

ORDER NO. 16 368

ENTERED SEP 27 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

NW PHOTON ENERGY, on behalf of
WPC BANCROFT, LLC,

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 September 27, 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:




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 Court of Appeals in compliance with ORS 183.480 through 183.484.

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ITEM NO. CA16


**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 27, 2016**

REGULAR _____ CONSENT X EFFECTIVE DATE September 27, 2016

DATE: September 9, 2016

TO: Public Utility Commission

FROM: Paul Rossow 

THROUGH: Jason Eisdorfer and Michael Dougherty 

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by NW Photon Energy for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the request by NW Photon Energy made on behalf of its customer, WPC Bancroft, LLC (WPC), to waive, the 12-month deadline to install a solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program by an additional two months, to November 1, 2016.

DISCUSSION:

Issue

Whether NW Photon Energy established good cause supporting its request for a waiver of the OAR 860-084-0210(1) requirement that a SPV system be installed within 12 months of the capacity reservation start date.

Applicable Law

Each SPV project that receives a capacity reservation holds that reservation for a period of 12 months following 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; 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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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." 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

NW Photon Energy requests a waiver for this system under OAR 860-084-0000(3), on behalf of its customer WPC, to waive the 12-month installation requirement. NW Photon Energy notes that the deadline was not met due to not having access to WPC's roof until mid-July; to allow for roof repairs; the city of Portland requiring new seismic structural plans; and PGE's unforeseen requirement to install zigzag transformers.

Staff conferred with PGE regarding the status of the respective project. PGE confirmed with Staff that the project has met the requirements to date, including deposits, interconnection agreements, and fees. When Staff contacted NW Photon Energy about the solar project, NW Photon Energy stated that the electrical inspection remains outstanding, and that it is still awaiting PGE's installation of a FiT meter. Staff feels comfortable with the status of the SPV project and the actions taken by NW Photon Energy to date.

Conclusion

In analyzing for "good cause," Staff's main considerations were NW Photon Energy's honesty in addressing the reasons for the delay of the solar project, the current status of the solar project, the need to comply with the City of Portland's structural requirements, and PGE's unexpected zigzag transformer requirement. Because of NW Photon Energy's efforts to complete the project to date, and the time required to resolve the City's and PGE's additional requirements, Staff concludes that NW Photon has established good cause for its requested waiver.

PROPOSED COMMISSION MOTION:

Grant NW Photon Energy's request to waive the 12-month installation requirement for the SPV system under PGE's Solar Photovoltaic Pilot Program and extend the installation deadline until November 1, 2016.

UM 1538 NW Photon Energy VIR waiver request