Pacific Power Community Solar Project Interconnection Procedures

A. Scope and Applicability

(1) These "CSP Interconnection Procedures" govern the interconnection of a Community Solar Project as the term is defined in ORS 757.386(1)(a) and that meets the certification and eligibility requirements of OPUC Rule OAR 860, Division 088 with a Nameplate Capacity of 3 megawatts ("MW") or less to a Public Utility's distribution system subject to certain circuit specific requirements.

(2) Community Solar Projects are eligible for interconnection if the Community Solar Project together with all other Existing and Proposed Generation in the local area, is less than 100 percent of Minimum Daytime Load ("MDL"). If a measure of MDL is not available for the feeder, the Public Utility will use 30 percent of summer peak load.

(3) The CSP Interconnection Procedures do not apply if the interconnection between the generating facility and the Public Utility is subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC").

(4) The CSP Interconnection Procedures do not apply to the interconnection of a small generating facility, which is governed by OAR chapter 860, division 082 or to the interconnection of a Net Metering Facility, which is governed by OAR chapter 860, division 039.

(5) A Public Utility and an Applicant or Interconnection Customer may agree to reasonable extensions to the required timelines in these rules without requesting a waiver from the Commission.

(a) If a Public Utility and an Applicant or Interconnection Customer are unable to agree to waive a timeline, then the Public Utility, Applicant, or Interconnection Customer may request that the Commission grant a waiver.

(b) In deciding whether to grant a waiver of a timeline, the Commission will consider the number of pending Applications for interconnection review and the type of Applications, including review level, facility type, and facility size.

(c) Waiver of a timeline, whether by agreement or Commission order, does not affect an Application's Queue Position.

B. Definitions

For purposes of these CSP Interconnection Procedures, the following definitions are applicable:

(1) "Adverse System Impact" means a negative effect caused by the interconnection of a Community Solar Project that may compromise the safety or reliability of a transmission or distribution system.

(2) "Affected System" means a transmission or distribution system, not owned or operated by the interconnecting Public Utility, which may experience an Adverse System Impact from the interconnection of a small generator facility.

(3) "Aggregated Nameplate Capacity" means the total combined Nameplate Capacity of:

(a) A proposed Community Solar Project;

(b) Existing small generating facilities, Net Metering Facilities, FERC jurisdictional generators, and state jurisdictional generators with a Nameplate Capacity greater than 10 megawatts; and

(c) Community Solar Projects, small generating facilities, Net Metering Facilities, and FERC jurisdictional generators, and state jurisdictional generators with a Nameplate Capacity greater than 10 megawatts that have Pending Completed Applications with earlier queue positions than the proposed Community Solar Project.

(4) "Applicant" means a person who has submitted an Application to interconnect a Community Solar Project to a Public Utility's distribution system.

(5) "Application" means a written request to interconnect a Community Solar Project with a Public Utility's distribution system.

(6) "Area Network" means a type of distribution system served by multiple transformers interconnected in an electrical network circuit in order to provide high reliability of service. This term has the same meaning as the term "secondary grid network" as defined in IEEE 1547, section 4.1.4.

(7) "Available Capacity" means the Minimum Daytime Load for a circuit as posted by the Public Utility, less all pending requests on the circuit to be confirmed by the Public Utility at the time the Application is submitted.

(8) "Certificate of Completion" means a certificate signed by an Applicant and an interconnecting Public Utility attesting that a Community Solar Project is complete, meets the applicable requirements of the CSP Interconnection Procedures, and has been inspected, tested, and certified as physically ready for operation. A Certificate of Completion includes the "as built" specifications and initial settings for the Community Solar Project and its associated interconnection equipment.

(9) "Commission" means the Oregon Public Utility Commission.

(10) "Community Solar Project" means a facility: (1) for the production of electrical energy that has a Nameplate Capacity of 3 MW or less to a Public Utility's distribution system; (2) that meets the definition in Oregon Laws 2016, chapter 28, section 22(10)(1)(a); and (3) that meets the certification and eligibility requirements of OPUC Rule OAR 860, Division 088. A Community Solar Project does not include interconnection equipment, Interconnection Facilities, or System Upgrades.

(11) "Community Solar Interconnection Agreement" or "Interconnection Agreement" means a contract between an Applicant or Interconnection Customer and an interconnecting Public Utility that governs the interconnection of a Community Solar Project to the Public Utility's distribution system and the ongoing operation of the Community Solar Project after it is interconnected.

(12) "Distribution System" means the portion of an electric system that delivers electricity from transformation points on the Transmission System to points of connection at a customer's premises.

(13) "Existing Generation" means existing small generating facilities, Net Metering Facilities, FERC jurisdictional generators, and state jurisdictional generators with a Nameplate Capacity greater than 10 megawatts.

(14) "Fault Current" means an electrical current that flows through a circuit during a fault condition. A fault condition occurs when one or more electrical conductors contact ground or each other. Types of faults include phase to ground, double-phase to ground, three-phase to ground, phase to phase, and three-phase.

(15) “IEEE 1547” means the standards published in the 2003 edition of the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, titled “Interconnecting Distributed Resources with Electric Power Systems” and approved by the IEEE SA Standards Board on June 12, 2003.

(16) “IEEE 1547.1” means the standards published in the 2005 edition of the IEEE Standard 1547.1, titled “Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems” and approved by the IEEE SA Standards Board on June 9, 2005.

(17) “Interconnection Customer” means a person with one or more Community Solar Projects interconnected to a Public Utility’s distribution system. An Applicant becomes an Interconnection Customer upon completion of work to interconnect a Community Solar Project.

(18) “Interconnection Equipment” means a group of components or an integrated system provided by an Interconnection Customer or Applicant to connect a Community Solar Project to a Public Utility’s distribution system.

(19) “Interconnection Facilities” means the facilities and equipment between the Community Solar Project and the Point of Interconnection required by a Public Utility to accommodate the interconnection of a Community Solar Project to the Public Utility’s distribution system and used exclusively for that interconnection. Interconnection Facilities do not include System Upgrades.

(20) “Interconnection Service” means service provided by an interconnecting Public Utility to an Interconnection Customer.

(21) “Lab-tested Equipment” means interconnection equipment that has been designed to comply with IEEE 1547, tested in accordance with IEEE 1547.1, and certified and labeled as compliant with these IEEE standards at the point of manufacture by a nationally recognized testing lab. For interconnection equipment to be considered lab-tested equipment under these rules, the equipment must be used in a manner consistent with the certification.

(22) “Line Section” means that portion of a Public Utility’s distribution system that is connected to an Interconnection Customer and bounded by automatic sectionalizing devices or the end of a distribution line.

(23) “Maximum Available Capacity” means the maximum capacity that can be requested by a Community Solar Project.

(24) “Maximum Physical Export Capability” means the maximum output that can interconnect to the Public Utility’s Distribution System, which cannot exceed 3 MW.

(25) “Minimum Daytime Load” or “MDL” means electricity demand from 9 a.m. to 5 p.m.

(26) “Minor Equipment Modification” means a change to a Community Solar Project or its associated interconnection equipment that:

(a) Does not affect the Application of the approval requirements in Tier 2;

(b) Does not, in the interconnecting Public Utility’s reasonable opinion, have a material impact on the safety or reliability of the Public Utility’s transmission or distribution system; and

(c) Does not affect the Nameplate Capacity of a Community Solar Project.

