

ORDER NO.

15 122

ENTERED

APR 14 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

SOLARCITY on behalf of
BRETT BUCHWACH,

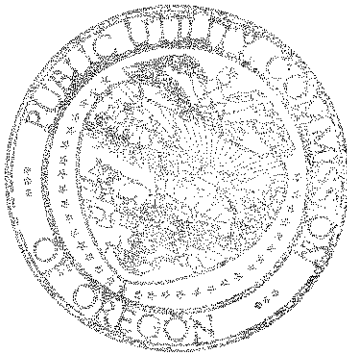
Request for Waiver of the 12-month Solar
Photovoltaic System Installation Requirement
under OAR 860-084-0210(1).

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.

ITEM NO.CA10

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT**

PUBLIC MEETING DATE: April 14, 2015

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** April 14, 2015

DATE: April 2, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CD*

THROUGH: Jason Eisdorfer *JE* and Aster Adams *AA*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by SolarCity on behalf of its customer, Brett Buchwach, for a waiver of the two-month solar photovoltaic system interconnection application requirement set forth in OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission approve SolarCity's request, made on behalf of its customer Brett Buchwach, to waive the two-month interconnection application submission deadline for a solar photovoltaic system in Portland General Electric's (PGE) Solar Incentive Program and reinstate the capacity reservation for this project.

DISCUSSION:

Issue

Each project that is awarded 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; or 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). SolarCity requests a waiver under OAR 860-084-0000(3), on behalf of its customer Brett Buchwach, to waive the two-month interconnection application deadline that was missed by two business days.

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Applicable Rules

OAR 860-084-0210(1) states that "A capacity reservation expires...if a completed interconnection application is not filed within two months of the reservation start date or if the system has not been installed within 12 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

SolarCity, on behalf of its customer Brett Buchwach, applied for a capacity reservation as part of the April 2014 enrollment window and received a capacity award for 9.5 kW starting on April 15, 2014. With the capacity reservation assigned, the project was installed and inspected by Washington County permitting officials on May 30, 2014.

SolarCity then submitted its interconnection application to PGE on June 18, 2014, which was two business days past the application deadline. SolarCity thought the application had been accepted; therefore, after construction of the solar array, SolarCity attempted to connect through the Permission to Operate process on July 9, 2014. SolarCity learned at this point that its interconnection application had been denied.

SolarCity understood that it submitted the application for interconnection two days late, but was not aware that the application had been denied. Staff was informed that PGE suggested that SolarCity seek a waiver through the Public Utility Commission (PUC) to allow PGE to reinstate the project's capacity reservation.

In analyzing the "good cause" rule criterion, Staff notes that the customer was notified by the utility of the criteria to keep the capacity reservation, yet still missed the deadline due to oversight during a period of heavy workload. Once SolarCity learned about the project's official denial, it contacted the PUC in January to try to remedy the situation. SolarCity has been forthcoming with information. SolarCity fully admitted their error and hopes that the customer will not be penalized because of its mistake.

Staff is aware that there has been confusion in the past surrounding the communication of interconnection application approvals and denials between contractors and the utilities. SolarCity's misunderstanding about the status of its application, having missed the deadline submission by only two days, is consistent with this history. SolarCity's error, while all of its own making, seems understandable, and SolarCity has accepted full responsibility for it. Further, SolarCity had the project constructed under its mistaken understanding of the status of its application. Under these circumstances, it seems

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reasonable to Staff to recommend the Commission waive the two-month interconnection application deadline for this project.

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

PROPOSED COMMISSION MOTION:

The request by SolarCity to waive and extend the two-month interconnection application deadline requirement set forth in OAR 860-084-0210(1) from June 15, 2014, to June 18, 2014, for a solar photovoltaic system in Portland General Electric's Solar Incentive Program, for its customer Brett Buchwach, be approved.

CA10-UM 1538 SolarCity_Buchwach VIR waiver request