

ISSUED: March 10, 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1505

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Solar Photovoltaic Program Draft.

RULING

DISPOSITION: MOTION GRANTED IN PART

Pursuant to the schedule in this proceeding, parties were allowed to file initial comments on February 11, 2011, and reply comments on February 28, 2011.

On March 10, 2011, Renewable Northwest Project (RNP) filed a motion for leave to file one round of supplemental comments – to respond to proposals by Commission Staff, Portland General Electric Company, and PacifiCorp, dba Pacific Power – made “for the first time” in their reply comments. The substance of those proposals would be to significantly reduce the amount of capacity that would be made available in the solar feed-in tariff capacity allocation open season set for April 1, 2011. RNP requests expedited treatment of its motion.

RNP argues that parties have not had the opportunity to respond to proposed “major program change.” RNP notes that Staff had originally (in its opening comments) indicated that it would recommend a greater than 10 percent reduction in the Volumetric Incentive Rate (VIR) at the Commission’s Public Meeting (currently set for March 17, 2011). At the subsequent workshop, neither Staff nor the utilities raised the issue of a capacity reduction. RNP argues that a capacity reduction could have a dramatic effect on individuals and solar businesses participating in the pilot program, and that it is important for all parties to have a chance to respond.

RNP proposes that the Commission set an expedited schedule for the supplemental comments, and limit their scope only to the proposals to reduce the capacity and to the VIR (with which the capacity reduction is intertwined). RNP proposes March 14, 2011 as the date for filing the supplemental comments. RNP further requests that the Commission confirm that parties will be permitted to address the Commission with respect to the capacity reduction proposal, as well as the VIR, at the March 17, 2011 Public Meeting --- regardless whether its motion is granted.

According to RNP, it circulated a draft of its motion to other parties a day before its filing. RNP reports that Staff indicated it does not take a position on the motion. No other party had yet responded to RNP.

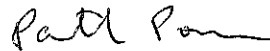
In a ruling in this docket issued this same day I (again) ruled that unscheduled comments would not be received as filed, but would be treated as correspondence. Because the issue had come up twice, I further indicated that parties wishing to file unscheduled comments first would need to file a motion for leave to file such comments.

In this instance, RNP waited 10 days to file its motion. Although its filing tests the limits of timeliness, its motion is granted in part.

All parties are granted leave to file supplemental comments not later than March 14, 2011. The scope of the comments is limited to replies to “new” proposals, made by any party in its February 28th filing. To be received, the supplemental comments must cite the “new” proposal that is the basis for the filing.

RNP’s request that it also be allowed to raise the issue of the proposed capacity allocation reduction at the Commission Public Meeting on March 17, 2011, is denied. The proposed capacity reduction is an issue to be decided in this docket, and will not be decided by the Commission at the public meeting. The subject matter at the public meeting is limited to the derivation of the VIR.

Dated at Salem, Oregon, this 10th day of March, 2011.



Patrick Power
Administrative Law Judge