



## Program Administrator's Project Recommendation

July 12, 2022

### 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.

Staff posts the PA's recommendation to grant a fifteen-month, fifteen-month, and thirteen-month certification deadline, respectively, for the following projects:

PP-2020-76 (Burlingame Solar LLC)

PP-2020-82 (Marble Solar LLC)

PP-2021-91 (Wayland Solar LLC)

The PA has reviewed the project certification deadline extension requests for the projects and has recommended granting the extension. The extension request is included at the bottom of this document. Staff finds the PA's recommendations to be noncontroversial and that granting pre-certification may be delegated to the PA. Stakeholders in opposition of the PA's recommendation should post comments to UM 1930 by July 26, 2022.

#### To Submit Public Comment:

Stakeholders can submit written comments on the PA's recommendation by email to [puc.filingcenter@puc.oregon.gov](mailto:puc.filingcenter@puc.oregon.gov). Please email [puc.hearings@puc.oregon.gov](mailto:puc.hearings@puc.oregon.gov) to be added to the UM 1930 docket service list and receive notifications in the UM 1930 docket.



## Project Amendment Review and Recommendation

The Oregon Community Solar Program Administrator (PA) has reviewed the amendment request of the project described below and recommends that the Certification deadline be extended by fifteen months.

### Project Information

**Project ID:** PP-2020-76

**Project Name:** Burlingame Solar LLC

**Project Manager:** Burlingame Solar LLC

**Subscription Manager:** Burlingame Solar LLC

**Utility Service Area:** Pacific Power

**Project Site Address:** 44°23'16.00"N, 123° 0'46.41"W

**Project Size (kW-AC):** 2,125

**Carveout-eligible:** No

**Current Program Status and Date Achieved:** Pre-Certified

### Project Description

Burlingame Solar is a 2,125 kW-AC project located in Brownsville, Oregon, in Linn County. SolRiver Capital owns Burlingame Solar LLC and has not contracted with a subscription manager.

### Review Summary

**Date Review Completed:** 7/1/22

**Nature of the Amendment Request:** Extend Certification Deadline

**PA Recommendation:** Approve

### Review Notes

*Current Certification Deadline: June 29, 2022*

*Recommended Certification Deadline: September 30, 2023*

*Recommending Interim Deadline: Project begins participant enrollment by December 29, 2022*

Burlingame Solar is one of eleven projects managed by individual LLCs controlled by SolRiver Capital; the project manager entity is Burlingame Solar LLC. The project has a certification deadline of June 29, 2022, and is requesting an extension of 15 months to September 30, 2023. This project has previously been granted a six-month extension of its certification deadline for delays related to market disruption caused by the COVID-19 pandemic.

SolRiver Capital has requested that three of their Tier 1 projects receive an extension of their certification deadlines: Burlingame Solar and Marble Solar by fifteen months and Wayland Solar by thirteen months. It is the PA's understanding that SolRiver Capital will be partnering with a Subscription Manager to assist with recruitment and ongoing customer management prior to project Certification.

As part of the need for an extension, SolRiver cites recent uncertainty and supply chain issues caused by the US Department of Commerce investigation into imported solar panels from certain

countries. The PA concurs that this issue has caused disruption in the solar market, has recommended extensions of up to six months to other projects that have requested it for this reason, and would recommend the same here.

SolRiver requests an extension longer than six months due to circumstances that are specific to its acquisition of its ORCSP project portfolio. In October 2021, the PA was informed by the previous manager of SolRiver's portfolio, Sulus Solar, that it had agreed to sell its portfolio to SolRiver and transfer management to the new owner. Sulus Solar also informed the PA that the sale included both projects that were pre-certified in the program's initial offering ("Tier 1") and projects that were on the program waitlist at the time but on track to be pre-certified in the program's second offering ("Tier 2"). Sulus also informed the PA that the sale was contingent upon the pre-certification of the Tier 2 projects in the portfolio. The relevant Tier 2 projects were pre-certified in May 2022 following the release of the additional capacity, and the sale of the project portfolio to SolRiver was completed shortly after.

The PA agrees that the unique nature of this sale and the relevant timing of the pre-certification of the relevant Tier 2 projects and the certification deadlines of these Tier 1 projects would make it practically impossible for SolRiver to complete customer acquisition and project development for this project in advance of its current certification deadline and that a six-month extension would also prove challenging. While these timing issues could have been addressed in the initial terms of the acquisition, the PA notes that the ultimate timeline for Tier 2 project certification was not known at the time that Sulus and SolRiver agreed to the sale of the portfolio.

While the PA would not support extending project certification deadlines solely because of the sale of a project portfolio in the absence of other factors, we consider the timing uncertainty related to the release of new program capacity to be a complicating factor that warrants flexibility in this case. Subsequently, the PA supports granting the longer extensions requested for this project and for SolRiver's two other Tier 1 projects.

