

ORDER NO. 16 485

ENTERED DEC 20 2016

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

ENERGY WISE LIGHTING, INC., on behalf  
of MARIO ISLAS ORTIZ and BILL CASE,<sup>1</sup>

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 20, 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 Circuit Court for Marion County in compliance with ORS 183.484.

<sup>1</sup> The Projects are Tracking Nos. 6039448, 6039181, and 6039141.

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ITEM NO. CA19

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT**

**PUBLIC MEETING DATE: December 20, 2016**

**REGULAR** \_\_\_\_\_ **CONSENT**  X  **EFFECTIVE DATE**  December 20, 2016

**DATE:** December 2, 2016

**TO:** Public Utility Commission

**FROM:** Paul Rossow *PR*

**THROUGH:** *JE* Jason Eisdorfer and *SC* John Crider

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Energy Wise Lighting, Inc. 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 Energy Wise Lighting, Inc. to waive the 12-month deadline to install three 10.0 kW solar photovoltaic (SPV) systems under Pacific Power's Oregon Solar Incentive Program by an additional three months, to February 12, 2017.

**DISCUSSION:**

Issue

Whether Energy Wise Lighting, Inc. established good cause supporting its request for 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 in PacifiCorp's Oregon Solar Incentive Program 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; and the project is installed within 12 months of its reservation start date;

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or if needed, the project receives a waiver to extend the installation deadline. See OAR 860-084-0210(1) and (2).<sup>1</sup>

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

Energy Wise Lighting, Inc. ("Energy Wise") requests a waiver under OAR 860-084-0000(3) of the 12-month installation requirement for three different 10 kW SPV projects.<sup>2</sup> PacifiCorp issued two of the capacity reservations to Bill Case and the third reservation to Mario Ortiz on November 12, 2015. Energy Wise submitted the request for waiver within the 12-month period for installation.

Energy Wise explains that the installation deadline was not met because the electricians that were originally hired to complete the SPV projects did not have time to finish on a timely basis. Energy Wise notes that the necessary permits and materials for all three projects have already been purchased and that it anticipates that all requirements for program participation will be met prior to February 12, 2017.

Staff conferred with Pacific Power regarding the status of the respective projects. Pacific Power confirmed with Staff that the projects have met the requirements to date except for a copy of the electrical inspections. When Staff contacted Energy Wise about the solar projects, Energy Wise stated that Craig Electric has been hired to complete the projects and the electrical inspections remain outstanding. Once Pacific Power receives the approved electrical inspection, Pacific Power will install the meters.

### Conclusion

To determine whether Energy Wise established "good cause" to waive the installation requirement, Staff considered the reason for the delay and the current status of the solar projects. It appears that the delay was fully not in the control of Energy Wise and that Energy Wise has already taken steps to complete the projects quickly. Further, no potential participants are impacted by the delay in installing these three projects because PacifiCorp's program has closed to new participants. If these reservations are

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<sup>1</sup> 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.

<sup>2</sup> The project numbers for the Pacific Power projects are: 6039448, 6039141, and 6039181.

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terminated, the previously-reserved 30 kW's will simply be unused capacity. Staff concludes that in light of all these circumstances, Energy Wise has established good cause for its requested waivers.

**PROPOSED COMMISSION MOTION:**

Grant Energy Wise Lighting, Inc.'s request to waive the 12-month installation requirement for the three SPV systems under Pacific Power's Solar Photovoltaic Pilot Program and extend the installation date from November 12, 2016 to February 12, 2017.

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