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Joint Committee on Tax Expenditures  
Oregon State Capitol  
900 Court St. NE  
Salem Oregon 97301

June 1, 2023

**Re: Testimony in favor of SB HB 2080-1**

Dear Co-Chair Meek and Co-Chair Nathanson and Committee Members:

**Sunthurst Energy, LLC and the Oregon Clean Power Cooperative<sup>1</sup> are pleased to see the property tax exemption for non-residential community solar projects (formerly SB 54-A) included in Section 9-10 of HB 2080-1.** The change would extend property tax exemption to non-residential community solar projects (CSPs) beginning on July 1, 2024.

**Why is HB 2080-1, Sections 9-10, needed?**

In 2016, SB 1547 authorized the Community Solar Program (CSP) to expand solar generation access to retail electric customers who are unable to Net Meter. Reasons for this include, but are not limited to, shaded or inadequate roofs, lease restrictions, ineligibility for the federal Investment Tax Credit, and lack of capital. Under the Community Solar Program:

1. Customers subscribe to a Program-certified (under 3 MW) solar project of their choosing;
2. Generation from the solar project is delivered to PGE, PacifiCorp, or Idaho Power;
3. Subscribers receive a credit on their utility bill for their portion of project generation;
4. At least 10% of project generation is reserved to be subscribed by low-income ratepayers.

The Community Solar Program provides a unique opportunity in Oregon for businesses, schools, churches, homeowners' associations, non-profits, and state agencies, as well as individuals, to produce their own clean energy at or below their current retail cost of electricity.

Unfortunately, the Program is not performing as intended, due largely to unrealized assumptions about the costs of project development. At the time Oregon implemented the Community Solar Program, the Public Utility Commission prescribed a fixed payment rate for CSP project generation, calculated to attract investors and developers. However, subsequent extraordinary increases in developer costs, including rising interest rates, high inflation, and winding down of federal tax credits, have rendered the fixed rate inadequate to attract adequate private investment. A snapshot published by the Oregon Community Solar Program manager shows that, as of December 1, 2022, only 9.6 MW of 161 MW authorized Program capacity has been built. 47.7 MW of capacity remains un-allocated due to lack of developer interest. **See Attachment 1.** Changes to current project economics are needed, else the Community Solar Program will continue to languish.

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<sup>1</sup> <https://oregoncleanpower.coop/our-team/>

### **What is the historical context in which Section 9-10 of HB 2080-1 arises?**

In 2022, developers and non-governmental organizations sought legislative help for the struggling Community Solar Program by lowering its tax burden. Oregon responded by passing SB 1519, which exempted CSP projects from ad valorem property tax, *but only to the extent that they were subscribed by residential customers.* SB 1519 has not jumpstarted the Community Solar Program, in part because over 80% of the capacity of projects initiated in the first year of the Program was subscribed to non-residential subscribers<sup>3</sup>, and therefore ineligible for SB 1519's exemption. HB 2080-1, Sections 9-10, would amend ORS 307.175 to exempt *all* new CSP projects completed from state ad valorem taxation, starting in 2024.

### **What HB 2080-1, Sections 9-10 would do.**

Extending the exemption to *all* CSP projects will likely lead to a sharp rise in completed projects, and thereby greatly broaden the scope of benefited Oregon residents. Sunthurst Energy's non-residential subscribers include small and large businesses, a hospital, an Oregon agency seeking to shrink its carbon footprint, and a federally-recognized Indian tribe. These are representative examples of the Oregonians that will benefit from HB 2080-1, Sections 9-10 in addition to low-income residents and other residential subscribers.

### **What HB 2080-1, Sections 9-10 would not do.**

HB 2080-1, Sections 9-10 does not impose an unreasonable burden on affected taxing districts because (a) CSP projects minimally burden local services; (b) but for the bill's passage, these projects likely will not be built; and (c) total Program size is limited to 161 MW. The Revenue Impact of HB 2080-1, Sections 9-10 will be similar to the Revenue Impact of SB 1519 (2022) which the Legislative Revenue Office estimated to be less than \$1.3 Million annually, statewide.<sup>5</sup>

If a property tax is levied on solar installations, many projects will not get developed, and therefore will not provide tax revenue. If a property tax exemption becomes law, projects will get built and there will be associated benefits including jobs created, lower CO2 emissions, and capital investment. Under both scenarios, the County does not receive any revenue but in the latter scenario, then County receives jobs, investment and environmental benefits.

In sum, HB 2080-1, Sections 9-10 will provide badly needed support to Oregon's Community Solar Program in a timely, narrowly tailored fashion, calculated to provide a benefit where it is needed and to not impact taxing district revenues.

### **Conclusions**

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<sup>3</sup> September 21, 2021 OPUC Staff slide presentation on Community Solar Program, Docket No. UM 1930, <https://edocs.puc.state.or.us/edocs/HAH/um1930hah16927.pdf>, Slide 8. (**Attachment 2**). The Slide shows the following breakdown of Current Subscriptions (as of July 16, 2021) by Customer Type:

Commercial:	81%
Residential:	5%
Low Income:	14%

<sup>5</sup> <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureAnalysisDocument/64541>

Chair Meek and Chair Nathanson

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For the foregoing reasons, Sunthurst Energy, LLC and Oregon Clean Power Cooperative support HB 2080-1. I urge your strong support for HB 2080-1 and its associated benefits for Oregonians. Thank you for your time and attention.

