



CHEYENNE AGUILERA
Direct (503) 595-3925
cheyenne@mrg-law.com

September 29, 2020

VIA ELECTRONIC FILING

Attention: Filing Center
Public Utility Commission of Oregon
201 High Street SE, Suite 100
P.O. Box 1088
Salem, Oregon 97308-1088

Re: UM 2108 – PacifiCorp’s Application for an Order Approving Queue Reform Proposal.

Attention Filing Center:

Attached for filing in the above-referenced docket is PacifiCorp’s Response to Dalreed Solar, LLC’s Application for Rehearing and Reconsideration of Order No. 20-268 and/or Request for Waiver of PacifiCorp’s Queue Reform Proposal.

Please contact this office with questions related to this filing.

Sincerely,

Cheyenne Aguilera
Office Manager

Attachment

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2108

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Application for an Order Approving Queue
Reform Proposal.

**PACIFICORP’S RESPONSE TO
DALREED SOLAR, LLC’S
APPLICATION FOR REHEARING
AND RECONSIDERATION OF
ORDER NO. 20-268 AND/OR
REQUEST FOR WAIVER OF
PACIFICORP’S QUEUE REFORM
PROPOSAL**

1 In accordance with OAR 860-001-0720(4), PacifiCorp, dba Pacific Power submits this
2 response to the Application for Rehearing and Reconsideration of Order No. 20-268 and/or
3 Request for Waiver of PacifiCorp’s Queue Reform Proposal (Application) filed by Dalreed
4 Solar, LLC (Dalreed Solar) on September 15, 2020. The Public Utility Commission of Oregon
5 (Commission) should deny Dalreed Solar’s request for preferential treatment and affirm the
6 transition process for reforming and streamlining PacifiCorp’s interconnection process, which
7 was made effective at the August 12, 2020, Special Public Meeting and memorialized in Order
8 No. 20-268.¹

9 The success of PacifiCorp’s queue reform proposal hinges on the orderly transition from
10 a serial queue to a cluster study process. For this transition to occur, PacifiCorp must stop
11 processing interconnection requests under the former serial queue framework to clear the

¹ *In the Matter of PacifiCorp’s Application for an Order Approving Queue Reform Proposal*, Docket No. UM 2108, Order No. 20-268 (Aug. 19, 2020).

1 existing backlog. This means that except for “late-stage” projects, who can choose to conclude
2 their serial study process, all interconnection requests that were pending when queue reform was
3 approved on August 12, 2020, transitioned into the new cluster study process.

4 Dalreed Solar asks the Commission to force PacifiCorp to continue serially processing its
5 project. Dalreed Solar, however, is not a late-stage project and PacifiCorp does not know what is
6 required to allow Dalreed Solar to interconnect. Therefore, PacifiCorp would have to complete
7 additional serial studies of Dalreed Solar *before* the transition process can begin. But that is not
8 all. Before PacifiCorp can even begin Dalreed Solar’s studies, it must know what assumptions to
9 use. Under the serial queue order framework Dalreed Solar demands, PacifiCorp must first study
10 all other interconnection requests that have higher priority to establish the baseline assumptions
11 for Dalreed Solar’s studies. Therefore, Dalreed Solar’s request is not for a single interconnection
12 study of a single project. Dalreed Solar has effectively requested that PacifiCorp serially study
13 Dalreed Solar and every potentially relevant higher priority interconnection request.

14 Granting Dalreed Solar’s request for preferential treatment will therefore lead to
15 inevitable and potentially significant delays to the transition process. Pushing back the transition
16 process to provide special treatment for a single customer will harm other interconnection
17 customers participating in the transition clusters studies beginning in October 2020, will likely
18 delay the first prospective cluster studies scheduled for April 2021, and will undermine
19 PacifiCorp’s 2020 All Source Request for Proposals (2020AS RFP), which was a key
20 consideration for the timing of the transition process. PacifiCorp is also obligated by the terms
21 of its Open Access Transmission Tariff (OATT) approved by the Federal Energy Regulatory
22 Commission (FERC) to begin the transition cluster studies no later than October 31, 2020.

1 PacifiCorp cannot meet its OATT timeline if it must first complete additional serial queue
2 studies for Dalreed Solar and/or other interconnection customers.

