manager (PM) or Project Owner is requesting that the Commission consent to assignment of its rights and responsibilities in a Community Solar Power Purchase Agreement in the event of a future default. In line with Commission Order 22-245, the Oregon Community Solar Program Administrator (PA) has reviewed documents and information provided by the project and has confirmed that they satisfy the criteria established by the Commission in that order.

Project Information

Project ID: PGE-2020-38

Project Name: Sandy River Solar

Project Manager: SR PM, LLC

Community Solar Power Purchase Agreement Signee: Sandy River Solar, LLC

CSPPA Signee's Relation to Project: Project Owner

Project Lender (assignee in event of default): Live Oak Banking Company

Utility Service Area: PGE

Project Site Address: 45°25'51.8"N 122°17'42.6"W, Sandy, OR 97055

Project Size (kW-AC): 1850

Carveout-eligible: No

Project Status: Operational

Review Summary

Date Review Completed: 05/24/2023

Criteria Review:

- *Has the Project Manager or Project Owner signed a PPA with their utility for the power produced by a pre-certified project? Yes*
- *Does a project financing agreement require the project be offered as collateral in the event of a default in that agreement? Yes*
- *Does a project financing agreements require that the Project Manager or Project Owner assign its rights and responsibilities to the lender, in and only in the event of default? Yes*
- *Has the electric utility provided consent to collateral assignment for this project? Yes*

Project Satisfies all Pre-certification Requirements?:

Yes

Review Notes

None

Consent to PPA Assignment Request Form

The Oregon Public Utility Commission will consent to assignment of Community Solar Power Purchase Agreements (PPAs) in certain situations where the project is offered as collateral to financial lenders in the event of project default. This procedure is documented in Commission Order 22-245.

I attest that my organization is the Project Manager (PM) or Project Owner of a project in the Oregon Community Solar Program (ORCSP), and that the following conditions are met:

- My organization has signed a PPA with an electric utility for the power produced by the pre-certified project described below, and I have provided a copy of this agreement to the ORCSP Program Administrator.
- My organization has entered into, or will enter into upon provision of consent to assignment, a construction loan agreement or similar financing agreement that requires the PM or Project Owner to offer this project as collateral in the event of default in its lending agreement.
- My organization has obtained a construction loan agreement or similar financing arrangement that requires us to assign our right and responsibilities to the lender in the case of default in its lending agreement; and that default in the lending agreement is the only condition that would cause this assignment.
- The electric utility that is party to the PPA for this project has provided consent to this collateral assignment to the PM or Project Owner, and I have provided a copy of this agreement to the ORCSP Program Administrator.

Additionally, I attest that the following information is correct:

Project Name: Sandy River Solar

ORCSP Project ID: PGE-2020-38

Project Manager: SR PM

Project Owner: Sandy River Solar, LLC

Financial Lender that would receive rights and responsibilities in the event of default: Live Oak Banking Company

Date that project financing agreement was executed: May 11, 2023

Section within project financing agreement that requires this collateral assignment:

3.01 (a) of loan agreement

I understand that the Program is not requesting that I provide documentation of my project financing agreement at this time, but that if requested by the Commission I will do so subject to any appropriate confidentiality restrictions.

Ingo Burkhardt

Name

Authorized Signatory

Title

Sandy River Solar, LLC

Organization