(27) “Nameplate Capacity” means the full-load electrical quantities assigned by a facility’s designer to a generator and its prime mover or other piece of electrical equipment, such as transformers and

circuit breakers, under standardized conditions, as expressed in amperes, kilovolt-amperes, kilowatts, volts, megawatts, or other appropriate units. Nameplate Capacity is usually indicated on a nameplate attached to the individual device.

(28) "Nationally Recognized Testing Laboratory" or "NRTL" means a qualified private organization that performs independent safety testing and product certification. Each NRTL must meet the requirements set forth by the United States Occupational Safety and Health Administration.

(29) "Net Metering Facility" has the meaning set forth in ORS 757.300(1)(d).

(30) "Network Resource Interconnection Service" or "NRIS" means an Interconnection Service that allows the interconnecting customer to integrate its generating facility with the Public Utility's Transmission System in a manner comparable to that in which the Public Utility integrates its generating facilities to serve native load customers.

(31) "Pending Completed Application" means an Application for interconnection of a Community Solar Project, a Small Generating Facility, a Net Metering Facility, or a FERC jurisdictional generator that an interconnecting Public Utility has deemed complete as of the date that these CSP Interconnection Procedures are first approved by the Commission.

(32) "Proposed Generation" means any and all applied for generation for interconnection, including Community Solar Projects, Small Generating Facilities, Net Metering Facilities, and FERC jurisdictional generators, and state jurisdictional generators with a Nameplate Capacity greater than 10 megawatts that have Pending Completed Applications with earlier queue positions than the proposed Community Solar Project.

(33) "Person" has the meaning set forth in OAR 860-011-0035(8).

(34) "Point of Interconnection" means the point where a Community Solar Project is electrically connected to a Public Utility's distribution system. This term has the same meaning as "point of common coupling" as defined in IEEE 1547, section 3.1.13. This term does not have the same meaning as "point of common coupling" as defined in OAR 860-039-0005(3)(p).

(35) "Primary Line" means a distribution line with an operating voltage greater than 600 volts.

(36) "Program Administrator" means a third-party directed by the Commission to administer the Oregon Community Solar Program. Collectively, the Oregon Community Solar Program Administrator team refers to Energy Solutions, Energy Trust of Oregon, and Community Energy Project.

(37) "Public Utility" has the meaning set forth in ORS 757.005 and is limited to a Public Utility that provides electric service.

(38) "Queue Position" means the rank of a Pending Completed Application only for Community Solar Project(s) interconnection, relative to all other Pending Community Solar Completed Applications and is established based on the date and time that the interconnecting Public Utility receives the completed Applications, including Application fees.

(39) "Scoping Meeting" means an initial meeting between representatives of an Applicant and an interconnecting Public Utility that is conducted to discuss alternative interconnection options; to exchange information, including any relevant distribution system data and earlier studies that would reasonably be expected to affect the interconnection options; to analyze such information; and to determine the potentially feasible points of interconnection.

(40) "Secondary Line" means a service line with an operating voltage of 600 volts or less.

(41) “Small Generating Facility” has the meaning set forth in OAR 860-082-0015(32).

(42) “Spot Network” means a type of distribution system that uses two or more intertied transformers protected by network protectors to supply an electrical network circuit. A spot network may be used to supply power to a single customer or a small group of customers.

(43) “System Upgrade” means an addition or modification to a Public Utility’s transmission or distribution system that is required to accommodate the interconnection of a Community Solar Project.

(44) “Transmission System” means a Public Utility’s high voltage facilities and equipment used to transport bulk power or to provide transmission service under the Public Utility’s open access transmission tariff.

(45) “Witness Test” means the on-site visual verification of the interconnection installation and commissioning as required in IEEE 1547, sections 5.3 and 5.4. For interconnection equipment the Witness Test may, at the discretion of the Public Utility, also include a system design and production evaluation according to IEEE 1547, sections 5.1 and 5.2, as applicable to the specific interconnection equipment used.

(46) “Written Notice” means a notice sent via First Class United States mail or electronic mail. The duty to provide Written Notice is deemed fulfilled on the day that the notice is deposited in the mail or the message is sent electronically. A Public Utility and an Applicant or Interconnection Customer are responsible for informing one another of changes to the physical or electronic address used to receive notifications.

C. Pre-Application Process

(1) Each Public Utility must designate an employee or office from which relevant information about the Community Solar interconnection process and the Public Utility’s distribution system may be obtained through informal requests for a potential Applicant proposing a Community Solar Project at a specific site. The Public Utility must post contact information for the employee or office on the Public Utility’s website.

(2) The information provided by the Public Utility in response to a potential Applicant’s specific request must include information from relevant existing studies and/or other materials that may be used to understand the feasibility of interconnecting a Community Solar Project at a particular point on the Public Utility’s distribution system.

(3) An Applicant may request a report for each individual Point of Interconnection with a payment of $300.

(4) Any Applicant that provides certification from the Program Administrator as to its status as a not-for-profit company or as a governmental entity through the Program Administrator may request up to five pre-Application reports at no cost.

(5) The Public Utility must comply with reasonable requests for access to or copies of such information, except to the extent that providing such materials would violate security requirements, confidentiality obligations to third parties, or be contrary to federal or state regulations. The Public Utility may require a person to sign a confidentiality agreement if required to protect confidential or proprietary information.

(6) For potential Community Solar Projects requiring Tier 4 review, and at the potential Applicant’s request, the Public Utility must meet with the potential Applicant to exchange information. A Public Utility employee with relevant technical expertise must attend any such meeting.

D. Applications to Interconnect a Community Solar Project

(1) A Person may not interconnect a Community Solar Project to a Public Utility's distribution system without authorization from the Public Utility.

a. A Person proposing to interconnect a Community Solar Project to a Public Utility's distribution system must submit an interconnection Application to the Public Utility.

i. A Person or Persons proposing more than one Community Solar Project to be interconnected to the same distribution circuit may request that the Public Utility jointly study the requests if the interconnection Applications are submitted within seven (7) Calendar Days of each other.

ii. If joint studying of CSP interconnection requests are undertaken, the Public Utility will allocate the study costs among Community Solar Projects being jointly studied as follows: (1) 50 percent of the applicable study costs to Community Solar Projects on a per capita basis based on the number of interconnection requests; and (2) 50 percent of the applicable study costs on a pro rata basis based on the Community Solar Project size (MW).

b. An Applicant with a Pending, Completed Application to interconnect a Community Solar Project must submit a new Application if the Applicant proposes to make any change to the Community Solar Project other than a Minor Equipment Modification. This includes changes affecting the Nameplate Capacity of the proposed Community Solar Project.

i. The Applicant relinquishes the Queue Position assigned to the Pending, Completed Application, and the Public Utility will assign a new Queue Position based on the date and time the Public Utility receives the new Application.

ii. If the new Application is submitted within thirty (30) Business Days of the date of submission of the original Application, then the Public Utility must apply the original Application fee to the Application fee required for the new Application.

