

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 27, 2018

REGULAR CONSENT EFFECTIVE DATE March 28, 2018

DATE: March 12, 2018

TO: Public Utility Commission

FROM: Paul Rossow ^{PR}

THROUGH: Jason Eisdorfer ^{JE} and JP Batmale ^{JPB}

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Requests by Peter Greenburg of PGPV, LLC for waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission deny the request by Peter Greenburg to waive the 12-month deadline to install a specified 100 kW solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program.¹

DISCUSSION:

Issue

Whether PGPV, LLC (PGPV) established good cause to waive the OAR 860-084-0210(1) requirement that an SPV system be installed within 12 months of the capacity reservation start date.

Applicable Law

Each SPV project that receives a capacity reservation in PGE's Solar Photovoltaic Pilot Program holds that reservation for a period of 12 months following the reservation start date, so long as a completed interconnection application is submitted to the utility within two months of the reservation start date and the project is installed within 12 months of

¹ The project number for the PGE project is: 05M2J4.

its reservation start date; or, the project receives a waiver to extend the deadlines. See OAR 860-084-0210(1) and (2).²

The evaluation criterion set forth in OAR 860-084-0000(3) for waiver of Division 084 rules is "good cause shown."

Analysis

PGE originally issued the capacity reservation for project numbered 05M2J4 (project 05M2J4 or project) to PGPV on January 25, 2016. Project 052MJ4 is a 100 kW SPV project. On April 13, 2016, PGE notified Peter Greenburg that the application for interconnection was approved without any special requirements. The Commission granted PGPV its first request for waiver to extend the deadline for installing this project in Order No. 17-064 on February 22, 2017.³ Order No. 17-064 extended the project installation deadline to May 31, 2017. On December 19, 2017, Peter Greenburg filed a request for a second waiver under OAR 860-084-0000(3) of the 12-month SPV installation requirement for project 05M2J4. This waiver request goes back in time and asks the Commission to extend the installation deadline from May 31, 2017 to August 15, 2017 ex post facto.

Peter Greenburg states that installation of project 052MJ4 was delayed past the May 31, 2017, deadline because it was discovered during installation that the inverter lacked built-in arc fault detection and was remedied by ordering an arc fault detecting combiner box, which came with a 2-month lead time.⁴ The solar panels, racking, inverter, and conduit were installed by the May 31, 2017 deadline. However, the combiner box was received, installed, wired, and terminated and the project finally inspected after the May 31, 2017, deadline.⁵

Peter Greenburg was working on six volumetric incentive rate (VIR) projects within PGE service territory including project 05M2J4, during 2017. Peter Greenburg explains that he waited until December 19, 2017, to seek this second, retroactive extension request for project 05M2J4 installation deadline because he was waiting on PGE to finish the interconnection design plans for two other projects.⁶ Peter Greenburg further explains

² OAR 860-084-0210(1) 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." OAR 860-084-0210(2) provides that once a capacity reservation expires, the customer must re-apply for a reservation.

³ See Order No. 17-064.

⁴ PGPV Waiver Request 2, filed on December 19, 2017, Docket UM 1538.

⁵ PGPV Waiver Request 2.

⁶ PGPV Waiver Request 2.

that he planned on filing a request for all the extensions at the same time.⁷ Peter Greenburg further notes that on November 6, 2017, and November 16, 2017, PGE issued the final interconnection design plans for the two VIR projects previously mentioned, which permitted PGPV to order the necessary components and determined when the required work for the projects would be complete.

Peter Greenburg asserts that PGE told him to hold off on applying for extensions until further notice. Peter Greenburg also states that PGE later told him that extensions would not be required because the delays in providing the interconnection design plans were due to circumstances on PGE's side.⁸ Finally, Peter Greenburg's understanding was that all of his remaining PGE projects were covered by this decision from PGE, including project 05M2J4.⁹

Rick Post from PGPV informed Staff that during a phone conversation with PGE, PGPV specifically asked if they needed an extension for their 100 kW "Net Metering" system and was told "no" by PGE.

In response to Staff's inquiry regarding project 05M2J4, PGE acknowledges that it told Peter Greenburg that some of his projects would not require extensions because of a delay by PGE, but states that project 05M2J4 was not one of those projects.

PGE informed Staff that in the last seven months of 2017, PGE was aware of five VIR projects that Peter Greenburg had in progress. In the course of the initial application review, PGE determined that modifications to the distribution system would be required in order to support the interconnection of the five projects. Peter Greenburg was provided with a good faith estimate at the time the application was approved, and was given instructions on how to proceed with having the designs created and the work scheduled. It took approximately five months for the service designer at PGE to complete the designs, which is longer than originally anticipated.

Around December 1, 2017, PGE became aware of a sixth project numbered 05M2J4 that PGPV intended to interconnect. PGE states that after notifying Peter Greenburg that his interconnection request for project 05M2J4 had been approved in April 2016, the project was never a part of the conversation between PGE and Peter Greenburg for the remainder of 2016 and early 2017.

After PGE received the final documents for this project in December 2017, PGE contacted Rick Post and Peter Greenburg from PGPV and informed them that PGE was

⁷ PGPV Waiver Request 2.

⁸ PGPV Waiver Request 2.

⁹ PGPV Waiver Request 2.

not aware project 05M2J4 was ongoing. During a conversation, PGPV mentioned to PGE that project 05M2J4 is a "Net Metering" project. PGE then advised Peter Greenburg to submit documents to PGE's Net Metering coordinator.

After Peter Greenburg sent PGE insurance information for project 05M2J4, PGE further explained to Rick Post that under the VIR program he could not interconnect project 05M2J4, as his extension expired on May 31, 2017, and no additional extension was obtained. It was at this time, Rick Post maintains that PGE told him he didn't need one, to which PGE clarified that project 05M2J4 was never a part of the conversation regarding the specific five projects that required modifications associated with PGE's delay. PGE adds that Rick Post inquired if he could do anything to allow project 05M2J4 to interconnect without requesting a second waiver extension. PGE explained to Rick Post that PGE could not interconnect project 05M2J4 without a Commission Order and that the capacity reservation had been dropped from the program. Therefore, PGE would not be moving forward.

Conclusion

Based on the information provided by PGPV, PGPV failed to demonstrate that the delay in installation was caused by factors not under their control. In addition PGPV failed to be proactive in its communications with PGE and the Commission and request a waiver of the rule regarding installation in a timely manner. In Staff's opinion, the discovery that the inverter lacked built-in arc fault detection during the installation of the proposed system should have been known during the design and engineering phase so should not have caused a delay. Regardless PGPV failed to clearly communicate with either PGE or the OPUC until six months after their May 31, 2017, deadline that project 05M2J4 would need another, ex post facto, extension.

To this end Staff has seen no evidence that project 05M2J4 was ever a part of the conversation between PGPV and PGE regarding deadline extensions due to PGE's delay. Additionally, during a conversation, Staff was informed that PGPV specifically referred project 05M2J4 to PGE as a "Net Metering" project further confusing the issue.

Staff is not persuaded that any information provided by PGPV supports "good cause" for an ex post facto waiver and therefore, recommends denial. Staff notes that PGPV can still apply for PGE's Net Metering program.

Staff conferred with PGE and PGPV regarding the status of the respective project and confirmed the facts that are set forth above.

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PROPOSED COMMISSION MOTION:

PGPV, LLC's request to waive the 12-month installation requirement for the specified SPV system under PGE's Solar Photovoltaic Pilot Program be denied.

UM 1538 PGPV, LLC VIR waiver request