3 Dalreed Solar neither presents new evidence nor shows that the Commission’s approval
4 of queue reform was based on erroneous facts. Most, if not all, of Dalreed Solar’s arguments
5 were already raised by stakeholders and addressed by the Commission. Dalreed Solar presents
6 no basis for the Commission to reconsider its approval of the transition process, which was well
7 reasoned and supported by the record. There is no basis to undermine that process by providing
8 preferential treatment to a single customer. Dalreed Solar indicates that it will participate in the
9 transition cluster if its relief is not granted.² Weighing the limited, if any, harm that *may* be
10 caused by denying Dalreed Solar’s request against the near certain harm of granting it, supports
11 denying the Application and affirming Order No. 20-268.

I. LEGAL STANDARD

12 The Commission may grant an application for reconsideration or rehearing if the
13 applicant shows that there is:

- 14 (a) New evidence that is essential to the decision and that was unavailable and not
15 reasonably discoverable before issuance of the order;
- 16 (b) A change in the law or policy since the date the order was issued relating to an
17 issue essential to the decision;
- 18 (c) An error of law or fact in the order that is essential to the decision; or
- 19 (d) Good cause for further examination of an issue essential to the decision.³

² Application at 6.

³ OAR 860-001-720(3).

1 Dalreed Solar has not identified any new evidence or factual errors that are essential to
2 the Commission’s decision. Therefore, the Commission may grant Dalreed Solar’s request only
3 if there is good cause.⁴ Here, there is no good cause to grant Dalreed Solar’s requested relief and
4 therefore its request for reconsideration should be denied.

5 Dalreed Solar further claims that it is entitled to protection by the Commission because it
6 is an interconnection customer and a qualifying facility (QF).⁵ PacifiCorp disagrees. Dalreed
7 Solar’s status as an interconnection customer and a QF does not entitle it to preferential
8 treatment, particularly when that preferential treatment comes at the expense of other
9 interconnection customers or QFs.⁶

II. ARGUMENT

10 **A. The Commission correctly decided that only projects that had reached the Facilities** 11 **Study stage were entitled to continue through the serial queue study process.**

12 PacifiCorp’s queue reform proposal recognized that certain customers with pending
13 interconnection requests should be allowed to complete the interconnection process according to
14 the terms of that serial process. Thus, the transition process allows interconnection customers
15 that are at or beyond the point in the interconnection process when they have been tendered a
16 Facilities Study Agreement by April 30, 2020, will have the option to complete their
17 interconnection process without being studied anew in the transition cluster, or they may elect to

⁴ Application at 4. Alternatively, Dalreed Solar requests that the Commission waive the requirements of Order No. 20-268 for Dalreed Solar. Dalreed Solar recommends that the Commission apply a “good cause” standard to this request, as if Order No. 20-268 were an administrative rule. The interconnection procedures that govern Dalreed Solar’s interconnection, however, were not adopted as administrative rules.

⁵ Application at 4-5.

⁶ See, e.g., ORS 757.325. To be clear, PacifiCorp does not agree that ORS 756.040 applies to interconnection customers.

1 proceed under the transition process.⁷ It is reasonable to allow these late-stage projects to
2 proceed based on the results of their serial study because they have each received a System
3 Impact Study (the study that immediately precedes the Facilities Study⁸), which means that when
4 PacifiCorp conducts its transition cluster study it can assume these projects are in-service based
5 on the results of the System Impact Study.

6 Each of Dalreed Solar’s requests for relief ask the Commission to modify, to some extent,
7 the definition of a late stage project to allow Dalreed Solar to continue through the serial study
8 process. Dalreed Solar’s arguments, however, are not new and they were squarely addressed by
9 the Commission before approving the transition process. The Interconnection Customer
10 Coalition argued that any customer with a pending interconnection request should be allowed to
11 proceed serially if they choose, which is essentially what Dalreed Solar requests here.⁹ In
12 response, PacifiCorp explained that given the specific reforms approved by FERC and requested
13 here, allowing that optionality is unworkable and likely to disadvantage QFs due to the
14 incompatibility of concurrent serial and cluster study processes. If an interconnection request is
15 pending, but not yet studied, then the transition cluster study process cannot assume that
16 interconnection request is in-service because PacifiCorp will not know what is required to
17 interconnect that request. This means PacifiCorp either must process the Oregon QF first and
18 delay the transition cluster study (thereby violating its OATT) or complete the transition cluster

⁷ PacifiCorp QF-LGIP, Appendix 8, Section 1.2.1.

