

ITEM NO. 1

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: November 3, 2015

REGULAR  X  CONSENT \_\_\_\_\_ EFFECTIVE DATE  November 3, 2015

DATE: October 26, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CSO*

THROUGH: *J* Jason Eisdorfer and *J Jan AD* Aster Adams

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Imagine Energy, on behalf of its client Ganesh Sonpatki of the Harlow Param Hotel Group, for a waiver of the 12-month solar photovoltaic system installation requirements set forth in OAR 860-084-0210(1) and (2).

**STAFF RECOMMENDATION:**

Staff recommends that the Commission deny Imagine Energy's waiver extension request filed on behalf of its client, Ganesh Sonpatki of the Harlow Param Hotel Group (Harlow Hotel), for a second six month extension of the 12-month installation deadline for a 9.81 kW solar photovoltaic project in Portland General Electric's (PGE) Solar Incentive Program.

**DISCUSSION:**

Issue

Should the Commission approve Imagine Energy's request for a deadline extension of the 12-month solar photovoltaic system installation requirements for Harlow Hotel as set forth above?

Applicable Law

Each project that receives a capacity reservation holds that reservation for 12 months from its reservation start date, so long as a preliminary interconnection application is submitted and approved by the utility within two months of the reservation award date; the deposit fees are paid; the project is installed within 12 months of its reservation start

date; or if needed, the project receives a waiver to extend the installation deadline. See OAR 860-084-0210(1) and (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 OAR860-084-0000.” OAR 860-084-0210(2) provides that once a capacity reservation expires, the customer must re-apply for a reservation. The evaluation criterion set forth in OAR 860-084-0000(3) for waiver of Division 084 rules is “good cause shown.”

### Analysis and Recommendation

Imagine Energy, on behalf of Ganesh Sonpatki of the Harlow Hotel, requests a waiver under OAR 860-084-0000(3). This extension is for a 9.81 kW solar photovoltaic system which was allocated capacity through PGE under reservation number M5N563. The project’s original installation deadline was April 21, 2015, and the project received a six month extension for this deadline, until October 21, 2015, by Commission Order No. 15-119. This request is for a second six month extension to move the installation deadline to May 1, 2016.

Staff verified the status of the project with PGE staff, who commented that the initial interconnection application was submitted and approved within the required two-month timeframe and all fees were paid in a timely manner.

In analyzing the “good cause” rule criterion, Staff notes that the project experienced considerable delays in restoring and registering the hotel on the Register. According to the initial extension request letter from Imagine Energy, the Harlow Hotel was expected to open in the fall of 2015<sup>1</sup>, but as of October 14, 2015, construction had not begun. The egress stair tower location approval by the Register was the main issue for the first extension, and that issue remains unresolved after the additional six months allowance for project work.

Staff’s review shows that there has been little progress made toward installing the solar photovoltaic system since the original six month extension was granted. The panels have not been purchased and permits have yet to be submitted as the location of an egress stair tower continues to await approval of the Register. Based on this analysis, Staff recommends this waiver request be denied, because significant progress has not been demonstrated since the first extension. Overall, there has been very little progress toward permitting approvals and installation of the array. Staff considered that typical

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<sup>1</sup> See Supplemental letter submitted by Imagine Energy to the Public Utility Commission under docket UM1538, dated March 16, 2015.

municipal permitting process timelines take four months and with this in mind, Staff does not anticipate that the issues with the Register will be resolved, the project will be designed, permits approved, construction completed, or the solar photovoltaic system will be installed by May 1, 2016. Staff would like to highlight that not granting the waiver request will result in minimal financial losses for Imagine Energy's customer since the request shows that the permits have not yet been submitted and equipment has not yet been purchased. The freed up capacity will be reallocated to projects on PGE's waiting list from the May 1, 2015, enrollment window as directed by the Commission in Order No. 15-250.

Staff informed Imagine Energy of the Staff recommendation not to grant the waiver and of the opportunity to appear before the Commission at the public meeting on November 3, 2015.

**PROPOSED COMMISSION MOTION:**

The request for a waiver by Imagine Energy, made on behalf of its client, Ganesh Sonpatki of the Harlow Param Hotel Group (Harlow Hotel), to extend the 12-month installation deadline for a 9.81 kW solar photovoltaic project in Portland General Electric's Solar Incentive Program from October 21, 2015, to May 1, 2016, be denied.