c. A CSP Interconnection Customer must submit an Application before the expiration of the interconnection agreement between the Interconnection Customer and the interconnected Public Utility. The Community Solar Project interconnection Application must be submitted no later than 60 Business Days before the interconnection agreement's expiration date.

i. A Public Utility may not unreasonably refuse to grant expedited review of an Community Solar Project interconnection Application to renew an existing Community Solar Project interconnection if there have been no changes to the Community Solar Project other than Minor Equipment Modifications.

ii. A Public Utility may not require an existing Community Solar Project to undergo Tier 4 review if there have been no changes to the Community Solar Project other than Minor Equipment Modifications and there have been no material changes to the portion of the Public Utility's distribution system affected by the renewal of interconnection of the Community Solar Project.

iii. A Public Utility may require the Community Solar Project Interconnection Customer to pay for Interconnection Facilities, System Upgrades, or changes to the small generator facility or its associated interconnection equipment that are necessary to bring the small generator facility interconnection into compliance with the small generator Interconnection Procedures or IEEE 1547 or 1547.1.

iv. If the Public Utility has not completed its review of a Community Solar Project interconnection to renew and a new interconnection agreement is not signed before the expiration of the current Community Solar Project interconnection agreement governing the interconnection of an existing Community Solar Project to the Public Utility's distribution system, then the current interconnection agreement will remain in effect until the renewal process is completed.

(2) All Applications must be made using the appropriate Application form and must follow the standard form CSP interconnection Application(s) developed by the Public Utility and approved by the Commission. The Public Utility must provide Application forms for review under Tiers 2 and 4. The Public Utility must provide a copy of an Application form to any person upon request and must post copies of the Application forms on the Public Utility's website.

(3) A Public Utility will require payment of a nonrefundable Application processing fee. The amount of the fee depends upon the review tier requested in the Application and is intended to cover the initial costs of processing and evaluating the Application.

(a) The Application fee is $500 for Tier 2 review and $1000 for review under Tier 4.

(b) An Applicant must pay the actual costs incurred by the Public Utility to perform any studies and engineering evaluations permitted by these rules and necessary to evaluate the proposed Application to interconnect.

(c) If an Application is denied at Tier 2, and the Applicant resubmits the Application at Tier 4 within 15 Business Days after the date the Applicant received notification of the denial, then the Applicant maintains the Queue Position assigned to the original Application and the Public Utility must apply the original Application fee and any other fees paid in conjunction with the original Application to the fees applicable to the resubmitted Application.

(4) An Applicant must provide documentation of site control with a Community Solar interconnection Application. Site control may be demonstrated through ownership of the site, a leasehold interest in the site, or an option or other right to develop the site for the purpose of constructing the Community Solar Project. Site control may be documented by a property tax bill, deed, lease agreement, or other legally binding contract.

(5) Application review process.

a. Within 10 Business Days of receipt of an Application to interconnect a Community Solar Project, the interconnecting Public Utility must provide Written Notice to the Applicant stating whether the Application is complete.

i. If the Application is incomplete, then the Public Utility must provide the Applicant with a detailed list of the information needed to complete the Application. An Application is deemed complete when the Public Utility receives the listed information. The Applicant must provide the listed information within 10 Business Days of receipt of the list or the Application is deemed withdrawn.

ii. If a Public Utility does not have a record of receipt of an Application or cannot locate an Application, then the Applicant must provide an additional copy of the Application to the Public Utility. If the Applicant can demonstrate that a complete Application was originally delivered to the Public Utility at a particular time on a particular date, then the Public Utility must assign a Queue Position to the Application based on the original time and date of delivery.

b. Once the Public Utility deems an Application to be complete, the Public Utility must assign the Application a Queue Position. An Applicant must meet all applicable deadlines in the CSP Interconnection Procedures to maintain its Queue Position unless the deadlines have been waived by agreement with the interconnecting Public Utility or by Commission order.

c. If the Public Utility determines during the evaluation process that supplemental or clarifying information is required, then the Public Utility must request the information from the Applicant. The time necessary to complete the evaluation of the Application may be extended by the time required for the receipt of the additional information. Requests for information do not affect the Applicant's Queue Position.

d. A Public Utility must use IEEE 1547 and IEEE 1547.1 to evaluate Community Solar Project interconnection Applications unless otherwise specified in these rules or unless the Commission grants a waiver to use different or additional standards.

e. A Public Utility must provide an executable interconnection agreement no later than five Business Days after the date of approval of an interconnection Application. The interconnection agreement must follow the standard form agreement developed by the Public Utility and approved by the Commission. The Applicant must return an executed interconnection agreement to the Public Utility or request negotiation of a non-standard interconnection agreement within 15 Business Days of receipt or the Application is deemed withdrawn.

    i. An Applicant or a Public Utility is entitled to the terms in the standard Community Solar Project interconnection agreement, but may choose to negotiate for different terms that are acceptable to the Public Utility.

    ii. If negotiated changes to Community Solar Project interconnection agreement are materially inconsistent with the CSP Interconnection Procedures, then the Applicant and the Public Utility must seek Commission approval of the negotiated interconnection agreement.

f. The Applicant must provide the Public Utility Written Notice at least 20 Business Days before the planned commissioning for the Community Solar Project unless otherwise agreed to by the Public Utility.

    i. The Public Utility has the option of conducting a Witness Test at a mutually agreeable time within 10 Business Days of the scheduled commissioning.

    ii. The Public Utility must provide Written Notice to the Applicant indicating whether the Public Utility plans to conduct a Witness Test or will waive the Witness Test.

    iii. If the Public Utility notifies the Applicant that it plans to conduct a Witness Test, but fails to conduct the Witness Test within 10 Business Days of the scheduled commissioning date or within a time otherwise agreed upon by the Applicant and the Public Utility, then the Witness Test is deemed waived.

    iv. If the Witness Test is conducted and is not acceptable to the Public Utility, then the Public Utility must provide Written Notice to the Applicant describing the deficiencies within five Business Days of conducting the Witness Test. The Public Utility must give the Applicant 20 Business Days from the date of the Applicant's receipt of the notice to resolve the deficiencies. If the Applicant fails to resolve the deficiencies to the reasonable satisfaction of the Public Utility within 20 Business Days, then the Application is deemed withdrawn.

g. A Public Utility must meet all applicable deadlines in the CSP Interconnection Procedures unless the deadlines have been waived by agreement with an Applicant or Interconnection Customer or by Commission order. If the Public Utility cannot meet an applicable deadline, then the Public Utility must provide Written Notice to the Applicant or Interconnection Customer explaining the reasons for the failure to meet the deadline and an estimated alternative deadline. A Public Utility's failure to meet an applicable deadline does not affect an Applicant's Queue Position.

E. Construction, Operation, Maintenance, and Testing of Community Solar Projects

(1) An Interconnection Customer or Applicant must construct, operate, and maintain a Community Solar Project and its associated interconnection equipment in compliance with IEEE 1547 and 1547.1.

(2) The Applicant must provide Written Notice to the interconnecting Public Utility 10 Business Days before beginning operation of an approved Community Solar Project unless otherwise agreed to by the Public Utility.