⁸ For reference, under the prior serial queue order study process, an interconnection customer would receive a Feasibility Study, System Impact Study, and, finally, a Facilities Study (although a customer could skip the Feasibility Study and proceed directly to the System Impact Study).

⁹ Joint Comments of Interconnection Customer Coalition at 23.

1 study and then turn to the Oregon QF. Not violating the OATT would necessarily mean studying
2 the transition cluster first, which would likely delay, potentially significantly Oregon QF studies.

3 Staff largely agreed with PacifiCorp’s concerns, noting that, “if Oregon does not
4 participate [in the cluster study process], Staff has concerns about whether Oregon generators
5 would be able to take advantage of the some of these benefits given PAC’s obligation to follow
6 the timelines in its FERC-approved OATT.”¹⁰

7 The Commission approved PacifiCorp’s proposal, which did not maintain an option for
8 serially processing Oregon QFs or expanding the late-stage status to any generator with a
9 pending request (although the Commission did extend the late-stage deadline to April 30,
10 2020).¹¹

11 **B. Dalreed Solar is not entitled to late-stage status.**

12 Dalreed Solar requests that the Commission allow it to continue to be processed under the
13 former serial queue framework as if it were a late-stage project.¹² Dalreed Solar claims that it
14 will be harmed if it forgoes the opportunity to participate in the transition cluster study process
15 and instead waits for the first prospective cluster study, which is scheduled to begin in April
16 2021.¹³ Therefore, PacifiCorp understands Dalreed Solar to be requesting that PacifiCorp
17 process Dalreed Solar first before beginning the transition cluster study process. The
18 Commission should deny Dalreed Solar’s request because there no good cause to amend Order
19 No. 20-268.

¹⁰ Order No. 20-268, App. A at 13.

¹¹ Order No. 20-268 at 1.

¹² Application at 11.

¹³ Application at 9.

1 **1. Dalreed Solar’s request mischaracterizes how late-stage projects are**
2 **studied.**

3 Dalreed Solar claims that because there are eight late-stage projects in Oregon that have
4 opted to continue through the serial study process, it will be no additional burden to include
5 Dalreed Solar.¹⁴ This argument, however, misunderstands the rationale behind PacifiCorp’s late-
6 stage designation. As discussed above, PacifiCorp did not limit late-stage project to those that
7 have reached the Facilities Study stage because of the administrative burden. Rather, it is
8 because those projects have concluded a material step in the interconnection study process—the
9 System Impact Study—and PacifiCorp therefore knows what is required for their
10 interconnections, which can then be accounted for in the transition cluster study process.
11 Contrary to Dalreed Solar’s claim, PacifiCorp does not need to study the other late-stage projects
12 before the transition cluster study because the necessary studies have already occurred—meaning
13 granting late-stage status will not delay the transition cluster study process. Adding Dalreed
14 Solar to the list of late-stage projects will necessarily delay the transition cluster study because
15 Dalreed Solar does not have a System Impact or Facilities Study, unlike all the other late-stage
16 projects. So even though Dalreed Solar would be only one more 40 MW project, it would be one
17 40 MW project *without a study*.

18 **2. Granting late-stage status to Dalreed Solar will delay the transition**
19 **cluster studies.**

20 If Dalreed Solar is given late stage status, then PacifiCorp must know what is required to
21 interconnect Dalreed Solar before beginning the transition cluster studies. Because of the
22 requirements of the serial study process, PacifiCorp cannot study Dalreed Solar until, at a

¹⁴ Application at 13.

1 minimum, it first studies all electrically relevant higher priority interconnection requests to
2 establish the baseline assumptions for Dalreed Solar’s study. PacifiCorp’s serial queue has 185
3 requests with higher priority queue positions, 42 of which are in Oregon. PacifiCorp would not
4 necessarily need to study each of the 185 higher priority requests to determine which other
5 projects impact Dalreed Solar’s interconnection. Setting aside the fact that electrical relevance
6 does not necessarily consider state lines, even if PacifiCorp only studied all the higher-priority
7 Oregon requests to determine what, if any, contingent facilities should be assumed as a baseline
8 assumption for Dalreed Solar’s interconnection study, *PacifiCorp would need to study 42 higher-*
9 *priority Oregon requests before Dalreed Solar.* And until those higher-priority studies are
10 complete, PacifiCorp cannot know with certainty which projects may impact Dalreed Solar’s
11 interconnection. Therefore, allowing Dalreed Solar to proceed serially requires PacifiCorp to
12 complete many additional studies over and above Dalreed Solar, which will stall the transition
13 process for many months, if not years.

