

ENTERED FEB 07 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC,<sup>1</sup>

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 February 7, 2017, 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:



  
**Michael Dougherty**  
Chief Operating Officer

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 PGE Tracking Nos. JFSS94, JFS101, JFSC80, JFSC84, JFSS99, JFSS88, JFSS98, JFSS97, CLCD81, CLCD82, CLCD83, CLCD84.

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ITEM NO. CA11

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT**

**PUBLIC MEETING DATE:** February 7, 2017

**REGULAR** \_\_\_\_\_ **CONSENT**   X   **EFFECTIVE DATE** February 8, 2017

**DATE:** January 20, 2017

**TO:** Public Utility Commission

**FROM:** Paul Rossow *PR*  
*IE* *Jo*

**THROUGH:** Jason Eisdorfer and John Crider

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by PGPV, LLC for waiver of the  
12-month solar photovoltaic system installation requirement pursuant to  
OAR 860-084-0210(1) and (2).

**STAFF RECOMMENDATION:**

Staff recommends the Commission approve PGPV, LLC's (PGPV) request to grant an extension of the 12-month deadline to install 12 separate 100 kW solar photovoltaic (SPV) systems under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program and extend the installation deadline to April 30, 2017, for eight of the projects and the amended installation deadline to May 31, 2017, for four of the projects and that the capacity reservation for the systems be reinstated.

**DISCUSSION:**

Issue

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

Applicable Law

Each SPV project that receives a capacity reservation in PGE's Solar Photovoltaic Pilot Program holds that reservation for a period of 12 months following the reservation start date, so long as a completed interconnection application is submitted to the utility within two months of the reservation start date; the deposit fees are paid; and the project is

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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).<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

PGPV requests a waiver under OAR 860-084-0000(3) of the 12-month installation requirement for 12 separate 100 kW SPV projects.<sup>2</sup> PGPV projects received a prior extension of its deadline under Order Nos. 16-246 and 16-246. The Order allowed PGPV's request to extend the original project installation deadline to December 23, 2016.

On December 27, 2016, PGPV filed requests for a waiver of the 12-month SPV installation requirement and extend the installation deadline to April, 30, 2017. On January 11, 2017, PGPV filed an amended request to extend the installation deadline for four of the 12 projects to May 31, 2017.<sup>3</sup>

PGPV explains that the installation deadline was not met because PGPV was informed by the Clackamas County Planning Department (CCPD) that, due to the presence of possible wetlands on the developing properties, PGPV is required to obtain letters from the Department of State Lands (DSL) stating that State removal-fill permits are not required. On October 10, 2016, PGPV received a formal letter from the DSL stating that the projects do not require a State removal-fill permit.

On October 17, 2016, PGPV was notified that the CCPD had signed off on the permits. PGPV started construction immediately; however, this caused a three-month delay in the planned start date.

On October, 31, 2016, PGPV was notified by the solar panel manufacturer that 400 kW of solar panels purchased for these projects generated electromagnetic interference with a nearby airport air traffic communications system. This was due to a

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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 PGE projects are: JFSS94, JFS101, JFSC80, JFSC84, JFSS99, JFSS88, JFSS98, JFSS97, CLCD81, CLCD82, CLCD83, and CLCD84.

<sup>3</sup> Amended extension deadline request project numbers for the PGE projects are: CLCD81, CLCD82, CLCD83, and CLCD84.

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malfunctioning internal component embedded within each panel. There has been ongoing dialogue between the panel manufacturer, the internal component manufacturer, and PGPV. On December 22, 2016, a resolution was reached concerning the affected panels that would allow the continuation of installing the solar panels.

PGPV states that the necessary permits and materials for the projects have already been acquired and the solar panel issues have been resolved.

PGPV now explains that four of the projects currently under construction are delayed due to poor weather. The requested amended installation date of May 31, 2017, for the four projects will provide enough time to complete the projects when the weather improves.

Staff conferred with PGE and PGPV regarding the status of the respective projects and both confirmed the facts that are set forth above in the Analysis part of this memorandum.

### Conclusion

To determine whether PGPV established "good cause" to waive the installation requirement, Staff considered the reasons for the delay and the current status of the solar projects. Staff concludes that the delay was fully not in the control of PGPV and that PGPV has already taken steps to complete the projects. Further, no potential participants are impacted by the delay in installing these projects because PGE's program has closed to new participants. If this reservation is terminated, the previously-reserved 10 kW will simply be unused capacity. Staff concludes that in light of all these circumstances, PGPV has established good cause for its requested waiver.

### **PROPOSED COMMISSION MOTION:**

Grant PGPV, LLC's request to waive the 12-month installation requirement for the SPV systems under PGE's Solar Photovoltaic Pilot Program and extend the installation deadline to April 30, 2017, for eight of the projects as specified in this memorandum and extend the amended installation deadline to May 31, 2017, for four of the projects as specified in this memorandum; and that the capacity reservation for the systems be reinstated.

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