(3) Before beginning operation of a Community Solar Project, an Interconnection Customer or Applicant must receive approval of the facility under the CSP Interconnection Procedures and must execute an interconnection agreement with the interconnecting Public Utility. Applicants or Interconnection Customers are entitled to a maximum 20-year term for an interconnection agreement. Decertification as a Community Solar Project at any time during the term of the interconnection agreement may result in disconnection and agreement termination.

(4) A Community Solar Project must be capable of being isolated from the interconnecting Public Utility's distribution system. A CSP Interconnection Customer may not disable an isolation device without the prior written consent of the interconnected Public Utility.

a. For Community Solar Projects interconnecting to a primary line, the Interconnection Customer or Applicant must use a lockable, visible-break isolation device readily accessible and usable to the Public Utility.

b. For Community Solar Projects interconnecting to a Secondary Line, the Interconnection Customer or Applicant must use a lockable isolation device that is readily accessible by the Public Utility. The status of the isolation device must be clearly indicated. An exception from the requirement to use a lockable isolation device is allowed for a Community Solar Project that has a maximum total output of 30 amperes or less; is connected to a Secondary Line; and is interconnected to the distribution system through a metered service owned by the interconnected Public Utility. In this limited case, the meter base may serve as the required isolation device if it is readily accessible to the Public Utility.

i. A draw-out type circuit breaker with the provision for padlocking at the draw-out position can be considered an isolation device.

ii. The Interconnection Customer or Applicant may elect to provide the Public Utility access to an isolation device that is contained in a building or area that may be unoccupied and locked or not otherwise readily accessible to the Public Utility. The Interconnection Customer or Applicant must provide a lockbox capable of accepting a lock provided by the Public Utility that provides ready access to the isolation device. The Interconnection Customer or

customer must install the lockbox in a location that is readily accessible by the Public Utility and must affix a placard in a location acceptable to the Public Utility that provides clear instructions to utility personnel on how to access the isolation device.

c. Other than the exception in (4)(b), all isolation devices must be installed, owned, and maintained by the Interconnection Customer or Applicant; must be capable of interrupting the full load of the Community Solar Project; and must be located between the Community Solar Project and the Point of Interconnection.

(5) An interconnecting Public Utility must have access to an Interconnection Customer's or an Applicant's premises for any reasonable purpose related to an interconnection Application or an interconnected Community Solar Project. The Public Utility must request access at reasonable hours and upon reasonable notice. In the event of an emergency or hazardous condition, the Public Utility may access the Interconnection Customer's or Applicant's premises at any time without prior notice, but the Public Utility must provide Written Notice within five Business Days after entering the Interconnection Customer's or Applicant's premises that describes the date of entry, the purpose of entry, and any actions performed on the premises.

(6) When a Community Solar Project undergoes maintenance or testing in compliance with the CSP Interconnection Procedures, IEEE 1547, or IEEE 1547.1, or any other applicable reliability requirement, the CSP Interconnection Customer must retain written records for at least seven years documenting the maintenance and the results of testing. The Interconnection Customer must provide copies of these records to the interconnected Public Utility upon request.

F. Cost Responsibility

(1) Study costs. Whenever a study is required under the Community Solar Interconnection Procedures, the Applicant must pay the Public Utility for the costs incurred in performing the study. The Public Utility must base study costs on the scope of work determined and documented in the system impact study agreement or the facilities study agreement, as applicable. The estimated engineering costs used in calculating study costs must not exceed $100 per hour. A public utility may adjust the $100 hourly rate once in January of each year to account for inflation and deflation as measured by the Consumer Price Index. Before beginning a study, a Public Utility may require an Applicant to pay a deposit of up to 50 percent of the estimated costs to perform the study or $1000, whichever is less.

a. If joint studying of CSP interconnection requests are undertaken, the Public Utility will allocate the actual study costs among Community Solar Projects being jointly studied as follows: (1) 50 percent of the applicable study costs to Community Solar Projects on a per capita basis based on the number of interconnection requests; and (2) 50 percent of the applicable study costs on a pro rata basis based on the Community Solar Project size (MW).

(2) Interconnection Facilities. For interconnection review under Tier 4, a Public Utility must identify the Interconnection Facilities necessary to safely interconnect the Community Solar Project with the Public Utility's distribution system. The Applicant must pay the reasonable costs of the Interconnection Facilities. The Public Utility constructs, owns, operates, and maintains the Interconnection Facilities.

a. If joint studying of CSP interconnection requests are undertaken, each Community Solar Project will have Interconnection Facilities directly assigned.

(3) Interconnection equipment. An Applicant or Interconnection Customer must pay all expenses associated with constructing, owning, operating, maintaining, repairing, and replacing its interconnection equipment. Interconnection equipment is constructed, owned, operated, and maintained by the Applicant or Interconnection Customer.

(4) System Upgrades. A Public Utility must design, procure, construct, install, and own any System Upgrades to the Public Utility's transmission or distribution system necessitated by the interconnection of a Community Solar Project. A Public Utility must identify any Adverse System Impacts on an affected system caused by the interconnection of a Community Solar Project to the Public Utility's distribution system as part of the study process. The Public Utility must determine what actions or upgrades are required to mitigate these impacts. Such mitigation measures are considered System Upgrades as defined in these rules. The Applicant must pay the reasonable costs of any System Upgrades.

a. If joint studying of interconnection requests are undertaken, the Community Solar Projects will be allocated the costs for System Upgrades based the proportional capacity of each project. The final cost sharing will be detailed in the Attachments to the Community Solar Project interconnection agreement.

b. If a Community Solar Project that has been jointly studied and allocated a share of system upgrade costs withdraws, the Public Utility will reassess the System Upgrades needed to complete the interconnection(s) and reallocate the System Upgrade costs to the remaining Community Solar Project(s) using the same methodology in Section F(4)(a).

(5) A Public Utility may not begin work on Interconnection Facilities or System Upgrades before an Applicant receives the Public Utility's good-faith, non-binding cost estimate and provides Written Notice to the Public Utility that the Applicant accepts the estimate and agrees to pay the costs. A Public Utility may require an Applicant to pay a deposit before beginning work on the Interconnection Facilities or System Upgrades. Specific requirements are located in respective interconnection agreements.

a. If an Applicant agrees to make progress payments on a schedule established by the Applicant and the interconnecting Public Utility, then the Public Utility may require the Applicant to pay a deposit of up to 25 percent of the estimated costs or $10,000, whichever is less. The Public Utility and the Applicant must agree on progress billing, final billing, and payment schedules before the Public Utility begins work.

b. If an Applicant does not agree to make progress payments, then the Public Utility may require the Applicant to pay a deposit of up to 100 percent of the estimated costs. If the actual costs are lower than the estimated costs, then the Public Utility must refund the unused portion of the deposit to the Applicant within 20 Business Days after the actual costs are determined. If the actual costs exceed the estimated costs, then the Interconnection Customer must pay the overage to the Public Utility within 20 Business Days after the actual costs are determined.

G. Insurance

(1) A Public Utility may not require an Applicant or an Interconnection Customer with a Community Solar Project with a nameplate capacity of 200 kilowatts or less to obtain liability insurance to interconnect with the Public Utility's distribution system.

(2) A Public Utility may require an Applicant or an Interconnection Customer with a Community Solar Project with a nameplate capacity greater than 200 kilowatts to obtain prudent amounts of general liability insurance to interconnect to the Public Utility's distribution system.

