

ORDER NO. 15 400

ENTERED DEC 15 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

NW PHOTON ENERGY,

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 December 15, 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. CA10

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT**

PUBLIC MEETING DATE: December 15, 2015

REGULAR _____ CONSENT X EFFECTIVE DATE December 15, 2015

DATE: December 4, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CS.D*

THROUGH: *I* Jason Eisdorfer and Aster Adams *RA*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by NW Photo Energy (NWPE) on behalf of its customer, WPC Bancroft, LLC (WPC Bancroft), 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 NWPE's request, made on behalf of its customer WPC Bancroft, to waive the two-month interconnection application submission deadline, set forth under OAR 860-084-0210(1), for a solar photovoltaic system in Portland General Electric's (PGE) Solar Incentive Program and to reinstate the capacity reservation for this project. By granting this waiver the project deadline would be extended from July 22, 2015, until December 31, 2015.

DISCUSSION:

Issue

Each project that is awarded a capacity reservation retains it for 12 months from the 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). NWPE requests a waiver under OAR 860-084-0000(3), on behalf of its customer, WPC Bancroft, to waive the two-month interconnection application deadline.

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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

NWPE, on behalf of its customer, WPC Bancroft in Multnomah County, applied for a capacity reservation as part of the May 2015 enrollment window and received a capacity award from PGE as Reservation Number, W96731, for a 100 kW solar photovoltaic array. The project's allocation was awarded on May 22, 2015, with a two month interconnection application submission deadline of July 22, 2015. The company expects to meet the existing final system installation deadline of May 22, 2016.

NWPE had an internal communication issue. Specifically, NWPE states that the communication issue led to a company check sheet indicating that the interconnection application had been filed when in fact it had not been filed. Because multiple projects were ongoing at that particular time, NWPE staff simply made a clerical error. NWPE only discovered this issue when PGE notified NWPE that no interconnection agreement had been filed after NWPE originally contacted the company to begin the interconnection work. NWPE states that the racking system and panels have already been delivered and the inverters are on order. NWPE also states that they have obtained an electrical permit and have received approvals for 11 of 12 reviews for the structural permitting process. The final and longest structural review is expected to be completed in early December. All of these actions demonstrate progress and show strong commitment to completing the project.

Staff contacted PGE to check on the status of the project regarding this missed deadline and learned that all other criteria have been met by NWPE.

In analyzing the "good cause" rule criterion, Staff notes that the contractor did pay all fees, submitted all other documentation in a timely manner, and has made significant progress in purchasing equipment, preparing for installation, and obtaining permits.

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

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PROPOSED COMMISSION MOTION:

The request by NWPE, made on behalf of its customer WPC Bancroft, to extend the interconnection application submission deadline from July 22, 2015 until December 31, 2015, and to reinstate the capacity reservation for a solar photovoltaic system in PGE's Solar Incentive Program, be approved.

CA10 - UM 1538 NWPE, WPC Bancroft, VIR two month waiver request