14 Delay is particularly problematic here because the transition cluster study process was
15 intentionally timed to coincide with PacifiCorp’s 2020AS RFP. Forcing a delay in the transition
16 cluster study process to accommodate one customer could ultimately harm others, including
17 FERC-jurisdictional customers, that have operated in good faith on the understanding that the
18 transition cluster study process will begin in November.

19 Not only would delay harm other customers and adversely impact PacifiCorp’s 2020AS
20 RFP, it would also violate PacifiCorp’s OATT. PacifiCorp is required by the term of its FERC-
21 jurisdictional OATT to commence the transition cluster study process no later than October 31,

1 2020.¹⁵ Therefore, any delay caused by processing Dalreed Solar under the former serial study
2 process will violate PacifiCorp’s OATT. When recommending against allowing Oregon QFs to
3 continue to be serially processed, Staff noted that the Company’s obligations under its OATT
4 would necessarily mean that Oregon QFs would have to be studied after cluster studies, not
5 before.¹⁶ By demanding priority, Dalreed Solar’s request would necessarily require PacifiCorp
6 to choose between following the timelines required by the OATT or completing Dalreed Solar’s
7 serial study process. PacifiCorp cannot do both.

8 **3. Dalreed Solar’s casual dismissal of the harm caused by delays to the**
9 **transition cluster process miss the mark.**

10 Dalreed Solar argues that the “potential impact on other interconnection customers as a
11 result of studying Dalreed Solar serially is no worse than the negative impacts already felt by the
12 Serial Queue Study process.”¹⁷ PacifiCorp’s queue reform proposal was specifically designed to
13 remedy the “negative impacts” that plagued the serial study process, such as delays caused by
14 serial studies. Dalreed Solar appears to concede that its request could potentially reverse the
15 benefits of queue reform for other interconnection customers, which is a puzzling argument to
16 make and no basis for the Commission to reconsider its well-reasoned decision to approve queue
17 reform.

18 Dalreed Solar further claims that because late-stage projects may require restudies if
19 projects drop out of the queue, “allowing Dalreed Solar to proceed serially will make the
20 situation no more complicated than it already is.”¹⁸ This ignores the fact, discussed above, that

¹⁵ *PacifiCorp*, 171 FERC ¶ 61,112 at ¶ 147 (May 12, 2020) (hereinafter FERC Order).

¹⁶ Order No. 20-268, App. A at 13.

¹⁷ Application at 15.

¹⁸ Application at 16.

1 the situation will be substantially more complicated because Dalreed Solar has no System Impact
2 Study and will therefore cause delays while that study is performed. Dalreed Solar is differently
3 situated from all the late-stage projects and therefore processing it serially will necessarily add
4 complications and delays.

5 **4. Dalreed Solar is not electrically isolated.**

6 Dalreed Solar claims several times that it is electrically isolated and therefore providing it
7 preferential treatment will not harm other customers.¹⁹ This is untrue. The fact that Dalreed
8 Solar is located in a load pocket or that it is the only interconnection request asking to
9 interconnect at the Dalreed Substation does not mean that it is definitively electrically isolated.
10 Indeed, as noted above, PacifiCorp cannot know whether and how higher-priority requests might
11 trigger the need for upgrades that would be considered contingent facilities in Dalreed's
12 interconnection study until those higher-priority requests are studied. Therefore, Dalreed Solar
13 cannot be studied outside the cluster study process and must be either studied before the cluster
14 studies (so PacifiCorp can account for Dalreed Solar in the cluster study) or after the cluster
15 studies. The former will delay the transition cluster study process because PacifiCorp cannot
16 serially study Dalreed Solar in isolation without first studying all the potentially relevant higher
17 priority interconnection requests to determine what other interconnections will impact Dalreed
18 Solar.

¹⁹ See, e.g., Application at 14.

