

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: November 12, 2014

REGULAR \_\_\_\_\_ CONSENT  X  EFFECTIVE DATE  November 12, 2014

DATE: November 3, 2014

TO: Public Utility Commission

FROM: Michael Breish *MB*

THROUGH: *E* Jason Eisdorfer and *AA* Aster Adams

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Imagine Energy, LLC, on behalf of their customer Scenic Valley Farms, for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission grant the request by Imagine Energy, LLC (Imagine Energy) to waive the 12-month deadline to install three solar photovoltaic (SPV) systems under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program by an additional 60 days, to December 15, 2014.

**DISCUSSION:**

Issue

Imagine Energy requests an extension for each of the three SPV systems they are installing on behalf of their customer, Scenic Valley Farms, who is located in Marion County. Each project has a reserved spot in PGE's Solar Photovoltaic Pilot Program. All required documentation has been submitted, financing is secure and construction is nearly completed on each of the projects. Due to some issues resulting from switching contractors and permitting delays, the projects were not going to be completed by the deadline of October 15, 2014. The Commission received this request on October 7, 2014. Imagine Energy requested a month extension (November 15, 2014), but after speaking with Staff and learning about the process for receiving a waiver, Imagine Energy agreed that an extension of two months, or 60 days, was more appropriate.

### Rule

The applicable rule is OAR 860-084-0210(1), which states that “a capacity reservation expires ... if the system has not been installed within twelve months of the reservation start date, unless a waiver is granted under OAR 860-084-0000.” The evaluation criteria set forth in OAR 860-084-0000(3) for waiver of Division 84 rules is "good cause shown." The Commission has discretion to determine what constitutes "good cause."

### Analysis and Recommendation

Originally, Imagine Energy was constructing three other SPVs on Scenic Valley Farms' property, while another unnamed contractor was responsible for the three units referenced in this request. Due to unforeseen issues, Scenic Valley Farms chose to end business with the original contractor and asked Imagine Energy to assume responsibility for finishing the three SPVs at issue. The transition to a new contractor delayed the construction timeline of these three SPVs, which had otherwise been on schedule.

As Imagine Energy was catching up to speed on the new projects and reviewing the permitting process, they discovered that the SPVs qualified for an “ag exempt” status from the county. From what they understood, this exempt permit would facilitate the construction of the projects, ultimately saving them time. According to Imagine Energy, Marion County officials didn't act on the ag exempt permits for a “couple of months,” a period of time far exceeding what Imagine Energy anticipated. Once they were processed, the county only notified Scenic Valley Farms, who then assumed that Imagine Energy had also been notified about the permit. Rectifying this miscommunication only further delayed the installation process.

In analyzing for “good cause,” Staff's primary considerations were the ongoing installation of all three SPVs, which are all nearing completion; the candid and thorough explanation of the circumstances by Imagine Energy; and the modest nature of the original request, i.e., for only one month.

Based on this analysis, Staff recommends the extension be granted.

### **PROPOSED COMMISSION MOTION:**

The request by Imagine Energy to waive the 12-month installation requirement for three SPV systems under PGE's Solar Photovoltaic Pilot Program be granted, and the deadline extended to December 15, 2014.