H. Tier 2 Interconnection Review

(1) A Public Utility must use the Tier 2 interconnection review procedures for an Application to interconnect a small generator facility that meets the following requirements:

a. The Community Solar Project must have a Nameplate Capacity of two megawatts or less;

b. The Community Solar Project must be interconnected to either a radial distribution circuit or a spot network distribution circuit limited to serving one customer; and

c. The Community Solar Project must use interconnection equipment that is either lab-tested equipment or field-tested equipment. For equipment to gain status as field-tested equipment, the Applicant must provide all the documentation from the prior Tier 4 study, review, and approval, including any interconnection studies and the Certificate of Completion.

(2) Tier 2 Approval Criteria. A Public Utility must approve an Application to interconnect a small generator facility under the Tier 2 interconnection review procedures if the facility meets the approval criteria in subsections (a) through (l). A Public Utility may not impose different or additional approval criteria.

a. For interconnection of a Community Solar Project to a radial distribution circuit, the Aggregated Nameplate Capacity on the circuit must not exceed 15 percent of the line section annual peak load as most recently measured at the substation or calculated for the line section.

b. For interconnection of a Community Solar Project to the load side of spot network protectors, the Aggregated Nameplate Capacity on the load side of the spot network protectors must not exceed the lesser of five percent of a spot network's maximum load or 50 kilowatts.

c. The Aggregated Nameplate Capacity must not contribute more than 10 percent to the distribution circuit's maximum Fault Current at the point on the primary voltage distribution line nearest the Point of Interconnection.

d. The Aggregated Nameplate Capacity on the distribution circuit must not cause any distribution protective devices and equipment (including substation breakers, fuse cutouts, and line reclosers) or other Public Utility equipment on the transmission or distribution system to be exposed to Fault Currents exceeding 90 percent of the short circuit interrupting capability. The Community Solar Project's Point of Interconnection must not be located on a circuit that already exceeds 90 percent of the short circuit interrupting capability.

e. The Aggregated Nameplate Capacity on the distribution side of a substation transformer feeding the circuit where the Community Solar Project proposes to interconnect must not exceed 10 megawatts.

f. If the Community Solar Project interconnection is to a primary line on the distribution system, then the interconnection must meet the following criteria:

i. If the Community Solar Project is three-phase or single-phase and will be connected to a three-phase, three-wire primary line, then the Community Solar Project must be connected phase-to-phase.

ii. If the Community Solar Project is three-phase or single-phase and will be connected to a three-phase, four-wire primary line, then the Community Solar Project must be connected line-to-neutral and effectively grounded.

g. For interconnection of a Community Solar Project to a single-phase shared service line on the transmission or distribution system, the Aggregated Nameplate Capacity on the shared Secondary Line must not exceed 20 kilowatts.

h. For interconnection of a single-phase Community Solar Project to the center tap neutral of a 240-volt service line, the addition of the Community Solar Project must not create a current imbalance between the two sides of the 240-volt service line of more than 20 percent of the nameplate rating of the service transformer.

i. Except as provided in subsection (2)(k), the interconnection of the Community Solar Project must not require System Upgrades or Interconnection Facilities different from or in addition to the Applicant's proposed interconnection equipment.

j. The Aggregated Nameplate Capacity, in combination with exiting transmission loads, must not cause the Transmission System circuit directly connected to the distribution circuit where the small generator facility interconnection is proposed to exceed its design capacity.

k. If the Community Solar Project fails to meet one or more of the criteria in subsections (2)(a) through (i), but the Public Utility determines that the Community Solar Project could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the Public Utility must offer the Applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds $10,000. If the Applicant authorizes the Public Utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the Public Utility must approve the Application under Tier 2.

(3) In addition to the timelines and requirements in these CSP Interconnection Procedures, the following timelines and requirements apply to Tier 2 interconnection reviews:

a. A Public Utility must schedule a scoping meeting within 10 Business Days after notifying an Applicant that its Application is complete. The Applicant may request to waive the scoping meeting requirement.

b. Within 20 Business Days after a Public Utility notifies an Applicant that its Application is complete, or a scoping meeting is held or waived, whichever is later, the Public Utility must:

i. Evaluate the Application using the Tier 2 approval criteria in section (2);

ii. Review any independent analysis of the proposed interconnection provided by the applicant that was performed using the Tier 2 approval criteria; and

iii. Provide Written Notice to the Applicant stating whether the Public Utility approved the Application. Public Utility.

(4) The interconnection process is not complete until:

a. The Public Utility approves the Application;

b. Any minor modifications to the distribution system required under subsection (2)(k) are complete;

c. The Witness Test, if conducted by the Public Utility, is successful; and

d. The Applicant and Public Utility execute a Certificate of Completion. The Certificate of Completion must follow the standard form certificate developed by the Public Utility and approved by the Commission.

(5) If a Community Solar Project is not approved under the Tier 2 interconnection review procedure, then the Applicant may submit a new Application under Tier 4 review procedures. At the Applicant's request, the Public Utility must provide a written explanation of the reasons for denial within five Business Days of the request.

I. Tier 4 Interconnection Review

(1) A Public Utility must use the Tier 4 interconnection review procedures for an Application to interconnect a Community Solar Project that meets the following requirements:

a. The Community Solar Project does not qualify for or failed to meet the Tier 2 interconnection review requirements; and

b. The Community Solar Project must have a Nameplate Capacity of 3 megawatts or less.

(2) A Public Utility must approve an Application to interconnect a Community Solar Project under the Tier 4 interconnection review procedures if the Public Utility determines that the safety and reliability of the Public Utility's distribution system will not be compromised by interconnecting the Community Solar Project. The Community Solar Project interconnection Applicant must pay the reasonable costs of any Interconnection Facilities or System Upgrades necessitated by the interconnection.

(3) In addition to the timelines and requirements in these CSP Interconnection Procedures, the timelines and requirements in sections (5) through (12) of this rule apply to Tier 4 interconnection reviews.

(4) A Public Utility and an Applicant may agree to waive the requirement for a scoping meeting, the system impact study, or the facilities study.

(5) A Public Utility must schedule a scoping meeting within 10 Business Days after notifying an Applicant that its Application is complete.

a. The Public Utility and the Applicant must bring to the scoping meeting all personnel, including system engineers, as may be reasonably required to accomplish the purpose of the meeting.

b. The Public Utility and Applicant must discuss whether the Public Utility should perform a system impact study, or proceed directly to a facilities study or an interconnection agreement.

c. If the Public Utility determines that no studies are necessary, then the Public Utility must approve the Application within fifteen (15) Business Days of the scoping meeting if:

i. The Application meets the criteria in section (2); and

ii. The interconnection of the Community Solar Project does not require System Upgrades or Interconnection Facilities different from or in addition to the Applicant's proposed interconnection equipment.

d. If the Public Utility determines that no studies are necessary and that the Community Solar Project could be interconnected safely if minor modifications to the distribution system were made (for example, changing meters, fuses, or relay settings), then the Public Utility must offer the Applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds $10,000. If the Applicant authorizes the Public Utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the Public Utility must approve the Application within fifteen (15) Business Days of receipt of the Applicant's agreement to pay for the minor modifications.