When granting extensions of longer than six months, the program typically recommends an interim deadline that the project must satisfy to maintain its pre-certified status, which is intended to ensure that projects are steadily moving forward towards certification. In this case, the PA recommends that the project be required to begin customer enrollment within six months of its current certification deadline (December 29, 2022) in order to maintain its pre-certified status.

### **Attachments Included**

The extension request received from the Project Manager is attached.



## Project Amendment Review and Recommendation

The Oregon Community Solar Program Administrator (PA) has reviewed the amendment request of the project described below and recommends that the Certification deadline be extended by fifteen months.

### Project Information

**Project ID:** PP-2020-82

**Project Name:** Marble Solar

**Project Manager:** Marble Solar LLC

**Subscription Manager:** Marble Solar LLC

**Utility Service Area:** Pacific Power

**Project Site Address:** Santiam Hwy SE

**Project Size (kW-AC):** 2,875

**Carveout-eligible:** No

**Current Program Status and Date Achieved:** Pre-Certified

### Project Description

Marble Solar is a 2,875 kW-AC project located in Albany, Oregon, in Linn County. SolRiver Capital owns Marble Solar LLC and has not contracted with a subscription manager.

### Review Summary

**Date Review Completed:** 7/1/22

**Nature of the Amendment Request:** Extend Certification Deadline

**PA Recommendation:** Approve

### Review Notes

*Current Certification Deadline: June 29, 2022*

*Recommended Certification Deadline: September 30, 2023*

*Recommending Interim Deadline: Project begins participant enrollment by December 29, 2022*

Marble Solar is one of eleven projects managed by individual LLCs controlled by SolRiver Capital; the project manager entity is Marble Solar LLC. The project has a certification deadline of June 29, 2022, and is requesting an extension of 15 months, to September 30, 2023. This project has previously been granted a six-month extension of its certification deadline for delays related to market disruption caused by the COVID-19 pandemic.

SolRiver Capital has requested that three of their Tier 1 projects receive an extension of their certification deadlines: Burlingame Solar and Marble Solar by fifteen months and Wayland Solar by thirteen months. It is the PA's understanding that SolRiver Capital will be partnering with a Subscription Manager to assist with recruitment and ongoing customer management prior to project Certification.

As part of the need for an extension, SolRiver cites recent uncertainty and supply chain issues caused by the US Department of Commerce investigation into imported solar panels from certain

countries. The PA concurs that this issue has caused disruption in the solar market, has recommended extensions of up to six months to other projects that have requested it for this reason, and would recommend the same here.

SolRiver requests an extension longer than six months due to circumstances that are specific to its acquisition of its ORCSP project portfolio. In October 2021, the PA was informed by the previous manager of SolRiver's portfolio, Sulus Solar, that it had agreed to sell its portfolio to SolRiver and transfer management to the new owner. Sulus Solar also informed the PA that the sale included both projects that were pre-certified in the program's initial offering ("Tier 1") and projects that were on the program waitlist at the time but on track to be pre-certified in the program's second offering ("Tier 2"). Sulus also informed the PA that the sale was contingent upon the pre-certification of the Tier 2 projects in the portfolio. The relevant Tier 2 projects were pre-certified in May 2022 following the release of the additional capacity, and the sale of the project portfolio to SolRiver was completed shortly after.

The PA agrees that the unique nature of this sale and the relevant timing of the pre-certification of the relevant Tier 2 projects and the certification deadlines of these Tier 1 projects would make it practically impossible for SolRiver to complete customer acquisition and project development for this project in advance of its current certification deadline, and that a six-month extension would also prove challenging. While these timing issues could have been addressed in the initial terms of the acquisition, the PA notes that the ultimate timeline for Tier 2 project certification was not known at the time that Sulus and SolRiver agreed to the sale of the portfolio.

While the PA would not support extending project certification deadlines solely because of the sale of a project portfolio in the absence of other factors, we consider the timing uncertainty related to the release of new program capacity to be a complicating factor that warrants flexibility in this case. Subsequently, the PA supports granting the longer extensions requested for this project and for SolRiver's two other Tier 1 projects.

When granting extensions of longer than six months, the program typically recommends an interim deadline that the project must satisfy to maintain its pre-certified status, which is intended to ensure that projects are steadily moving forward towards certification. In this case, the PA recommends that the project be required to begin customer enrollment within six months of its current certification deadline (December 29, 2022) in order to maintain its pre-certified status.

### **Attachments Included**

The extension request received from the Project Manager is attached.



## Project Amendment Review and Recommendation

The Oregon Community Solar Program Administrator (PA) has reviewed the amendment request of the project described below and recommends that the Certification deadline be extended by thirteen months.

