

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: July 11, 2017

REGULAR  CONSENT  EFFECTIVE DATE July 12, 2017

DATE: June 27, 2017

TO: Public Utility Commission

FROM: Paul Rossow <sup>PR</sup>  
*JE*

THROUGH: Jason Eisdorfer and John Crider *Jc*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Jonathan Nagar 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 Jonathan Nagar (Mr. Nagar) to waive the 12-month deadline to install two specified 10 kW solar photovoltaic (SPV) systems under Portland General Electric Company's (PGE) Solar Photovoltaic Pilot Program and extend the installation deadline to November 30, 2017.<sup>1</sup>

**DISCUSSION:**

Issue

Whether the Commission should approve Mr. Nagar's request for a deadline extension for a waiver of the 12-month solar photovoltaic system installation requirements as set forth above.

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; the deposit fees are paid; the project is

<sup>1</sup> The project numbers for the PGE projects are P395J3 and A6N0G3.

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).<sup>2</sup>

The evaluation criterion set forth in OAR 860-084-0000(3) for waiver of Division 084 rules is "good cause shown." The Commission has discretion to determine what constitutes "good cause."

### Analysis

On February 22, 2017, Mr. Nagar filed a request for a waiver under OAR 860-084-0000(3) of the 12-month SPV installation requirement in order to extend the installation deadline for these two projects to July 31, 2017. PGE originally issued the capacity reservations for the two projects to Mr. Nagar in May 2015. The Commission previously granted Mr. Nagar's request for waiver to extend the deadline for these two projects under Order Nos. 15-308, 16-373, and 17-101. Order 17-101 granted Mr. Nagar's request to extend the project installation deadline to July 31, 2017.

Mr. Nagar explains that the installation deadline will not be met because the record-breaking bad weather over the course of construction resulted in unpredicted water leakages, which significantly delayed drying in the building. According to Mr. Nagar, the contracted solar installer (Solterra) quit the Portland market during the spring of 2017, resulting in additional time needed to find and secure the services of a replacement installer - Marks Electric, LLC.

Further, Mr. Nagar recently learned that the solar portion of the project cannot have its final inspection approved until the physical building itself is not only constructed and deemed suitable for occupation, but also landscaped and otherwise finished.

Staff conferred with PGE and Mr. Nagar regarding the status of the respective projects and confirmed the facts that are set forth above.

### Conclusion

To determine whether Mr. Nagar established "good cause" to waive the installation requirement, Staff considered the reasons for the delay. The most recent delay is due to record-breaking bad weather and Solterra vacating the Portland market. Staff considers these circumstances to be beyond Mr. Nagar's control. Further, because of

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<sup>2</sup> 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 unforeseen delay in securing the services of another solar installer, Staff finds it reasonable to extend the installation deadline beyond the modules' expected July 31, 2017, installation date and allow Mr. Nagar's request for a waiver until November 30, 2017. Finally, Staff notes that no potential participants are impacted by the delay in installing these two projects because PGE's program has closed to new participants. If these reservations are terminated, the previously-reserved 20 kilowatts will simply become unused capacity.

**PROPOSED COMMISSION MOTION:**

Grant Mr. Nagar's request to waive the 12-month installation requirement for the two specified SPV systems under PGE's Solar Photovoltaic Pilot Program and extend their installation deadline until November 30, 2017.