

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: March 7, 2017

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE March 8, 2017

DATE: February 15, 2017

TO: Public Utility Commission

FROM: Paul Rossow <sup>PR</sup>  
I Jc

THROUGH: Jason Eisdorfer and John Crider

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Energy Wise Lighting, Inc., on behalf of Mr. Case and Mr. Ortiz, for waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1) and (2).

**STAFF RECOMMENDATION:**

Staff recommends the Commission grant the request by Energy Wise Lighting, Inc. ("Energy Wise") to waive the 12-month deadline to install three specified 10.0 kW solar photovoltaic (SPV) systems under Pacific Power's Oregon Solar Incentive Program and extend the installation deadline to April 1, 2017.

**DISCUSSION:**

Issue

Whether the Commission should approve Energy Wise'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 PacifiCorp's Oregon Solar Incentive 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; and 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).<sup>1</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

Energy Wise requests a waiver under OAR 860-084-0000(3) of the 12-month installation requirement for three specified 10 kW SPV projects.<sup>2</sup> PacifiCorp issued two of the capacity reservations to Mr. Case and the third reservation to Mr. Ortiz on November 12, 2015.<sup>3</sup> The Commission previously granted Energy Wise's request for waiver to extend the deadline for these three projects under Order Nos. 16-186 and 16-485. The Orders allowed Energy Wise request to extend the original project installation deadline to February 12, 2017.

On February 3, 2017, Energy Wise filed requests for a waiver of the 12-month SPV installation requirement and extend the installation deadline for these three projects to April 1, 2017.

Energy Wise explains that the installation deadline was not met because Mr. Case, the owner of the SPV systems, has an operating solar project from 10 years ago that never received a final inspection. Linn County (County) informed Mr. Case that the three specified SPV systems cannot be inspected until the older project receives a final inspection.

Staff conferred with Pacific Power and Energy Wise regarding the status of the respective projects and confirmed that facts that are set forth above.

### Conclusion

To determine whether Energy Wise established "good cause" to waive the installation requirement, Staff considered the reasons for the delay. The delay arose from Mr. Case not procuring a final inspection from the County and the County's requirement

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<sup>1</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 OAR 860-084-0000." OAR 860-084-0210(2) provides that once a capacity reservation expires, the customer must re-apply for a reservation.

<sup>2</sup> The project numbers for the Pacific Power projects are: 6039448, 6039141, and 6039181.

<sup>3</sup> The site is a farm with a house on the premises that is owned by Mr. Case. Mr. Ortiz is an employee of Mr. Case who lives in the house. The electric meter for the house is in Mr. Ortiz's name.

of completing the final inspection of the older project before the three specified SPV systems can be inspected. In most situations, misunderstanding of a statute or, in this case, a County inspection requirement, is not sufficient to justify waiver of the rules. However, in this particular case, no potential participants are impacted by the delay in installing these three projects because PacifiCorp's program has closed to new participants. If these reservations are terminated, the previously-reserved 30 kW's will simply be unused capacity. In considering the circumstances, Staff recommends that the Commission approve the requested waiver.

**PROPOSED COMMISSION MOTION:**

Grant Energy Wise Lighting, Inc.'s request to waive the 12-month installation requirement for the three specified SPV systems under Pacific Power's Solar Photovoltaic Pilot Program and extend the installation date from February 12, 2017 to April 1, 2017.