

Decision No. C20-0809-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20D-0262E

IN THE MATTER OF THE VERIFIED PETITION OF SUNSHARE, LLC FOR A
DECLARATORY ORDER APPROVING A RENEWABLE ENERGY CREDIT ADDER.

**INTERIM DECISION REQUIRING AMENDMENT
TO PETITION FOR DECLARATORY ORDER**

Mailed Date: November 16, 2020

Adopted Date: November 12, 2020

I. BY THE COMMISSION

A. Statement

1. On June 17, 2020, SunShare, LLC (SunShare) filed a Petition for Declaratory Order (Petition) requesting the Commission enter an order declaring that Public Service Company of Colorado (Public Service or Company) may reform the price paid for Renewable Energy Credits for renewable energy production under five of SunShare's Producer Agreements resulting from Public Service's 2018 Solar*Rewards Community Solar Garden (CSG) Request for Proposals process. Additionally, SunShare requests a one-time waiver of Public Service's creditworthiness requirement concerning the use of a parent guarantee.

2. Through Decision No. C20-0472-I, issued June 29, 2020, we accepted and issued notice of the Petition, and granted SunShare's request for the Commission to take up the matter *en banc*.

3. On October 29, 2020, SunShare and Public Service filed a pleading entitled Joint Status Report. The parties provided the following updates:

- Public Service has diligently been working on the relevant interconnection studies described in the Settlement Agreement dated June 17, 2020 (Attachment A to the Petition). All system impact studies have been completed.
- As of the submission of this report, one project, Gilcrest V, has executed an Interconnection Agreement with Public Service. Gilcrest V is a 5 MW project formed by a combination of two 2 MW projects and 1 MW from a third project, each awarded in the 2018 RFP and subject to this Petition, based on Commission Decision C20-0406 allowing for such combinations.
- If initiated by SunShare, the Company can move forward with facility design studies with the goal to conclude the two other contemplated Interconnection Agreements by year-end. Early indications are positive that the parties can achieve Interconnection Agreements regarding all 12 of the 12 MW of 2018 CSG Projects that are subject to the instant Petition based on the process outlined in the Settlement Agreement.
- One project, Gilcrest V referenced above, still has the window of opportunity to be completed by the end of 2020. For this project, the interconnection scope is minimal and can be completed quickly because not much additional equipment is required. In addition, Public Service has set aside the key long lead time equipment necessary to complete its construction work on this project.
- The remaining 2018 CSG Projects, constituting 7 of the 12 MW subject to the Petition, are no longer viable for interconnection in 2020, but remain viable for completion in 2021 to capture the final year of the Investment Tax Credit (ITC) as set forth in the Petition.
- On October 16, 2020, Public Service published its Solar*Rewards Community RFP for 2020. The RFP notes that bids will be accepted until November 16, 2020. Public Service intends on reviewing bids and has a targeted date of notification of awards of December 16, 2020. Completion of the bid award process will begin the interconnection process for a new round of CSG interconnection studies by the Company for projects to interconnect by the second quarter of 2023. These new studies may affect the interconnection queue in a manner that implicates the Settlement Agreement.
- SunShare has begun the County application process for the 7 MW of conditional land use permitting for the projects that were allowed site moves under the Settlement Agreement and which are awaiting the final Interconnection Agreements.¹

¹ Joint Status Report at pp. 2-3.

4. The parties state that the project interconnection and construction processes will be guided by the Commission's decision as to the relief requested to resolve the two central issues which are: A.) Whether a REC Adder is in the public interest based on the unique circumstances presented and the amount; and, B.) whether to waive Public Service's Minnesota creditworthiness policy.

5. From this pleading it's not clear how the activity listed caused SunShare's request for relief to have changed, if at all. Therefore, it makes sense for the Commission to require SunShare to clarify, based on the provided update, where the issues raised in its Petition stand by making a filing of an amendment to its Petition for Declaratory Order. If it is SunShare's position that its declaratory issues have not changed, then it should file a pleading so indicating. Such filing shall be filed five days from the effective date of this Decision.

II. ORDER

A. It Is Ordered That:

1. SunShare, LLC (SunShare) shall file an amendment to its Petition for Declaratory Order (Petition) indicating how the activities listed in the Joint Status Report affect the request for relief as set forth in that Petition.

2. If the issues for which it seeks a declaration from this Commission have not been altered as a result of the listed activities in the Joint Status Report, SunShare shall file a pleading indicating this is the case.

3. In any case, a filing shall be due no later than five days from the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 12, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners