

Oregon Public Utility Commission
Main Hearing Room
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Salem, Oregon 97308
Sent via facsimile 503-378-5505 & Electronic Mail

May 23rd, 2016
To: PUC
From: Peter Greenberg
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Subject: Extension of Time
(Docket No. UM 1538)

Request by PGPV, LLC for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210 (1)

To Whom it May Concern,

We would like to request an extension for the following project:

PGE Tracking #: CLCD82
Size: 100 KW
Original Deadline: 9/30/2016
Extension Requested: 12/23/2016

Reasons for Extension:

In September of 2015 we were awarded a 100 KW slot in the VIR Pilot Program for this project. We found a single-axis horizontal tracker to be the most cost-effective racking option for this installation. This being a 100KW system, it took a significant amount of time and effort to find a suitable tracking system, as most tracker manufacturers aren't interested in installations less than 1MW in size. Eventually we were able to find a reputable racking company that was in the process of adding a single-axis tracker to their product line. Since we were the first customer to use their tracker, they were willing to accept our smaller system sizes in return for using our sites as a training ground and showcase for their product. As the installations progressed, areas for improvement were identified and components were modified to increase reliability and efficiency. We now have all the updated tracker components and solar modules on hand to complete the installation.

We are currently waiting on receiving a Conditional Use Permit (CUP) from Clackamas County for this project. We have taken the required steps and submitted the necessary paperwork (attended CUP Pre-Application meeting and submitted the Cup Pre-Application, Site Plan, CUP Application, CUP Responses, etc.). Our CUP hearing date is scheduled for June 23rd, 2016. Based on our discussions with Clackamas County, we anticipate no issues in receiving this CUP and will be able to begin construction 30 days after our hearing date.

We have already installed (4) 100 kilowatt solar projects under the VIR Program on roofs in Clackamas County. These projects were also awarded slots in the VIR Pilot Program under the May, 2015 reservation window. When we initiated the permitting process for these 4 projects, it was our first time

applying for permits in Clackamas County. Due to the various solar projects we've installed on farms in other Oregon counties under the VIR Pilot Program, we didn't anticipate any issues with the permitting process. OAR 660-033-0130(38) states requirements for solar facilities on agricultural land in Oregon and specifically excludes net metering and Feed-In-Tariff projects from adhering to these requirements. On top of this, Clackamas County Zoning and Development Ordinance defines solar facilities and states that they are subject to OAR 660-033-0130(38). In all the other counties where we've applied for permits for projects under the VIR Pilot Program, they were satisfied by OAR 660-033-0130(38) that our projects, as with net metering solar projects, are not required to obtain a CUP. Upon applying for permits with Clackamas County for the (4) 100 kilowatt projects mentioned above, we were told that we would be required to obtain a letter from the utility stating the annual kWh usage at the site, and if our projected solar kWh production was less than the energy consumption at the site, we would not have to apply for conditional use permits. As all of our solar sites in Clackamas County, except (2) 100 KW projects (awarded in September, 2015), have greater kWh consumption than production, we viewed this as an inconvenience, but not a roadblock. Upon requesting such a letter from PGE, we were told that this was the first request of its kind. PGE was eventually able to provide us with said letter and upon submitting it to Clackamas County, the project was cleared by their planning department and we went on to obtain the required permits and complete the installation. We then took the initiative to obtain similar letters from PGE for our other solar sites in Clackamas County. Upon applying for permits for our next VIR project in Clackamas County were told we would need to apply for a CUP. After further discussion, on 12/01/15 we were emailed the following opinion from a County Sr. Planner that was handling our applications:

After review of OAR 660-033-0130(38) and ORS 757.300, OAR chapter 860, division 39, ORS 757.365 and OAR chapter 860, division 84 ,we find that the proposed use, a Photovoltaic Solar Power Generation Facility, by your company will require a Conditional Use Pre-Application Conference and ultimately a Conditional Use Land Use Application. We have discussed your claim of exemption with the Oregon Public Utility Commission and find that nothing within the guidelines of their authority speaks to land use and the physical siting of such facilities. We did find that if the power generation were entirely for use on the farm with the intent to lower energy costs for the farm within the guidelines of the ORS, an exemption may be realized. However, since power is being sold to the local utility company who sells it to the public, and since there is no objective to lower the overall power use of the farm or to lower energy costs for the farm, the 'use' is considered a 'power generation facility' as provided in Section 401, Table 401-1 under Utilities.

We will be unable to sign off on the above building permits until such time the use has been approved as a Conditional Use on each parcel. Might I suggest, as a precautionary move, that you also include the 400 KW roof mounted site currently under construction at the 327th Avenue site. This will bring the entire project up to date as to land use review and approval requirements.

At this point we sought the advice of an Oregon attorney that specializes in energy related issues and came highly recommended. His opinion was that based on the OARs and Clackamas County's own Zoning and Development Ordinance, CUPs should not be required for these VIR projects. After meeting with and communicating his thoughts to Clackamas County and gaining no headway, he advised us on Jan 5th, 2016 that it would be cheaper and faster to obtain the CUPs rather than fighting them on the issue. We then began the process of completing the required CUP paperwork. The required applications, site plans, responses and mandatory Pre-App CUP meetings have been completed and our hearing date is set for June 23rd.

In conclusion, we have purchased all the required tracker components and modules, which we have on hand. We will be able to start construction immediately upon receiving the Conditional Use Permit (CUP), which should be 30 days after our hearing date of June 23rd, 2016. We request that our VIR Pilot Program deadline be extended to December 23rd, 2016. This will allow us sufficient time to finish our total 1,146 KW of VIR projects in Clackamas County.

Company Background:

Energy Wise Lighting, Inc. and their sister company PGPV, LLC are the largest owners of solar PV systems on K-12 schools, Boys and Girls Clubs and other non-profits in the State. We've installed over 125 solar PV systems under the VIR program in Oregon, ranging in size from 5 to 500 KW, for a total installed capacity of over 5 MW. Over the next 15 years, our systems will inject millions of dollars back into Oregon schools, nonprofits and farmers in the form of host fees.

Sincerely,

/s/ Peter Greenberg
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