(6) Public Utility must provide the CSP interconnection Applicant with an executable system impact study agreement within five (5) Business Days of the scoping meeting.

a. The system impact study agreement must include a scope for the system impact study, a reasonable schedule for completion of the study, and a good-faith, non-binding estimate of the costs to perform the study.

b. The system impact study agreement must follow the CSP System Impact Study Form Agreement developed by the Public Utility and approved by the Commission.

c. The Applicant must execute the system impact study agreement within fifteen (15) Business Days of receipt of the agreement or the Application is deemed withdrawn.

d. The Public Utility must make reasonable, good-faith efforts to follow the schedule set forth in the system impact study agreement for completion of the study.

e. The system impact study must identify and detail the impacts on the Public Utility's transmission or distribution system that would result from the interconnection of the Community Solar Project if no modifications to the Community Solar Project or System Upgrades were made. The system impact study must include evaluation of the Adverse System Impacts identified in the scoping meeting.

f. In determining possible Adverse System Impacts, the Public Utility must consider the Aggregated Nameplate Capacity of all generating facilities that, on the date the system impact study begins, are directly interconnected to the Public Utility's transmission or distribution system, have a Pending Completed Application to interconnect with a higher Queue Position, or have an executed interconnection agreement with the Public Utility.

g. The Community Solar Project system impact study must include:

i. The underlying assumptions of the study;

ii. A short circuit analysis;

iii. A stability analysis;

iv. A power flow analysis;

v. Voltage drop and flicker studies;

vi. Protection and set point coordination studies;

vii. Grounding reviews;

viii. The results of the analyses; and

ix. Any potential impediments to providing the requested Interconnection Service, including a non-binding informational NRIS portion that addresses the additions, modifications, and upgrades to the Public Utility's Transmission System that would be required at or beyond the point at which the Interconnection Facilities connect to the Public Utility's Transmission System to accommodate the interconnection of the CSP Project.

h. If an applicant provides an independent system impact study to the public utility, then the public utility must evaluate and address any alternative findings from that study.

i. The Public Utility must provide a copy of the system impact study to the Applicant within five (5) Business Days of completing the study.

j. If a Public Utility determines in a system impact study that Interconnection Facilities or System Upgrades are necessary to safely interconnect a Community Solar Project, then the Public Utility must perform a facilities study.

k. If the Public Utility determines that no Interconnection Facilities or System Upgrades are required, and the Public Utility concludes that the Application meets the criteria in section (2), then the Public Utility must approve the Application with 15 Business Days of completion of the system impact study.

l. If the Public Utility determines that no Interconnection Facilities or System Upgrades are required and that the Community Solar Project could be interconnected safely if minor modifications to the transmission or distribution system were made (for example, changing meters, fuses, or relay settings), then the Public Utility must offer the Applicant a good-faith, non-binding estimate of the costs of such proposed minor modifications. Modifications are not considered minor under this subsection if the total cost of the modifications exceeds $10,000. If the Applicant authorizes the Public Utility to proceed with the minor modifications and agrees to pay the entire cost of the modifications, then the Public Utility must approve the Application within 15 Business Days of the Applicant's agreement to pay for the minor modifications.

(7) If a Public Utility is required to perform a facilities study under subsection 6(i), or if an Applicant and a Public Utility agree in the scoping meeting to waive the system impact study and proceed directly to the facilities study, then the Public Utility must provide the Applicant with an executable facilities

study agreement within five Business Days of completing the system impact study or within five Business Days from the date of the scoping meeting, whichever is applicable.

a. The facilities study agreement must include a detailed scope for the facilities study, a reasonable schedule for completion of the study, and a good-faith, non-binding estimate of the costs to perform the study.

b. The facilities study agreement must follow the standard form agreement developed by the Public Utility and approved by the Commission.

c. The Applicant must execute the Interconnection Facilities study agreement within 15 Business Days after receipt of the agreement or the Application is deemed withdrawn.

d. The Public Utility must make reasonable, good-faith efforts to follow the schedule set forth in the facilities study agreement for completion of the study.

e. The facilities study must identify the Interconnection Facilities and System Upgrades required to safely interconnect the Community Solar Project and must determine the costs for the facilities and upgrades, including equipment, engineering, procurement, and construction costs. Design for any required interconnection facilities or system upgrades must be performed under the facilities study agreement. The Public Utility must also identify the electrical switching configuration of the equipment, including transformer, switchgear, meters, and other station equipment.

f. The public utility may contract with a third-party consultant to complete the interconnection facilities and system upgrades identified in the facilities study. A public utility and an applicant may agree in writing to allow the applicant to hire a third-party consultant to complete the interconnection facilities and system upgrades, subject to public utility oversight and approval.

g. The CSP Interconnection Facilities study must include a detailed estimate of the time required to procure, construct, and install the required Interconnection Facilities and System Upgrades.

h. If the Applicant agrees to pay for the Interconnection Facilities and System Upgrades identified in the facilities study, then the Public Utility must approve the Application within fifteen (15) Business Days of the Applicant's agreement.

(8) The Public Utility may contract with a third-party consultant to complete a system impact study or facilities study. A Public Utility and an Applicant may agree in writing to allow the Applicant to hire a third-party consultant to complete a system impact study or facilities study, subject to Public Utility oversight and approval.

(9) The CSP interconnection process is not complete until:

a. The Public Utility approves the Application;

b. Any Interconnection Facilities or System Upgrades have been completed;

c. Any minor modifications to the Public Utility's distribution system required under subsections 5(d) or 6(k) have been completed;

d. The Witness Test, if conducted by the Public Utility, is successful; and

e. The Applicant and Public Utility execute a Certificate of Completion.

(10) If a Community Solar Project is not approved under the Tier 4 interconnection review procedures, then the Public Utility must provide a written explanation of the denial to the Applicant.

J. Metering and Monitoring

(1) The Public Utility must install, maintain, test, repair, operate, and replace any metering and data acquisition equipment necessary under the terms of the Public Utility's interconnection agreement, power purchase agreement, or power service agreement with an Applicant or CSP Interconnection Customer. The Applicant or Interconnection Customer is responsible for all reasonable costs associated with the metering and data acquisition equipment. The Public Utility and the Applicant or Interconnection Customer must have unrestricted access to such equipment as necessary to conduct routine business or respond to an emergency.

(2) Any Community Solar Project that is 360 kW or less will be eligible for low side metering. Loss compensation will be based on equipment variables.

(3) Except as provided in subsection 3(b), a Public Utility may not require an Applicant or Interconnection Customer with a Community Solar Project to provide or pay for the data acquisition or telemetry equipment necessary to allow the Public Utility to remotely monitor the Community Solar Project's electric output.

(4) Public Utility and an Applicant or CSP Interconnection Customer may agree to waive or modify the telemetry requirements in this rule.