Sincerely,



Kenneth Kaufmann

Attorney for Sunthurst Energy, LLC

Attachments:

Attachment 1—Oregon Community Solar Program Capacity Snapshot

Attachment 2—Current Subscriptions by Customer Type

# Attachment 1

## Oregon Community Solar Program Capacity Snapshot

Date Updated: 12/01/2022

All numbers are in units of MW-AC.

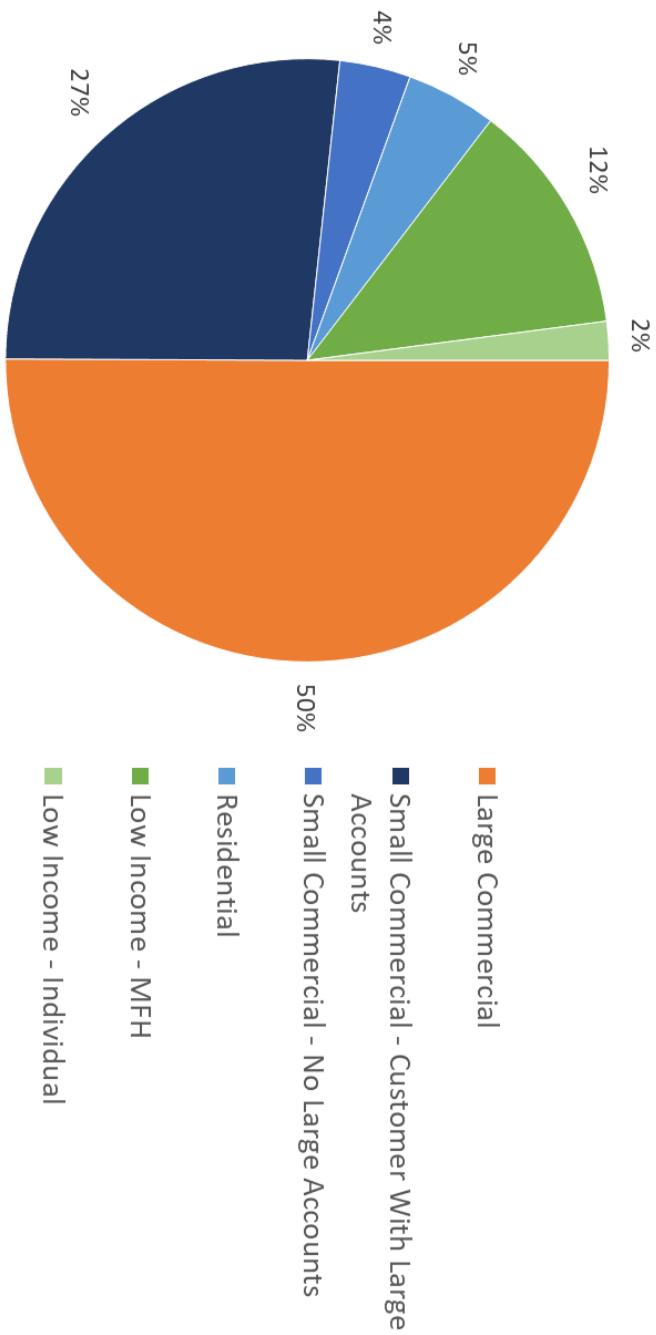


	Initial Offering				Second Offering			
	PGE	PAC	IPC	Total	PGE	PAC	IPC	Total
<b>Total Program Capacity</b>								
General	33.967	21.340	3.280	58.587				
Carve-out	0.040	2.373	-	2.413				
<b>Total</b>	<b>34.007</b>	<b>23.713</b>	<b>3.280</b>	<b>61.000</b>				
<b>Capacity Allocated to Projects</b>								
General	33.967	21.340	2.950	58.257				
Carve-out	0.040	2.373	-	2.413				
<b>Total</b>	<b>34.007</b>	<b>23.713</b>	<b>2.950</b>	<b>60.670</b>				
<b>Capacity of Projects in Operation</b>								
General	9.052	-	-	9.052				
Carve-out	0.040	0.490	-	0.530				
<b>Total</b>	<b>9.092</b>	<b>0.490</b>	<b>-</b>	<b>9.582</b>				
<b>Unallocated Program Capacity Remaining</b>								
General	-	-	0.330	0.330				
Carve-out	-	-	-	-				
<b>Total</b>	<b>-</b>	<b>-</b>	<b>0.330</b>	<b>0.330</b>				
<b>Capacity of Waitlisted Projects</b>								
General	-	-	-	-				
Carve-out	-	-	-	-				
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>				
<b>Unallocated Program Capacity Remaining*</b>								
General	-	-	9.720	1.232	-	-	10.952	
Carve-out	-	-	22.950	13.777	-	-	36.727	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>32.670</b>	<b>15.009</b>	<b>-</b>	<b>-</b>	<b>47.679</b>	
<b>Capacity of Waitlisted Projects</b>								
General	-	-	-	5.925	-	-	5.925	
Carve-out	-	-	-	-	-	-	-	
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5.925</b>	<b>-</b>	<b>-</b>	<b>5.925</b>	

\* In PAC service territory, the size of the first waitlisted general market project exceeds the amount of available capacity/remaining. Any subsequent general market project applications received in PAC will be added to the waitlist regardless of size.

# CURRENT SUBSCRIPTIONS BY CUSTOMER TYPE

19 Projects, Total Project Capacity of 30.8 MW-AC | Data as of July 26, 2021



## Attachment 2

