

ENTERED FEB 22 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC,¹

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 February 21, 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.

¹ The Project is PGE Tracking No. 05M2J4.

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ITEM NO. CA5

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 21, 2017

REGULAR _____ CONSENT X EFFECTIVE DATE February 22, 2017

DATE: January 26, 2017

TO: Public Utility Commission

FROM: Paul Rossow *PR*
IE

THROUGH: Jason Eisdorfer and John Crider *Je*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Requests by PGPV, LLC for 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 PGPV, LLC (PGPV) to waive the 12-month deadline to install a specified 100 kW solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program and extend the installation deadline, to May 31, 2017.¹

DISCUSSION:

Issue

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

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

¹ The project number for the PGE project is: 05M2J4.

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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).²

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 a 100 kW SPV project. PGE issued a capacity reservation for this project on January 13, 2016. PGPV submitted the request for waiver within the 12-month period for installation.

PGPV explains that the installation deadline was not met because the building's construction took longer than planned. More specifically, some structural issues were encountered that required correction before the project could be installed on the roof. PGPV was given the approval to install the system mid-December 2016; however, due to poor weather, the system's installation was delayed. PGPV notes that the necessary permits and materials for the project have already been purchased and are on-site waiting to be installed during the first stretch of good weather.

Staff conferred with PGE and PGPV regarding the status of the respective project 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. It appears that the delay is not entirely within the control of PGPV. Further, no potential participants are impacted by the delay in installing this project because PGE's program has closed to new participants. If this reservation is terminated, the previously-reserved 100 kW will simply be unused capacity. Staff concludes that in light of all these circumstances, PGPV has established good cause for its requested waiver.

² 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.

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PROPOSED COMMISSION MOTION:

Grant PGPV, LLC's request to waive the 12-month installation requirement for the specified SPV system under PGE's Solar Photovoltaic Pilot Program and extend the installation deadline to May 31, 2017.

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