

ENTERED MAR 21 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

JONATHAN NAGAR,

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 March 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.

ORDER NO. 17 101

ITEM NO. CA12

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT**

**PUBLIC MEETING DATE: March 21, 2017**

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE March 22, 2017

DATE: February 27, 2017

TO: Public Utility Commission

FROM: Paul Rossow *PR*

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Jonathan Nagar 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 Jonathan Nagar (Mr. Nagar) to waive the 12-month deadline to install two specified 10 kW solar photovoltaic (SPV) system under Portland General Electric Company's (PGE) Solar Photovoltaic Pilot Program and extend the installation deadline to July 31, 2017.<sup>1</sup>

**DISCUSSION:**

Issue

Whether the Commission should approve Mr. Nagar'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; the project is

<sup>1</sup> The project numbers for the PGE projects are P395J3 and A6N0G3.

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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>2</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

On February 22, 2017, Mr. Nagar filed a request for a waiver under OAR 860-084-0000(3) of the 12-month SPV installation requirement in order to extend the installation deadline for these two projects to July 31, 2017. PGE originally issued the capacity reservations for the two projects to Mr. Nagar in May 2015. The Commission previously granted Mr. Nagar's request for waiver to extend the deadline for these two projects under Order Nos. 15-308 and 16-373. Order 16-373 granted Mr. Nagar's request to extend the project installation deadline to March 31, 2017.

Mr. Nagar explains that the installation deadline was not met because the unique solar modules (modules) chosen for each system under the recommendation of the solar contractor continue to be in short supply. According to Mr. Nagar, Solarworld, the manufacturer, is now estimating a delivery date sometime in April 2017 for the modules; however, Solarworld has extended the modules' promised delivery date several times in the past.

Staff conferred with PGE and Mr. Nagar regarding the status of the respective projects and confirmed the facts that are set forth above.

### Conclusion

To determine whether Mr. Nagar established "good cause" to waive the installation requirement, Staff considered the reasons for the delay. The most recent delay is due to Solarworld's extension of the modules' delivery date until April. Staff considers this circumstance to be beyond Mr. Nagar's control. Further, because of Solarworld's past inability to meet its promised module delivery date, Staff finds it reasonable to extend the installation deadline beyond the modules' expected April delivery date and allow Mr. Nagar's request for a waiver until July 31, 2017. Finally, Staff notes that no potential participants are impacted by the delay in installing these two projects because

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<sup>2</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.

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PGE's program has closed to new participants. If these reservations are terminated, the previously-reserved 20 kW's will simply be unused capacity.

**PROPOSED COMMISSION MOTION:**

Grant Mr. Nagar'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 until July 31, 2017.

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