1 **5. The limited number of Oregon generators that could be harmed does not**
2 **support preferential treatment for Dalreed Solar.**

3 Dalreed Solar claims that granting it late-stage status will not harm other customers
4 because there are relatively few Oregon interconnection requests that will be included in the
5 transition cluster study process.²⁰ As of the date of this filing, however, there are 42 generators
6 located in Oregon that are seeking interconnection through the transition cluster study process.
7 And cluster areas will not necessarily be bound by state borders, so it is possible that Dalreed
8 Solar would be studied in a cluster area than includes projects located in Washington. But even
9 assuming that a relatively small number of projects may be harmed through a delayed
10 interconnection study process, that is no basis for the Commission to modify Order No. 20-268.

11 **C. Dalreed Solar is not entitled to a Feasibility Study.**

12 **1. PacifiCorp ended serial processing upon approval of its queue reform**
13 **proposal.**

14 The Commission explained that Order No. 20-268 “memorializes our decision, *made and*
15 *effective at our August 12, 2020 Special Public Meeting*, to adopt PacifiCorp[’s] queue reform
16 for Oregon-jurisdictional generators [.]”²¹ Therefore, PacifiCorp’s revised study process became
17 effective on August 12, 2020, and from that date forward PacifiCorp no longer processes
18 interconnection requests in accordance with the prior serial queue process. To be clear, this
19 means that the QF-LGIP adopted by the Commission in Order No. 10-132 no longer applies after
20 August 12; instead, for PacifiCorp, the revised QF-LGIP approved by the Commission applies.

21 PacifiCorp’s revised study process no longer provides Feasibility Studies. Dalreed Solar
22 agrees that PacifiCorp had no obligation to provide its Feasibility Study before August 12,

²⁰ Application at 14.

²¹ Order No. 20-268 at 1 (emphasis added).

1 2020.²² Therefore, the Feasibility Study is not overdue or late and Dalreed Solar is neither
2 “entitled” to receive a Feasibility Study nor does PacifiCorp “owe” Dalreed Solar a Feasibility
3 Study.²³ With the exception of late-stage projects—which Dalreed Solar is not—all
4 interconnection requests that were pending when queue reform was approved transitioned into
5 the new cluster study process. PacifiCorp is not obligated to continue to serially process Dalreed
6 Solar.

7 The fact that PacifiCorp’s queue reform proposal called for an end to Feasibility Studies
8 was clear in the record.²⁴ Indeed, Dalreed Solar’s counsel filed comments in docket UM 2108
9 acknowledging that queue reform replaced Feasibility Studies with Informational
10 Interconnection Studies.²⁵ Thus, there was no error of fact related to whether PacifiCorp would
11 continue to provide Feasibility Studies.

12 **2. Granting Dalreed Solar’s request for a Feasibility Study will harm other**
13 **interconnection customers.**

14 Dalreed Solar requests that the Commission direct PacifiCorp to provide a Feasibility
15 Study (or Informational Interconnection Study, which is discussed below) and then allow
16 Dalreed Solar 30 days to decide whether to participate in the transition cluster study process.²⁶
17 As discussed above, to provide just the Feasibility Study would require PacifiCorp to first study

²² Application at 5. PacifiCorp notes that in Energy of Utah’s comments filed on August 6, 2020, in docket UM 2108, Mr. Vrba incorrectly informed the Commission that, “Per PacifiCorp’s Open Access Transmission Tariff, the feasibility study for this project was supposed to be completed by June 28, 2020 (60 days after submittal), but I have yet to see the study results.”

²³ Application at 5.

²⁴ See, e.g., Order No. 20-268, App. A at 7-8.

²⁵ Joint Response Comments of the Interconnection Customer Coalition at 20 (“PacifiCorp removed the feasibility study and replaced it with the informational study.”); Joint Comments of the Interconnection Customer Coalition at 41 (“PacifiCorp requires interconnection requests before offering Informational Interconnection Studies (the proposed replacement for Feasibility Studies).”).

²⁶ Application at 8.

1 many other higher priority interconnection requests, as required by the serial processing
2 framework Dalreed Solar demands. This could take a year or more just to produce Dalreed
3 Solar's Feasibility Study. As discussed above, delaying the transition process will undermine
4 PacifiCorp's 2020AS RFP, harm other interconnection customers that reasonably relied on the
5 timing of the transition process, and create a conflict with PacifiCorp's OATT obligations.

