

ORDER NO. 15 120

ENTERED APR 14 2015

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

IMAGINE ENERGY, LLC, on behalf of  
CABANA MOTEL,

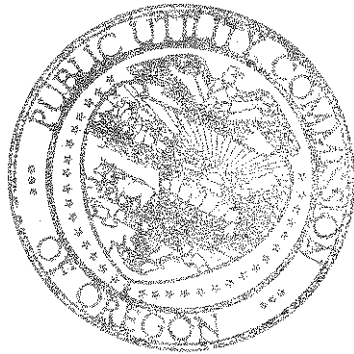
Request for Waiver of the 12-month Solar  
Photovoltaic System Installation Requirement  
under OAR 860-084-0210(1).

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on April 14, 2015, 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 Circuit Court for Marion County in compliance with ORS 183.484.

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ITEM NO. CA8

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 14, 2015**

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE April 14, 2015

DATE: March 31, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel CSO

THROUGH:  Jason Eisdorfer and  Aster Adams

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Imagine Energy, LLC, on behalf of its customer, Cabana Motel, for a waiver of the 12-month solar photovoltaic system installation requirement set forth in OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission approve Imagine Energy's request, made on behalf of its customer, Cabana Motel, to extend the 12-month installation deadline by two months from April 14, 2015 to June 14, 2015 for the completion of a 9.99 kW solar photovoltaic system in Pacific Power's (PAC) Solar Incentive Program.

**DISCUSSION:**

Issue

Each project that receives a capacity reservation retains it for 12 months beginning 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 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). Cabana Motel is one of 11 projects through the volumetric incentive rates (VIR) program for which Mr. Ganesh Sonpatki received reservations. As the installation deadline approaches, this project needs two more months for its installation to be complete.

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#### Applicable Rules

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." 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 and Recommendation

Cabana Motel is one of 11 VIR solar projects started by Mr. Sonpatki. Eight of these 11 projects are under construction and the remaining three are approaching the 12-month installation deadline. Because of high workload, finishing the Cabana Motel by the April 15, 2015, installation deadline is not achievable.

Jonathan Cohen, the contractor from Imagine Energy, LLC, stated, "The installation of these eleven projects was prioritized based on ease of permitting and installing at each location."

Cabana Motel has paid deposits on time and the interconnection application was submitted and approved by the utility within the two-month deadline. Financing is secure and the engineering calculations are being prepared for submission in the next week for permitting review. Mr. Sonpatki would like to ensure the two-month extension is approved before he purchases the solar equipment and begins the final construction process.

PAC, the utility involved with this project, confirmed that it sees no issues with this project being installed before the requested deadline of June 14, 2015, if all necessary documentation is submitted in a timely manner.

Staff believes it is reasonable to request a waiver of two months to ensure that the deadline is not passed before completing the construction.

In analyzing the "good cause" rule criterion, Staff notes that there has been demonstrated investment in the process and preparation, but the project was delayed by unforeseen delays in other projects ahead in the queue as well as a delay in securing financing. It seems reasonable to Staff that the project will be completed by June 14, 2015.

Based on this analysis, Staff recommends this waiver request be approved.

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**PROPOSED COMMISSION MOTION:**

The request for a waiver by Imagine Energy on behalf of Cabana Motel to waive the 12-month installation requirement for the completion of a 9.99 kW solar photovoltaic system in Pacific Power's Solar Incentive Program be granted, and to extend the deadline from April 14, 2015 to June 14, 2015 be approved.

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