

February 26, 2025

The Honorable Janeen Sollman
Chair, Senate Committee on Energy & Environment
900 Court St. NE
Salem, Oregon 97301

RE: Senate Bill 92—Opposition

Chair Sollman and distinguished members of the committee,

Pacific Power is an investor-owned utility that provides safe and reliable electric service to more than 620,000 customers across Oregon, primarily in rural parts of the state. Pacific Power is part of PacifiCorp, a multi-state utility that serves 2 million customers in six western states.

Pacific Power has contracted with 26 Oregon community solar projects (CSPs) across its service territory, amounting to 41.2 MWs in nameplate capacity. This is the maximum amount of electricity these resources can produce under ideal conditions. Based on its experience with these resources over the past several years, Pacific Power respectfully opposes Senate Bill 92 for the following reasons:

- **Consistent with ORS 757.386(6)(a), CSPs need to be priced on the actual “resource value of solar.” Otherwise, CSPs raise costs for non-participating customers.**
 - For Pacific Power, CSP participants receive a bill credit that is about 10 cents per kWh.¹ This compares to 6 cents per kWh,² Pacific Power’s current estimate of the actual value that CSP resources provide customers. This estimate is based on the Public Utility Commission of Oregon’s approved resource value of solar methodology, which was not used to establish the current CSP bill credit. This additional expense, the difference between the bill credit and actual value that these resources provide, is paid by other Pacific Power customers who do not participate in, or benefit from, Oregon’s CSP requirements. Until CSP resources are priced accurately, CSP developers and program participants will continue to benefit, to the detriment of our other customers.
 - The additions of ORS 757.386(2)(a)(F) and (3)(e) exacerbate this cross-subsidy. Under the bill provisions, CSPs that include batteries would need to be compensated high enough to ensure that battery resources can be developed—regardless if this cost materially exceeds the value that these resources provide customers. And increasing the nameplate capacity cap of individual CSPs to 20 MWs, from the current 3 MWs, underscores this price disparity.

¹ Pacific Power Oregon Schedule 127, page 2 (available here: [https://www.pacificpower.net/content/dam/pcorp/documents/en/pacificpower/rates-regulation/oregon/tariffs/rates/127 Community Solar Program Optional for Qualifying Customers.pdf](https://www.pacificpower.net/content/dam/pcorp/documents/en/pacificpower/rates-regulation/oregon/tariffs/rates/127%20Community%20Solar%20Program%20Optional%20for%20Qualifying%20Customers.pdf)).

² PacifiCorp's Advice No. 24-023. Proposed Schedule 136 post-contractual rate (filed December 27, 2024) (available here: <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=24373>).

- If priced at the actual resource value, CSPs could avoid these cost concerns, and further decarbonize Oregon’s electrical grid, while providing corresponding benefit to CSP subscribers and non-participating customers alike.
- **Multi-jurisdictional CSPs raise additional Federal Energy Regulatory Commission (FERC) preemption problems.**
 - The addition of ORS 757.386(3)(d) further interferes with the FERC’s jurisdiction over the terms and conditions of wholesale electricity. This amendment would allow CSP *resources* to be located anywhere in Oregon, regardless of where CSP *subscribers* are located, or which utility they are served by. Transmitting CSP electricity between multiple utilities to individual CSP subscribers is a “sale of electric energy to any person for resale,” and is subject to the exclusive jurisdiction of the FERC.³ While it is possible a subscription program could be designed that would not raise this concern, it could be administratively complex, and significant leeway should be left to the Public Utility Commission of Oregon for implementation.
- **Complex interconnection details should be left to existing FERC or Oregon Public Utility Commission (OPUC) interconnection proceedings.**
 - ORS 757.386(7)-(8) present many important interconnection requirements, that could conflict with federal law. Oregon should defer addressing these technical, fact-specific requirements, until either the FERC, as regulator of transmission interconnection standards, or the OPUC, as regulator of distribution interconnection standards, has adequately investigated each.

Pacific Power appreciates the opportunity to provide comments on Senate Bill 92, but believes the current community solar program is sufficient—particularly when customer affordability is a major concern. For that reason, Pacific Power opposes Senate Bill 92.

Please contact me if you have questions at 971-284-6996 or reach out to Elizabeth Howe (503) 910-3270 or Shawn Miller (503) 551-7738.

Warm regards,

A handwritten signature in black ink, appearing to read "Annette Price". The signature is fluid and cursive, with a large initial "A" and a distinct "P".

Annette Price

Cc: Senate Environment and Energy Committee