6 Dalreed Solar appears to concede that its request could delay the transition cluster process
7 but claims that if PacifiCorp provides the Feasibility Study by October 1, 2020, there might be
8 no delay.²⁷ This timeline, however, is an impossibility given that the Commission will not
9 consider Dalreed Solar's Application until October 6, 2020, and it will potentially take a year or
10 more to produce the Feasibility Study.

11 Dalreed Solar further claims that extending the deadline for Dalreed Solar to decide
12 whether to participate in the transition cluster will not harm other interconnection customers
13 because there are no other interconnection requests at the Dalreed Substation.²⁸ But, as
14 discussed above, that does not mean that Dalreed Solar will be studied in isolation in the
15 transition cluster study because cluster areas will not necessarily be limited to particular
16 substations. Dalreed Solar has no factual basis to support this claim.

17 Dalreed Solar next speculates that PacifiCorp may extend the beginning of the transition
18 cluster study process if the 2020AS RFP is delayed.²⁹ PacifiCorp does not anticipate any delays
19 to the commencement of the transition cluster studies that would allow completion of Dalreed
20 Solar's requested studies.

²⁷ Application at 9.

²⁸ Application at 10.

²⁹ Application at 10.

1 Dalreed Solar also argues that without a Feasibility Study (or Informational
2 Interconnection Study) there will be a higher risk that it will withdraw from the transition cluster
3 study and trigger a re-study.³⁰ While that is possible, the potential risk of a withdrawal is
4 outweighed by the near certainty that providing a study to Dalreed Solar will delay the transition
5 cluster study process. Moreover, Dalreed Solar contradicts itself when it simultaneously claims
6 granting it preferential treatment would not adversely impact any other customers, while also
7 claiming that without preferential treatment its withdrawal would harm other customers.

8 **3. Dalreed Solar’s request is contrary to FERC policy.**

9 Dalreed Solar claims that eliminating its right to a Feasibility Study “go[es] against
10 FERC policy[.]”³¹ This argument is perplexing because FERC approved generally the same
11 interconnection queue reform proposal as the Commission.³² In particular, FERC approved the
12 transition process after finding that it is “just and reasonable.”³³ As FERC explained, “[g]iven
13 the challenges that PacifiCorp has experienced operating its interconnection queue, we find the
14 proposed transition process is a reasonable means for [PacifiCorp] to implement the Queue
15 Reform Proposal and resolve the interconnection queue backlog.”³⁴ The transition process also
16 “appropriately protects interconnection customers that are in the late stages of interconnection by
17 not disrupting already signed interconnection agreements and continuing to process late stage
18 interconnection request under the currently effective serial process[.]”³⁵

³⁰ Application at 10.

³¹ Application at 7.

³² See FERC Order.

³³ FERC Order ¶ 144.

³⁴ *Id.*

³⁵ *Id.*

1 FERC did not require PacifiCorp to continue processing any generator serially if the
2 generator was not late stage. If Dalreed Solar were a FERC-jurisdictional generator, it would
3 have no right to a Feasibility Study. Indeed, if Dalreed Solar were a FERC-jurisdictional
4 generator it would have no right to participate in the transition cluster study process at all.³⁶

5 Moreover, to the extent granting Dalreed Solar’s requested relief causes a delay to the
6 transition cluster studies, that delay would be directly contrary to the timeline approved by FERC
7 in PacifiCorp’s OATT.

8 **D. Dalreed Solar is not entitled to an Informational Interconnection Study.**

9 As explained in Order No. 20-268, Informational Interconnection Studies are not
10 available until after the Transition Readiness Deadline.³⁷ This limitation on Informational
11 Interconnection Studies was also clear in the record. Dalreed Solar’s counsel understood this
12 fact when he filed comments in docket UM 2108 explaining that, “PacifiCorp will not accept
13 Information Interconnection Study requests during the transition (or at least not until
14 October).”³⁸ Again, there was no error of fact when the Commission approved limitations on the
15 ability to receive Informational Interconnection Studies before the transition cluster study
16 process.

17 Moreover, as a practical matter, a pre-transition-process Informational Interconnection
18 Study is effectively the same as a serial queue order Feasibility Study and would therefore
19 implicate the same delays discussed above as PacifiCorp first studies higher priority

³⁶ *Id.* ¶ 148.

