

ORDER NO. 16 155

ENTERED APR 21 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PAUL SOLONIKA,

Request for Waiver of OAR 860-084-0195,
Transfer Capacity Requirement.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 21, 2016, 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:



A handwritten signature in blue ink, reading "Kristi Collins", is written over a horizontal line.

Kristi Collins
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: April 21, 2016

REGULAR _____ CONSENT X EFFECTIVE DATE April 21, 2016

DATE: April 11, 2016

TO: Public Utility Commission

FROM: Cindy Dolezel (SD)

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Paul Solonika (Owner) for a waiver of the requirement to transfer a capacity reservation from his two tenants to himself as set forth in OAR 860-084-0195.

STAFF RECOMMENDATION:

Staff recommends the Commission approve Paul Solonika's, apartment owner, request to allow the transfer of two the capacity reservations from his apartment tenants (Heredia/Berglund) to Paul Solonika.

DISCUSSION:

Issue

Whether the Commission should approve Paul Solonika's request to waive OAR 860-084-0190(6) in order to allow the transfer of two solar capacity reservations from his apartment tenants (Heredia/Berglund) to Mr. Solonika.

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; 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).

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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."

OAR 860-084-0195(6) states that "Capacity reservations are non-transferable from one customer generator to another..."

Analysis and Recommendation

Two solar program capacity awards were granted on January 13, 2016, with the confirmation numbers of I402A3 and G2S9F9, to an apartment duplex at 702 Stark Street, Silverton, OR, 97381. Paul Solonika is the owner of the duplex and the project developer, but the capacity reservation applications were accidentally submitted with the tenants' names (Heredia and Berglund) listed as the customers at the site.

OAR 860-084-0195(6) states that "Capacity reservations are non-transferable from one customer generator to another..." and because of this rule, Mr. Solonika was advised that he needs a waiver granted to transfer the capacity reservations from his tenants' (Heredia and Berglund) into his name. He originally intended to list himself as the customer at the site, but made a mistake on the application. PGE has verified that both tenants have signed releases for the solar payment option contract to transfer to Solonika, but the rule necessitates the capacity reservation must also transfer to Solonika.

Staff verified the status of the project with PGE staff, who commented that the interconnection application was submitted and it was at this point that the mistake was noticed and therefore the application was not approved.

Because of the rule OAR 860-084-0195(6), PGE advised Mr. Solonika to seek a waiver from the Commission to transfer capacity reservations from his apartment tenants (Heredia/Berglund) to Paul Solonika. Solonika is already listed as a co-applicant on both tenants' electric accounts, so PGE does not object to the proposed name change. PGE notes that changing the names for the reservation is the easiest way to remedy this situation.

In analyzing the "good cause" rule criterion, Staff notes that Solonika's request is reasonable to direct payments to the building and solar system owner who made the capital investments in the solar system. Solonika was honest and forthcoming about mistakenly placing the tenants' names on the application and both tenants signed releases to support the contract transfer.

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Staff recommends this waiver request be approved.

PROPOSED COMMISSION MOTION:

The request for a waiver by Paul Solonika, applicant owner, to waive OAR 860-084-0190(6) in order to allow the transfer of two solar capacity reservations from his apartment tenants (Heredia/Berglund) to Mr. Solonika, be approved.

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