### Project Information

**Project ID:** PP-2021-91

**Project Name:** Wayland Solar

**Project Manager:** Wayland Solar LLC

**Subscription Manager:** Wayland Solar LLC

**Utility Service Area:** Pacific Power

**Project Site Address:** Hanley Road

**Project Size (kW-AC):** 1,500

**Carveout-eligible:** No

**Current Program Status and Date Achieved:** Pre-Certified

### Project Description

Wayland Solar is a 1,500 kW-AC project located in Central Point, Oregon, in Jackson County. SolRiver Capital owns Wayland Solar LLC and has not contracted with a subscription manager.

### Review Summary

**Date Review Completed:** 7/1/22

**Nature of the Amendment Request:** Extend Certification Deadline

**PA Recommendation:** Approve

### Review Notes

*Current Certification Deadline: August 11, 2022*

*Recommended Certification Deadline: September 30, 2023*

*Recommending Interim Deadline: Project begins participant enrollment by February 11, 2022*

Wayland Solar is one of eleven projects managed by individual LLCs controlled by SolRiver Capital; the project manager entity is Wayland Solar LLC. The project has a certification deadline of August 11, 2022, and is requesting an extension of 13 months to September 30, 2023. This project has previously been granted a six-month extension of its certification deadline for delays related to market disruption caused by the COVID-19 pandemic.

SolRiver Capital has requested that three of their Tier 1 projects receive an extension of their certification deadlines: Burlingame Solar and Marble Solar by fifteen months and Wayland Solar by thirteen months. It is the PA's understanding that SolRiver Capital will be partnering with a Subscription Manager to assist with recruitment and ongoing customer management prior to project Certification.

As part of the need for an extension, SolRiver cites recent uncertainty and supply chain issues caused by the US Department of Commerce investigation into imported solar panels from certain

countries. The PA concurs that this issue has caused disruption in the solar market, has recommended extensions of up to six months to other projects that have requested it for this reason, and would recommend the same here.

SolRiver requests an extension longer than six months due to circumstances that are specific to its acquisition of its ORCSP project portfolio. In October 2021, the PA was informed by the previous manager of SolRiver's portfolio, Sulus Solar, that it had agreed to sell its portfolio to SolRiver and transfer management to the new owner. Sulus Solar also informed the PA that the sale included both projects that were pre-certified in the program's initial offering ("Tier 1") and projects that were on the program waitlist at the time but on track to be pre-certified in the program's second offering ("Tier 2"). Sulus also informed the PA that the sale was contingent upon the pre-certification of the Tier 2 projects in the portfolio. The relevant Tier 2 projects were pre-certified in May 2022 following the release of the additional capacity, and the sale of the project portfolio to SolRiver was completed shortly after.

The PA agrees that the unique nature of this sale and the relevant timing of the pre-certification of the relevant Tier 2 projects and the certification deadlines of these Tier 1 projects would make it practically impossible for SolRiver to complete customer acquisition and project development for this project in advance of its current certification deadline and that a six-month extension would also prove challenging. While these timing issues could have been addressed in the initial terms of the acquisition, the PA notes that the ultimate timeline for Tier 2 project certification was not known at the time that Sulus and SolRiver agreed to the sale of the portfolio.

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When granting extensions of longer than six months, the program typically recommends an interim deadline that the project must satisfy to maintain its pre-certified status, which is intended to ensure that projects are steadily moving forward towards certification. In this case, the PA recommends that the project be required to begin customer enrollment within six months of its current certification deadline (February 11, 2023) in order to maintain its pre-certified status.

### **Attachments Included**

The extension request received from the Project Manager is attached.



Brandon Conard  
SolRiver Capital, LLC  
700 17<sup>th</sup> Street, Suite 1500  
Denver, CO 80202

June 28, 2022

VIA EMAIL (administrator@oregoncsp.org)

Program Administrator  
Oregon Community Solar Program

**RE: Community Solar Program Extension of the Pre-certification period**

Dear Program Administrator,

SolRiver Capital, LLC, a Colorado limited liability company (“SolRiver”), on behalf of SRS Solar, LLC, a Colorado limited liability company (“SRS”), who is the owner of the following Projects and Project Managers listed below (collectively the “Developers”), hereby kindly submits this letter to request (a) an approximately thirteen (15) month extension of the Pre-certification period for the Marble and Burlingame Projects and (b) an approximately twelve (13) month extension of the Pre-certification period for the Wayland Project.

Project	Project Manager	Pre-Certification Date	Certification Date	Requested Extension Date
Burlingame Solar	Burlingame Solar LLC	12/29/2020	06/29/2022	09/30/2023
Wayland Solar	Wayland Solar LLC	02/11/2021	08/11/2022	09/30/2023
Marble Solar	Marble Solar LLC	12/29/2020	06/29/2022	09/30/2023

The requested extensions are reasonable because of: (i) the unique contingent development timeline created by SRS’s acquisition of Developers and additional Tier 2 projects in a single transaction, (ii) the sustained and material procurement delays due to unforeseeable global events beyond Developer’s reasonable control and (iii) the substantial investment that has been made towards developing the Projects to date. These three issues are explained in further detail below.