(5) Telemetry Requirements.

a. The communication must take place via a private network link using a frame relay, fractional T-1 line, or other suitable device. Dedicated remote terminal units from the interconnected Community Solar Project to a Public Utility's substation and energy management system are not required.

b. A single communication circuit from the Community Solar Project to the Public Utility is sufficient.

c. Communications protocol must be DNP 3.0 or another reasonable standard used by the Public Utility.

d. The Community Solar Project must be capable of sending telemetric monitoring data to the Public Utility at a minimum rate of every two seconds from the output of the Community Solar Project's telemetry equipment to the Public Utility's energy management system.

e. A Community Solar Project must provide the following minimum data to the Public Utility:

i. Net real power flowing out or into the Community Solar Project (analog);

ii. Net reactive power flowing out or into the Community Solar Project (analog);

iii. Bus bar voltage at the point of common coupling (analog);

iv. Data processing gateway heartbeat (used to certify the telemetric signal quality); and

v. On-line or off-line status (digital).

f. If an Applicant or Interconnection Customer operates the equipment associated with switchyard interconnecting the Community Solar Project to the distribution system and is required to provide monitoring and telemetry, then the Interconnection Customer must provide the following data to the Public Utility in addition to the data in subsection (e):

i. Switchyard line and transformer megawatt and mega volt ampere reactive values;

ii. Switchyard bus voltage; and

iii. Switching device status.

K. Temporary Disconnection

(1) Under emergency conditions, a Public Utility or an Interconnection Customer may suspend Interconnection Service and temporarily disconnect a Community Solar Project from the Public Utility's distribution system at any time and for as long as reasonably necessary.

a. A Public Utility must notify an Interconnection Customer immediately after becoming aware of an emergency condition that may reasonably be expected to affect a Community Solar Project's operation. To the extent possible, the notice must describe the emergency condition, the extent of the damage or deficiency, the expected effect on the Community Solar Project, the anticipated duration of the condition, and the necessary corrective action.

b. An Interconnection Customer must notify the Public Utility immediately after becoming aware of an emergency condition that may reasonably be expected to affect the Public Utility's distribution system. To the extent possible, the notice must describe the emergency condition, the extent of the damage or deficiency, the expected effect on the Public Utility's distribution system, the anticipated duration of the condition, and the necessary corrective action.

(2) A Public Utility or an Interconnection Customer may suspend Interconnection Service and temporarily disconnect a Community Solar Project to perform routine maintenance, construction, or repairs. A Public Utility or an Interconnection Customer must provide Written Notice five Business Days before suspending Interconnection Service or temporarily disconnecting the Community Solar Project. A Public Utility and an Interconnection Customer must use reasonable efforts to coordinate interruptions caused by routine maintenance, construction, or repairs.

(3) A Public Utility must use reasonable efforts to provide Written Notice to an Interconnection Customer affected by a forced outage of the Public Utility's transmission or distribution system at least five Business Days before the forced outage. If prior Written Notice is not given, then the Public Utility must provide the Interconnection Customer written documentation explaining the circumstances of the disconnection within five Business Days after the forced outage.

(4) A Public Utility may disconnect a Community Solar Project if the Public Utility determines that operation of the Community Solar Project will likely cause disruption or deterioration of service to other customers served by the Public Utility's transmission or distribution system, or if the Public Utility determines that operation of the Community Solar Project could cause damage to the Public Utility's transmission or distribution system.

a. The Public Utility must provide Written Notice to the Interconnection Customer of the disconnection at least five Business Days before the disconnection. If the condition requiring

disconnection can be remedied, then the Public Utility must describe the remedial action necessary.

b. If requested by the Interconnection Customer, the Public Utility must provide documentation supporting the Public Utility's decision to disconnect.

c. The Public Utility may disconnect the Community Solar Project if the Interconnection Customer fails to perform the remedial action identified in the notice of disconnection within a reasonable time, but no less than five Business Days after the Interconnection Customer received the notice of disconnection.

(5) A Public Utility may temporarily disconnect a Community Solar Project if an Interconnection Customer makes any change to the facility, other than a Minor Equipment Modification, without the Public Utility's prior written authorization. The Public Utility may disconnect the Community Solar Project for the time necessary for the Public Utility to evaluate the effect of the change to the Community Solar Project on the Public Utility's transmission or distribution system and to implement any corrective actions.

(6) A Public Utility has the right to inspect an Interconnection Customer's Community Solar Project at reasonable hours and with reasonable prior Written Notice to the Interconnection Customer. If the Public Utility discovers that the Community Solar Project is not in compliance with the requirements of the CSP Interconnection Procedures, then the Public Utility may disconnect the Community Solar Project until compliance is achieved.

L. Arbitration of Disputes – CSP Interconnection

(1) An interconnecting Public Utility or a CSP interconnection Applicant may petition the Commission for arbitration of disputes arising during review of an Application to interconnect a Community Solar Project or during negotiation of a CSP interconnection agreement. If the Public Utility or the Applicant petitions the Commission to arbitrate their dispute, then the Commission will use an administrative law judge (ALJ) as arbitrator unless workload constraints necessitate the use of an outside arbitrator.

(2) A petition for arbitration of a CSP interconnection agreement must contain:

a. A statement of all unresolved issues;

b. A description of each party's position on the unresolved issues; and

c. A proposed agreement addressing all issues, including those on which the parties have reached agreement and those that are in dispute.

(3) A petition for arbitration of a dispute arising during review of an Application to interconnect a Community Solar Project must contain:

a. A statement of all unresolved issues;

b. A description of each party's position on the unresolved issues; and

c. A proposed resolution for each unresolved issue.

(4) Respondent may file a response within 25 Calendar Days of the petition for arbitration. In the response, the respondent must address each issue listed in the petition, describe the respondent's position on those issues, and present any additional issues for which the respondent seeks resolution.

(5) The filing of a petition for arbitration of a dispute arising during review of an Application to interconnect a Community Solar Project does not affect the Application's Queue Position.

(6) The arbitration is conducted in a manner similar to a contested case proceeding, and the arbitrator has the same authority to conduct the arbitration process as an ALJ has in conducting hearings under the Commission's rules, but the arbitration process is streamlined. The arbitrator holds an early conference to discuss processing of the case. The arbitrator establishes the schedule and decides whether an oral hearing is necessary. After the oral hearing or other procedures (for example, rounds of comments), each party submits its final proposed interconnection agreement or resolution of disputed issues. The arbitrator chooses between the two final offers. If neither offer is consistent with applicable statutes, Commission rules, and Commission policies, then the arbitrator will make a decision that meets those requirements.

(7) The arbitrator may allow formal discovery only to the extent deemed necessary. Parties are required to make good faith attempts to exchange information relevant to any disputed issue in an informal, voluntary, and prompt manner. Unresolved discovery disputes are resolved by the arbitrator upon request of a party. The arbitrator will order a party to provide information if the arbitrator determines the requesting party has a reasonable need for the requested information and that the request is not overly burdensome.

(8) Only the two negotiating parties have full party status. The arbitrator may confer with Commission staff for assistance throughout the arbitration process.

(9) To keep the process moving forward, appeals to the Commission are not allowed during the arbitration process. An arbitrator may certify a question to the Commission if the arbitrator believes it is necessary.

(10) To accommodate the need for flexibility, the arbitrator may use different procedures so long as the procedures are fair, treat the parties equitably, and substantially comply with the procedures listed here.

(11) The arbitrator must serve the arbitration decision on the interconnecting Public Utility and the interconnection Applicant. The parties may file comments on the arbitration decision with the Commission within 10 Calendar Days after service.

