

ORDER NO. 15 361

ENTERED NOV 03 2015

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

IMAGINE ENERGY on behalf of  
CHRISTOPHER KING,

Request for Waiver of the 12-month Solar  
Photovoltaic System Installation Requirement  
under OAR 860-084-0210(1) and (2).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on November 3, 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.

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: November 3, 2015

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE November 3, 2015

DATE: October 19, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CD*

THROUGH: Jason Eisdorfer and Aster Adams *JE*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Imagine Energy, on behalf of its client Christopher King, for a waiver of the 12-month solar photovoltaic system installation requirements set forth in OAR 860-084-0210(1) and (2).

**STAFF RECOMMENDATION:**

Staff recommends the Commission approve Imagine Energy's request filed on behalf of its client Christopher King, to grant an extension of the 12-month installation deadline for a project in Portland General Electric's (PGE) Solar Incentive Program due to permitting delays. The project's original installation deadline was April 11, 2015, and the project received a six month extension for this deadline by Commission Order No. 15-123. This request is for a second six-month extension to move the installation deadline to April 11, 2016. The project is located at 8945 Kaiser Road, Portland, OR, and is allocated capacity through reservation number W37900.

**DISCUSSION:**

Issue

Should the Commission approve Imagine Energy's second request for a deadline extension for a waiver of the 12-month solar photovoltaic system installation requirements as set forth above?

Applicable Law

Each project that receives a capacity reservation holds that reservation for 12 months 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 award date;

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the deposit fees are paid; 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).

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. 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

Imagine Energy requests a waiver under OAR 860-084-0000(3) for its client Christopher King. Mr. King's project received a prior extension of its deadline under Order No. 15-123. This Order allowed Imagine Energy's request to extend the original project installation deadline from April 11, 2015, to October 10, 2015. The current filing requests a further extension of six more months (i.e. extend the deadline until April 11, 2016).

Imagine Energy filed for building and zoning permits with Multnomah County and the City of Portland. The project experienced unforeseen delays, zoning issues with Multnomah County, and permit processing delays due to the City of Portland's permitting department's backlog.

The owner, Christopher King, has invested several thousand dollars into this process to complete all of the zoning requirements for the county. Mr. King has already purchased the panels and has demonstrated commitment to the success of this challenging project through the hiring a firm, Projective Construction Design. Projective Construction Design is assisting Mr. King by facilitating the permitting process to change from a land use adjustment to a land use variance.

Imagine Energy stated that it believes it can finalize the County's land use variance legal process requirements and move forward with the project installation within 60 days and expects the project's final inspections and interconnections to take place by in November 2015.

Staff verified the status of the project with PGE staff, who commented that the initial interconnection application was submitted and approved within the required two-month

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timeframe, that all fees were paid in a timely manner, and that no technical difficulties are anticipated by the utility.

In analyzing the "good cause" rule criterion, Staff notes that the project experienced considerable delays in permitting with both Multnomah County as well as with the City of Portland; the project owner has invested significantly in the solar project through purchase of the panels, hiring of zoning contractor, and attempts for numerous permitting iterations. Given the above unforeseen permitting circumstances and the owner's commitment demonstrated to completing the project, extending the installation deadline for this project by an additional six months seems reasonable and fair and is within the overall timeframe of the Solar Incentive Program.

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

**PROPOSED COMMISSION MOTION:**

The request for a waiver by Imagine Energy, made on behalf of its client Christopher King, to extend the 12-month installation deadline for Mr. King's project under reservation number W37900, in Portland General Electric's Solar Incentive Program from October 10, 2015, to April 11, 2016, be approved.

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