

**BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL**

In the Matter of Docket No. EF-170823:

**TUUSSO Energy LLC,
COLUMBIA SOLAR ENERGY
PROJECT**

COUNCIL ORDER No. 878

**ORDER REINSTATING SITE
CERTIFICATION AGREEMENTS FOR
THE COLUMBIA SOLAR PROJECT**

Regulatory Authority:

Pursuant to Revised Code of Washington (RCW) 80.50.071, and chapter 80.50 RCW, the Energy Facility Site Evaluation Council (EFSEC) now finds the following:

Findings:

1. On September 5, 2019, in Council Order No. 877, EFSEC suspended site certification for the Columbia Solar Project due to the certificate holder, TUUSSO Energy LLC's, failure to pay the Utilities and Transportation Commission (UTC) the costs incurred by EFSEC for inspection and determination of compliance by the certificate holder with the terms of the certification.
2. Order No. 877 provided that, in order to obtain reinstatement of certification, TUUSSO must first make full payment of all invoiced amounts, and must provide a new deposit of at least \$50,000, or such greater amount as may be specified by the Council at that time, to meet the requirement of RCW 80.50.071(2)(a). Order No. 877 required TUUSSO to make a request for reinstatement to the Council in writing, and to include in that request a full description of its financial situation and an attestation to its ability to make timely payment of invoices going forward.
3. Order No. 877 reserved the Council's authority to impose any additional conditions on reinstatement of certification it deemed appropriate at that time. Order No. 877 also provided that TUUSSO would be required to pay the costs incurred by the Council in reviewing any such request.
4. Consistent with the conditions for reinstatement in Council Order No. 877, TUUSSO initiated a wire transfer on November 19, 2019, to the UTC for full payment of the unpaid

invoiced amounts and for a new deposit of \$50,000. On November 20, 2019, TUUSSO submitted a letter request for reinstatement to EFSEC. The request included a full description of TUUSSO's financial situation and an attestation to its capacity to make timely payments going forward. TUUSSO's letter indicates that a "\$10 + million dollar loan facility" has been closed between TUUSSO and Greenbacker Renewable Energy Corporation. Specific uses of the loan facility are described as "retiring current payables, funding construction of the interconnections, completing final engineering of the solar facilities, obtaining all administrative permits, hiring an engineering, procurement and construction firm for the projects, and purchasing enough equipment by December 31st to qualify for the Federal Investment Tax Credit in 2019."

5. At the Council's November 25, 2019, special open meeting, the Council considered TUUSSO's request for reinstatement of site certification. At the meeting, EFSEC Manager, Ms. Sonia E. Bumpus, addressed the Council regarding staff recommendations. Mr. Owen Hurd from TUUSSO addressed the Council and summarized TUUSSO's request for reinstatement, the company's financial situation, and its intentions with regard to development of the sites. After discussion, the Council approved TUUSSO's request for reinstatement of certification for the Columbia Solar Project subject to the condition that the EFSEC Manager work with the certificate holder to develop a recommended adjustment of the amount of the deposit to be required by the Council from the certificate holder pursuant to RCW 80.50.071(2)(a). The total amount of the deposit should be based on EFSEC's anticipated, near-term costs of providing oversight and determining compliance of the Columbia Solar Project with the terms of certification. The deposit amount should be sufficient to ensure full reimbursement of such costs even if TUUSSO were to fail to pay a future quarterly invoice. The Council directed the EFSEC Manager to draft an order to be signed by the chair reflecting the Council's decision.

O R D E R

THEREFORE, IT IS HEREBY ORDERED that:

- (1) TUUSSO's site certification for the Columbia Solar Project, which became effective on October 17, 2018, and was subsequently suspended in Council Order No. 877 (September 5, 2019), is reinstated subject to the terms in this order.
- (2) EFSEC's reinstatement of site certification is subject to the condition that the EFSEC Manager work with the certificate holder to develop a recommended adjustment of the amount of the deposit to be required by the Council under RCW 80.50.071(2)(a), based on anticipated near-term oversight and compliance costs for the Columbia Solar Project.
- (3) EFSEC shall revise the 2nd Quarter Fiscal Year 2020 cost allocation and the UTC shall resume allocation of overhead to the Columbia Solar Project.

- (4) Consistent with the requirements in Council Order No. 877, TUUSSO must pay the cost incurred by the Council in reviewing this reinstatement request, which includes the costs for legal and technical work related to the preparation of this order.

DATED at Lacey, Washington and effective on this 6th day of December, 2019.

WASHINGTON STATE
ENERGY FACILITY SITE EVALUATION COUNCIL



Kathleen Drew, Chair