

ORDER NO. 14 125

ENTERED APR 15 2014

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC,

Request for Waiver of the 12-month Solar  
Photovoltaic System Installation Requirement  
at the Dundee Fire Station under OAR 860-  
084-0210(1).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 15, 2014, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



*Becky L. Beier*

**Becky L. Beier**  
Commission Secretary

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

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ITEM NO. CA9

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 15, 2014

REGULAR  CONSENT  EFFECTIVE DATE April 15, 2014

DATE: April 7, 2014

TO: Public Utility Commission

FROM: Adam Bless *AB*

THROUGH: Jason Eisdorfer, Maury Galbraith, and Aster Adams  
*JF* *MG* *AA*

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

**STAFF RECOMMENDATION:**

I recommend the Commission grant the request by PGPV, LLC (PGPV) to extend the 12-month deadline to install a solar photovoltaic system (SPV) at the Dundee fire station under PacifiCorp's solar incentive program by three months, to July 15, 2014.

**DISCUSSION:**

Issue

PGPV requests a waiver of the 12-month deadline for installation of a SPV system at the Dundee fire station under the PacifiCorp Solar Incentive Program. The project was enrolled in the program in April 2013, with an installation deadline of April 15, 2014. PGPV requests a three-month extension, to July 15, 2014.

Rule

The applicable rule is OAR 860-084-0210(1), which states that a capacity reservation expires if the system has not been installed within 12 months of the reservation start date, unless a waiver is granted under OAR 860-084-0000(3). The evaluation criteria set forth in OAR 860-084-0000(3) for waiver of Division 84 rules is "good cause" shown. The Commission has discretion to determine what constitutes "good cause."

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Analysis

PGPV explains that this SPV project is to be installed at a new Dundee fire station. The new fire station was scheduled to be complete by February 23, 2014, which would have allowed sufficient time for PGPV to install the SPV system by its original deadline. Completion of the fire station is now expected in mid-May 2014. PGPV therefore requests a three month extension of its original deadline for the SPV installation.

In analyzing for “good cause,” I considered the fact that the delay in SPV system installation is due to delays in the construction of the fire station, a circumstance outside the solar contractor’s control. I also considered the large number of systems previously installed by PGPV, making it highly likely that they will complete the SPV installation once the fire station construction is complete.

Conclusion and Recommendation

I conclude that delays in the fire station construction are outside the solar developer’s control, and therefore qualify as good cause. I therefore recommend granting the new deadline of July 15, 2014.

**PROPOSED COMMISSION MOTION:**

The request by PGPV to extend the 12-month deadline to install a solar photovoltaic system at the Dundee fire station under the PacifiCorp solar incentive program be granted, and the deadline extended by three months, to July 15, 2014.

ca9-UM 1538 PGPV-Dundee VIR waiver request