³⁷ Order No. 20-268, App. A at 8. The Transition Readiness Deadline is October 15, 2020, or fifteen days after the publication of the preliminary shortlist in PacifiCorp’s 2020 Request for Proposal, but in no event later than October 31, 2020.

³⁸ Joint Comments of the Interconnection Customer Coalition at 41.

1 interconnection requests. There is no good cause to delay the transition process to allow Dalreed
2 Solar access to an Informational Interconnection Study.

3 **E. A Feasibility or Informational Interconnection Study will have limited value until**
4 **after the transition cluster study concludes.**

5 Providing Information Interconnection Studies before the transition cluster study
6 process—as Dalreed Solar requests—would be of limited value because PacifiCorp would have
7 to assume that the currently existing interconnection queue remains in place. In other words,
8 such a study would reflect only the current backlog of requests, and resulting modeling
9 uncertainties, that prompted the Commission to reform PacifiCorp’s interconnection study
10 process. Thus, performing the study Dalreed Solar requests would provide little-to-no benefit to
11 Dalreed Solar. The same is true of a Feasibility Study, which would have largely the same
12 assumptions and therefore likewise provide limited value. Indeed, to complete either study
13 PacifiCorp would have to assume that 185 higher priority requests are in-service (42 of which
14 are in Oregon). And before conducting either a Feasibility Study or Informational
15 Interconnection Study, PacifiCorp would have to first study all potentially relevant higher
16 priority requests.

17 Moreover, requiring PacifiCorp to provide preferential treatment to Dalreed Solar in this
18 way would unreasonably burden PacifiCorp staff already in the midst of preparing for the
19 transition cluster studies.

20 **F. Dalreed Solar’s claimed lack of notice does not entitle it to serial processing.**

21 Dalreed Solar claims that it is “entitled to choose whether to proceed in the Serial Queue
22 processing it agreed to in its Feasibility Study Agreement” because PacifiCorp did not provide it

1 notice that it would propose queue reform in Oregon.³⁹ Dalreed Solar, however, cannot
2 reasonably claim to have been surprised by PacifiCorp’s Oregon filing. Dalreed Solar’s owner,
3 Ros Vrba, participated and filed comments in PacifiCorp’s 2019 queue reform stakeholder
4 process through one of his other companies called VK Clean Energy Partners. Mr. Vrba is also
5 developing FERC-jurisdictional projects that were closely tracking and making various inquiries
6 to PacifiCorp related to the new queue reform rules. PacifiCorp’s FERC comments made clear
7 that the Company intended to transition both federal- and state-jurisdictional interconnection
8 customers into the same cluster study process on the same timeline and largely subject to the
9 same requirements.⁴⁰

10 **G. Dalreed Solar’s claimed harm is overstated.**

11 Dalreed Solar claims that if it is “forced” to participate in the transition cluster study
12 process without first receiving a Feasibility Study, Dalreed Solar will be “open[ed] up
13 unnecessary risk that could cause significant harm.”⁴¹ Dalreed Solar fails to articulate what this
14 “significant harm” may be, but there are no withdrawal penalties for projects entering the
15 transition cluster study process.⁴² This fact was specifically communicated to Dalreed Solar to
16 avoid any confusion. Dalreed Solar will be responsible to pay for its allocated share of the
17 interconnection study costs. Beyond the possibility of paying for its study, Dalreed Solar has not
18 identified any harm that will come if it participates in the transition cluster study process without
19 first receiving a Feasibility Study.

³⁹ Application at 12-13.

⁴⁰ See FERC Order ¶ 157.

⁴¹ Application at 7-8.

⁴² PacifiCorp QF-LGIP, Appendix 8, Section 7.

1 Moreover, Dalreed Solar ignores the costs to complete its requested Feasibility Study,
2 which would require PacifiCorp to first complete numerous other studies for higher priority
3 customers that would not be completed but for the need to complete Dalreed Solar’s Feasibility
4 Study. Therefore, because Dalreed Solar would be required to pay for the actual costs of its
5 Feasibility Study, fairness would seem to require Dalreed to also pay for all the studies required
6 to establish the baseline assumptions for its study.

7 **H. Dalreed Solar has identified no new evidence or factual error that warrants**
8 **reconsideration of Order No. 20-268.**

9 Dalreed Solar suggests that the Commission could reconsider Order No. 20-268 based on
10 new evidence or an error of fact made in the order.⁴³ Dalreed Solar does not specifically identify
11 any new evidence or factual errors, however, and has therefore not demonstrated any basis for
12 reconsideration under OAR 860-001-0720(3)(a) or (c).

