

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: September 20, 2022**

**REGULAR**  **CONSENT**  **EFFECTIVE DATE** September 20, 2022

**DATE:** September 12, 2022

**TO:** Public Utility Commission

**FROM:** Ted Drennan

**THROUGH:** Bryan Conway, Caroline Moore, and Scott Gibbens **SIGNED**

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1631)  
Request for waiver of net metering aggregation requirement pursuant to  
OAR 860-039-0065(1)(c).

**STAFF RECOMMENDATION:**

Staff recommends the Public Utility Commission of Oregon (Commission) approve the request by Applicants to waive the requirement that the designated meter for the customer's net metering facility and any aggregated meters be on the same primary feeder for purpose of net metering.

**DISCUSSION:**

Issue

Whether the Commission should approve Applicant's request to waive the Oregon Administrative Rule (OAR) requirement that a net metering customer may only aggregate load served through different meters if the meters to be added are served by the same primary feeder as the net metering customer's designated meter at the time of application.

Applicable Law

OAR 860-039-0065(1)(c) states that for the purpose of measuring electricity usage under the net metering program, a public utility must, upon request from a customer-generator, aggregate for billing purposes the meter that is physically attached to the net metering facility ("designated meter") with one or more meters ("aggregated

meter") in the manner set out in this rule. This rule is mandatory upon the public utility only when: "(c) The designated meter and the aggregated meters are served by the same primary feeder at the time of application."

The evaluation criterion set forth in OAR 860-039-0005(2) for waiver of Division 039 rules is "good cause shown." The Commission has discretion to determine what constitutes "good cause."

### Analysis

On August 8, 2022, Earthlight Technologies filed a request for a waiver of OAR 860-039-0065(1)(c) for T&P Farms. The following is a summary of the interaction between the Applicants and Portland General Electric (PGE or the Company).

On March 26, 2020, PGE received a Level 1 net metering application from Earthlight Solar on behalf of T&P Farms. The application indicated the customer intended to use meter aggregation. The Company emailed the Applicants on March 27, 2020, notifying them the Level 1 application failed to meet the screening criteria for approval and they would need to re-apply at a Level 3. The email recognized T&P Farms' intent to use meter aggregation and asked them to complete PGE's meter aggregation form.

The Applicants submitted a completed Level 3 net metering application on April 17, 2020. The application was for a 19.8 kW solar array and included the meter aggregation request form. The solar array provides power for an irrigation pump, used only during summer months. For the remaining months, the customer intended to use the facility as an offset to other meters on the farm. As it currently stands, the solar system is expected to produce 22,000 kWh annually, with the pump using 9,000 of the energy. At this point, without aggregation, the 19.8 kw system is oversized on an annual basis.

After receiving the net metering application, the Company switched to an online application system. It appears that the aggregation application may not have been reviewed at the time; PGE's records do not show the results of the aggregation review.

In July of 2022, the Company received the final electric inspection for the project. Receipt of the inspection triggered a review of the Applicant's file. At this time PGE found the meter aggregation request. After reviewing the aggregation request submitted in April 2020, PGE determined none of the meters intended for aggregation qualified since they are located on a separate feeder from the net metering project.

The Company notified the Applicants that the accounts did not qualify for aggregation, and suggested the Applicants apply for a waiver of the aggregation requirements. PGE also stated they would not oppose the waiver request.

### Conclusion

In reviewing the request, Staff believes the Applicants took all reasonable steps to secure a valid net metering aggregation agreement with the Company. It appears PGE could have notified the Applicants in 2020 of the infirmities of the aggregation application; the fact that the property is served by two feeders running parallel on Quince Road and Brooklake Road, roughly half a mile apart. The solar facility is on Brooklake Road, the aggregation meters are on Quince Road. Had the aggregation application been denied at that point, the Applicants could have reassessed the project design; at this point, two years later, the point is moot.

Given the circumstances underlying the request for waiver, Staff believes approval is appropriate. The net metering crediting framework can be unworkable for seasonal users without the ability to aggregate, as in this case. The Commission has approved similar requests in the past. Two similar requests were approved by the Commission in Order Nos. 17-487 and 12-471. These included similar instances of customer confusion. It is clear that in this case the Applicants took appropriate steps to aggregate meters for net metering, but were not notified of any issues until the project was completed.

### **PROPOSED COMMISSION MOTION:**

Approve the request by Applicants to waive the requirement that the designated meter and the aggregated meters be on the same primary feeder.