(12) The Commission must accept, reject, or modify an arbitration decision within thirty (30) Calendar Days after service of the decision.

(13) Within fourteen (14) Calendar Days after the Commission issues an order on a petition for arbitration of an interconnection agreement, the petitioner must prepare an interconnection agreement complying with the terms of the decision and serve it on respondent. Respondent must either sign and file the interconnection agreement or file objections to it within 10 Calendar Days of service of the agreement. If objections are filed, respondent must state how the interconnection agreement fails to comply with the Commission order and offer substitute language complying with the decision. The Commission must approve or reject a filed interconnection agreement within 20 Calendar Days of its filing or the agreement is deemed approved.

(14) If petitioner, without respondent's consent, fails to timely prepare and serve an interconnection agreement on respondent, respondent may file a motion requesting the Commission dismiss the petition for arbitration with prejudice. The Commission may grant such motion if the petitioner's failure to timely prepare and serve the interconnection agreement was the result of inexcusable neglect on the part of petitioner.

(15) The Public Utility and the Applicant may agree to hire an outside arbitrator rather than file a petition with the Commission. The Public Utility and the Applicant must share equally the costs of an outside arbitrator unless they mutually agree to a different payment arrangement.

M. Complaints for Enforcement

(1) This rule specifies the procedure for a Public Utility, an Interconnection Customer, or an Applicant to file a complaint for the enforcement of an interconnection agreement. Filing dates for enforcement complaint proceedings are calculated and enforced per OAR 860-001-0150.

(2) At least ten (10) Business Days prior to filing a complaint for enforcement, complainant must give Written Notice to defendant and the Commission that complainant intends to file a complaint for enforcement. The notice must identify the provisions in the agreement that complainant alleges were or are being violated and the specific acts or failure to act that caused or are causing the violation, and whether complainant anticipates requesting temporary or injunctive relief. On the same day the notice is filed with the Commission, complainant must serve a copy of the notice on defendant's authorized representative, attorney of record, or designated agent for service of process. Complainant must also serve the notice on all persons designated in the interconnection agreement to receive notices;

(3) A complaint for enforcement must:

a. Contain a statement of specific facts demonstrating that the complainant conferred with defendant in good faith to resolve the dispute, and that despite those efforts the parties failed to resolve the dispute;

b. Include a copy of the Written Notice, required by section (2), indicating that the complainant intends to file a complaint for enforcement;

c. Include a copy of the interconnection agreement or the portion of the agreement that the complainant contends that defendant violated or is violating. If a copy of the entire agreement is provided, complainant must specify the provisions at issue;

d. Contain a statement of the facts or law demonstrating defendant's failure to comply with the interconnection agreement and complainant's entitlement to relief. The statement must indicate that the remedy sought is consistent with the dispute resolution provisions in the agreement, if any. Statements of facts must be supported by written testimony with affidavits made by persons competent to testify and having personal knowledge of the relevant facts. Statements of law must be supported by appropriate citations. If exhibits are attached to the affidavits, the affidavits must contain the foundation for the exhibits;

e. Designate up to three persons to receive copies of pleadings and documents;

f. Include an executive summary, filed as a separate document not to exceed 8 pages, outlining the issues and relief requested; and

g. Include any motions for affirmative relief, filed as a separate document and clearly marked. Nothing in this subsection precludes complainant from filing a motion subsequent to the filing of the complaint if the motion is based upon facts or circumstances unknown or unavailable to complainant at the time the complaint was filed.

(4) On the same day the complaint is filed with the Commission, complainant must serve a copy of the complaint on defendant's authorized representative, attorney of record, or designated agent for service of process. Service may be by telephonic facsimile, electronic mail, or overnight mail, but the complaint must arrive at defendant's location on the same day the complaint is filed with the

Commission. Service by facsimile or electronic mail must be followed by a physical copy of the complaint the next day by overnight delivery.

(5) Within 10 Business Days after service of the complaint, defendant may file an answer with the Commission. Any allegations raised in the complaint and not addressed in the answer are deemed admitted. The answer must:

a. Contain a statement of specific facts demonstrating that the defendant conferred with complainant in good faith to resolve the dispute and that despite those efforts the parties failed to resolve the dispute;

b. Respond to each allegation in the complaint and set forth all affirmative defenses;

c. Contain a statement of the facts or law supporting defendant's position. Statements of facts must be supported by written testimony with affidavits made by persons competent to testify and having personal knowledge of the relevant facts. Statements of law must be supported by appropriate citations. If exhibits are attached to the affidavits, then the affidavits must contain the foundation for the exhibits; and

d. Designate up to three persons to receive copies of other pleadings and documents.

(6) On the same day as the answer is filed, the defendant must also file its response to any motion filed by complainant and its motions for affirmative relief. Each response and each motion must be filed as a separate filing. Nothing in this section precludes defendant from filing a motion subsequent to the filing of the answer if the motion is based upon facts or circumstances unknown or unavailable to defendant at the time the answer was filed.

(7) On the same day the answer is filed with the Commission, the defendant must serve a copy of the answer to the complainant's authorized representative, attorney of record, or designated agent for service of process.

(8) Complainant must file a reply to an answer that contains affirmative defenses within 5 Business Days after the answer is filed. On the same day the reply is filed with the Commission, complainant must serve a copy of the reply to defendant's authorized representative, attorney of record, or designated agent for service of process.

(9) A cross-complaint or counterclaim must be answered within the 10-business day time frame allowed for answers to complaints.

(10) The Commission will conduct a conference regarding each complaint for enforcement of an interconnection agreement.

a. The administrative law judge (ALJ) schedules a conference within 5 Business Days after the answer is filed, to be held as soon as practicable. At the discretion of the ALJ, the conference may be conducted by telephone.

b. Based on the complaint and the answer, all supporting documents filed by the parties, and the parties' oral statements at the conference, the ALJ determines whether the issues raised in the complaint can be determined on the pleadings and submissions without further proceedings or whether further proceedings are necessary. If further proceedings are necessary, the ALJ establishes a procedural schedule. Nothing in this subsection is intended to prohibit the bifurcation of issues where appropriate.

c. In determining whether further proceedings are necessary, the ALJ must consider, at a minimum, the positions of the parties, the need to clarify evidence through the examination

of witnesses, the complexity of the issues, the need for prompt resolution, and the completeness of the information presented.

d. The ALJ may make oral rulings on the record during the conference on all matters relevant to the conduct of the proceeding.

(11) A party may file with the complaint or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue.

(12) When warranted by the facts, the complainant or defendant may file a motion requesting that an expedited procedure be used. The moving party must file a proposed expedited procedural schedule along with its motion. The ALJ must schedule a conference to be held as soon as practicable to determine whether an expedited schedule is warranted.

a. The ALJ will consider whether the issues raised in the complaint or answer involve a risk of imminent, irrevocable harm to a party or to the public interest.

b. If a determination is made that an expedited procedure is warranted, the ALJ will establish a procedure that ensures a prompt resolution of the merits of the dispute, consistent with due process and other relevant considerations. The ALJ will consider, but is not bound by, the moving party's proposed expedited procedural schedule.

c. In general, the ALJ will not entertain a motion for expedited procedure where the dispute solely involves the payment of money.