

April 30, 2024

Submitted via E-mail (techforum@bpa.gov)

U.S. Department of Energy
Bonneville Power Administration
Transmission Services

Re: Comments of Savion on the Proposed Site Control and Proposed Commercial Readiness Business Practices

Savion, LLC ("Savion") appreciates the opportunity to provide these comments to the Bonneville Power Administration ("Bonneville") regarding the proposed Business Practices ("BPs") posted on March 25, 2024 and discussed informally on April 2, 2024. Savion wants to acknowledge the considerable staff time set aside to develop, discuss the suite of BPs needed to implement the TC-25 settlement agreement, which is evident in the quality of the proposed BPs, but believes additional details regarding the new Site Control and Commercial Readiness requirements are needed before the impending June 30, 2024 effective date.

1. Bonneville Should Clarify Some of the Language Used in the Site Control BP Well in Advance of the June 30, 2024 Effective Date to Permit Customers Sufficient Time to Gather the Documents Needed to Demonstrate Site Control

Savion worries that some of the provisions in the proposed Site Control BP will leave interconnection customers guessing and assuming instead of being certain about the agency's new requirements. To that end, Savion highlights the following areas where additional clarity could be provided:

- 1) The proposed Site Control BP uses the terms demonstration and re-demonstration without defining or otherwise explaining the significance of this distinction. Bonneville should consider revising the BP to remove the undefined term "re-demonstration" and replace it with the word "demonstration" to avoid any confusion about its potential significance.
- 2) Section A of the proposed Site Control BP states that the term of an option to lease or purchase must extend through the latest Commercial Operation Date ("COD") or that the customer must have the right to extend the term of the option through the latest COD. Bonneville should consider revising the BP to clarify customers must maintain exclusive rights through COD regardless of the form of document or the defined term of such agreement.
- 3) Section C of the proposed Site Control BP confirms that the timing of a re-demonstration will not affect queue position, which suggests there are



circumstances where the timing of a site control demonstration would affect queue position. Bonneville should revise the BP to clarify when and how site control might affect queue position.

- 4) Section G of the proposed Site Control BP requires customers to notify Bonneville if there is “any change” in the previously provided demonstration of site control. Bonneville should revise the BP to require notice only when there is a material change in terms that could impact the customer’s ability to demonstrate site control.
- 5) Section G of the Site Control BP also refers to a “material change” in site control without defining what might constitute a material change or what might happen if/when a material change in site control occurs—other than to confirm that customers must continue to demonstrate site control if a material change occurs. Bonneville should consider revising the BP to simply confirm that interconnection customers must maintain site control throughout the interconnection process.

Given the volume of documents the agency can expect to begin receiving on June 30, 2024, Savion urges Bonneville to err on the side of over-explaining to avoid unexpected issues and inefficiencies processing the transition cluster. To that end, the agency might also consider putting together an informal Q&A or conference call with customers before the voluminous site control submissions begin on June 30, 2024.

2. Although Timing is Less Critical, Bonneville Should Also Consider Clarifying Some of the Language Used in the Commercial Readiness BP

Similar to the concerns addressed above regarding the proposed Site Control BP, Savion highlights the following areas where additional clarity could be provided in the proposed Commercial Readiness BP:

- 1) Pursuant to section B.3.c of the proposed Commercial Readiness BP, an “Interconnection Customer cannot use one Letter of Credit for multiple Interconnection Requests.” Bonneville should confirm whether this is always the case or whether there are circumstances where two or more interconnection requests under the same project LLC or parent company could use one Letter of Credit that is sufficient to cover the full amount needed for each Interconnection Request.
- 2) In Section A.2.e.iii of the proposed Commercial Readiness BP, customers are required to identify whether their site-specific purchase order pertains to “either a generator, battery, inverter or power transformer” equipment. Bonneville should consider defining or otherwise clarifying these terms to clarify whether, for example, “generator” includes photovoltaic modules.



3. Bonneville Should Also Consider Whether a Financial Deposit in Lieu of Site Control When Regulatory Limitations Preclude an Interconnection Customer from Obtaining Site Control is Appropriate for Inclusion in Either the Proposed Site Control BP or Among the Issues Being Addressed in the TC-26 Proceeding

Savion cautions Bonneville from making any substantive changes that were not included in the TC-25 settlement agreement, but the unresolved issues surrounding public lands warrant additional consideration. Section A of the proposed Site Control BP clarifies that a request to a public land entity would not establish site control, which Savion generally agrees with, but the proposed BP does not address how site control may be established on public land or otherwise address the unique challenges in obtaining exclusive site control on federal land, which was discussed during TC-25. As the Federal Energy Regulatory Commission (“FERC”) noted in Order No. 2023, obtaining site control for land controlled by the Bureau of Land Management (“BLM”) can take between 18 months and five years.¹ To that end, FERC adopted a limited option for interconnection customers to submit a deposit in lieu of site control in situations where a regulatory limitation prohibits the customer from obtaining site control. Savion recommends Bonneville consider whether a similar provision could be included in the Site Control BP, and if not, whether it should be included in the list of TC-26 topics.

¹ *Improvements to Generator Interconnection Proc. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054 at P 559 (2023); see also FERC Order No. 2023-A, 186 FERC ¶ 61,199 at P 141 (2024).