SolRiver’s ORCSP Portfolio Acquisition

SRS acquired the Developers as part of a transaction with Sulus LLC that included primarily Tier 2 Projects, along with the Developers. Aggregating both Tier 1 and Tier 2 Projects under a single transaction agreement created a contingent development and construction timeline for SRS. To proceed with the Tier 1 Projects, SRS needed assurance that the Tier 2 Projects would be allocated capacity and ultimately approved by the Program. The uncertainty around the Tier 2 release timing and the resulting impact on the ultimate transaction closing created a singular development and construction timeline that made it unfeasible to achieve the original Certification Dates. The bundled nature of the transaction essentially means that the development and construction of the Tier 1 and Tier 2 Projects will occur simultaneously.

40 – 50 Week Lead Time for Transformer Procurement

The Developers have contended with a nationwide unavailability of electrical transformers required for each of the Projects caused by global supply chain issues and shortages stemming from COVID-19. The transformer is a key piece of electrical equipment in the overall construction of a solar project. Without it, a solar project cannot energize and begin commercial operations.



For the last several months, lead-times for transformers have been between 40 – 50 weeks. The primary implication of such a lengthy lead-time is that it is functionally impossible to achieve commercial operations six (6) months after the current Certification Dates. If a transformer purchase order is placed on July 15, 2022, then the expected arrival would be June 30, 2023, which is nearly one (1) year later. Budgeting just six (6) weeks to achieve commercial operations after transformer arrival pushes the earliest commercial operations into mid-August 2023, with no buffer for other delays.

#### Ongoing Panel Supply Constraints & Delays

In 2021 (prior to SRS becoming the owner of the Projects), the US Federal Government banned imports of goods utilizing silicon sourced from the Xinjiang region of China. The region has concerns over using forced labor to mine silicon, which is the primary raw material used in solar panels. Accordingly, SolRiver began negotiating with several panel suppliers to enforce strict sourcing provisions and ensure compliance with the new federal regulations. In late February of 2022, SolRiver finally came to acceptable terms with suppliers that agreed to perform in adherence with these regulations.

Then, only weeks later, on March 28, 2022, the US Department of Commerce (“DOC”) announced it was launching an investigation into the alleged circumvention of duties for solar panel imports from Cambodia, Malaysia, Thailand, and Vietnam into the U.S. These countries account for approximately 80% of all domestic solar panel imports. Any new tariffs imposed from the results of this investigation could be applied retroactively from the date the investigation began. As a result, most panel suppliers began renegotiating their terms, raising prices materially to account for new tariff risks, and/or cancelling orders to the U.S. entirely.

In the last month, there has been partial relief on this matter. On June 6, 2022, the Biden Administration announced a two (2) year pause on any tariffs that result from this new DOC investigation. This decision mitigates the retroactive tariff risk that had effectively frozen procurement efforts for distribution generation and utility-scale solar projects for the last three (3) months.

Despite the recent relief, the Developers still experienced sustained and material delays in procuring solar panels due to the order in 2021 and the DOC non-circumvention investigation in March of 2022. Both federal matters were outside of Developers’ reasonable control and made it unfeasible for the Developers to responsibly procure solar panels that comply with U.S. law.

In the diligent development of the Projects, SolRiver has obtained draft purchase orders for panels in the last few days that comply with the new procurement requirements. As set forth in the draft purchase orders, the current average delivery date for these solar panels is May 19, 2023, which is nearly one (1) year from today.

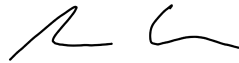
#### Continued Investment and Progress

To date, SRS has invested approximately \$1.15MM in the Projects. The investment includes \$320,000 in utility interconnection costs. In addition, the Developers have commissioned various third-party engineers/consultants to prepare surveys, environmental assessments, wetlands delineations, and engineering plan-sets. If granted an extension of the Pre-certification period, the Developers plan to promptly enter panel and transformer supply agreements, with the execution of full construction contracts to come thereafter.

Based on the unique nature of the portfolio acquisition, material and sustained procurement delays for solar panels and transformers, and the continued investment in the Projects, we respectfully ask the Program to grant the extension to the Pre-certification period described herein.

*[Separate Signature Page Follows]*

Brandon Conard



As Manager, on behalf of

**Burlingame Solar LLC**, an Oregon limited liability company

**Wayland Solar LLC**, an Oregon limited liability company

**Marble Solar LLC**, an Oregon limited liability company