13 Similarly, Dalreed vaguely claims that some of the issues raised in its Application were
14 not addressed by the Commission but provides no specifics.⁴⁴ As discussed above, the issues
15 raised by Dalreed Solar here were already raised in this case—in comments filed by Dalreed
16 Solar’s counsel—and addressed by the Commission when approving queue reform.

17 **I. PacifiCorp worked with Dalreed Solar to resolve its confusion.**

18 Dalreed Solar accuses PacifiCorp of not appropriately responding to its requests for
19 additional information regarding queue reform and contributing to Dalreed Solar’s delayed filing
20 of its Application.⁴⁵ PacifiCorp disagrees. Following PacifiCorp’s notice that the Commission

⁴³ Application at 4.

⁴⁴ Application at 3.

⁴⁵ Dalreed Solar, LLC’s Reply to PacifiCorp’s Response to Request for Expedited Consideration of Application for Rehearing and Reconsideration at 3-4.

1 had approved its queue reform proposal, Dalreed Solar sent PacifiCorp a list of 14 questions and
2 demanded that PacifiCorp respond within 48 hours. When PacifiCorp did not immediately
3 respond, Dalreed Solar’s counsel suddenly threatened to file a complaint with the Commission
4 without identifying any legal basis for doing so.

5 PacifiCorp responded in full to Dalreed Solar’s questions seven days after they were
6 received. In an effort to avoid frivolous and unnecessary litigation, PacifiCorp also reminded
7 Dalreed Solar’s counsel that the QF-LGIP includes a dispute resolution process that requires a
8 complaining party to provide a notice of dispute, which then must be referred to designated
9 senior representatives for informal resolution as promptly as practicable. Instead of engaging in
10 the dispute resolution process, Dalreed Solar sent a list of questions with no mention of a dispute
11 or even a potential dispute, demanded a response to those questions within 48 hours, and then
12 suddenly threatened to file a complaint.

13 PacifiCorp worked in good faith with Dalreed Solar, as it does for all its interconnection
14 customers. Threatening frivolous litigation, as Dalreed Solar did in this case, is not constructive
15 and hinders, rather than encourages, meaningful communication between interconnection
16 customers and PacifiCorp.

17 **J. PacifiCorp clarifies the transition process deadlines.**

18 Dalreed Solar indicated confusion over when it was required to provide notice of its
19 intention to participate in the transition cluster study process. According to Section 2.1 of
20 Appendix 8 to PacifiCorp’s QF-LGIP, by September 15, 2020, Dalreed Solar was required to
21 provide its notice, and demonstrate that it complies with the site control requirements (Section
22 2.1.1), designate a definitive point of interconnection (Section 2.1.3), and complete an updated
23 interconnection request form (Section 2.1.4). If Dalreed Solar failed to provide the information

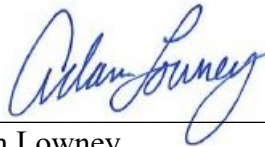
1 required in Sections 2.1.1, 2.1.3, or 2.1.4, it must provide that information no later than October
2 15, 2020, or fifteen days after the publication of the preliminary shortlist in PacifiCorp's 2020
3 Request for Proposal, but in no event later than October 31, 2020 (the Transition Readiness
4 Deadline).

III. CONCLUSION

5 For the foregoing reasons, the Commission should deny Dalreed Solar's request for
6 reconsideration of Order No. 20-268 and request for continued processing under the former serial
7 queue framework. Dalreed Solar is not entitled to any of the relief it seeks and granting Dalreed
8 Solar's request would delay the transition cluster study process to the detriment of other
9 interconnection customers and create a conflict with the timelines set forth in PacifiCorp's OATT.

Respectfully submitted this 29th day of September 2020.

By:



Adam Lowney
McDowell Rackner Gibson PC
419 SW 11th Avenue, Suite 400
Portland, OR 97205
Phone: 503-595-3926
Email: adam@mrg-law.com

Karen Kruse
PacifiCorp
825 NE Multnomah Street, Suite 1800
Portland, OR 97232
Phone: 503-813-5585
Email: karen.kruse@pacificorp.com

Attorneys for PacifiCorp d/b/a Pacific Power