

Secretary of State

NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

Diane Davis

(503) 378-4372

Rules Coordinator

Telephone

550 Capitol Street NE - Suite 215, Salem, Oregon 97301-2551

Address

RULE CAPTION

In the Matter of Housekeeping Changes to OAR 860-039-0015(2)(a).

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

860-039-0015

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority: ORS

ORS 183, 756 & 757

Other Authority:

Statutes Implemented: ORS

ORS 756.040 & 757.300

Continued on next page

Secretary of State

Continuation of ... NOTICE OF PROPOSED RULEMAKING***RULE SUMMARY**

The proposed housekeeping changes to this rule simply take information out of a table format and place it in paragraph format. Making this change will allow the information to be published in the official version of the rule on the Secretary of State's website and therefore make the information easier for the public to access.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

09/25/2008	Close of Business	Diane Davis	diane.davis@state.or.us	07/30/2008
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 923-2003

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Public Utility Commission

860

Agency and Division

Administrative Rules Chapter Number

In the Matter of Housekeeping Changes to OAR 860-039-0015(2)(a).

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

In the Matter of Housekeeping Changes to OAR 860-039-0015(2)(a).

Statutory Authority: ORS

ORS 183, 756 & 757

Other Authority:

Stats. Implemented: ORS

ORS 756.040 & 757.300

Need for the Rule(s):

The housekeeping changes are necessary to make information more readily accessible to the public.

Documents Relied Upon, and where they are available:

Chapter 860, Division 039 Administrative Rules available online at http://arcweb.sos.state.or.us/rules/OARS_800/OAR_860/860_039.html*Continued on next page*

Secretary of State

Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT

Fiscal and Economic Impact:

None, this is a formatting change to the information in the rule to make the information easier for the public to find.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None, this is a formatting change to the information in the rule.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The proposed change does not create any new fiscal or economic impact or cost of compliance for businesses; it simply reformats the information that is currently in the rule. Any small business that chooses to install, operate and maintain a net metering facility is subject to the rule; the rule excepts customer-generators that were established prior July 27, 2007, the effective date of the rule. PacifiCorp and Portland General Electric are impacted by the rule.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None, this is a formatting change to the information in the rule.

c. Equipment, supplies, labor and increased administration required for compliance:

None, this is a formatting change to the information in the rule.

How were small businesses involved in the development of this rule?

Small businesses desiring information on net metering pointed out that this information was not easy to find.

Administrative Rule Advisory Committee consulted?:

Yes No

If not, why?:

This is a formatting change to the information in the rule.

09/25/2008

Close of Business

Diane Davis

diane.davis@state.or.us

07/30/2008

Last Day (m/d/yyyy) and Time
for Public Comment

Printed Name

Email Address

Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

860-039-0015**Installation, Operation, Maintenance, and Testing of Net Metering Facilities**

(1) Except for customer-generators established as net metering customers prior to the effective date of this rule, a customer-generator of a public utility must install, operate and maintain a net metering facility in compliance with the IEEE standards.

(2) Except for customer-generators established as net metering customers prior to the effective date of this rule, a customer-generator of a public utility must install and maintain a manual disconnect switch that will disconnect the net metering facility from the public utility's system. The disconnect switch must be a lockable, load-break switch that plainly indicates whether it is in the open or closed position. The disconnect switch must be readily accessible to the public utility at all times and located within 10 feet of the public utility's meter.

(a) For customer services of 600 volts or less, a public utility may not require a disconnect switch for a net metering facility that is inverter-based with a maximum rating as shown below.

Service Type—Maximum Net Metering Facility Size (kW)

(A) Service type: 240 Volts, Single-phase, 3 Wire—**Maximum size 7.2 kW**

(B) Service type: 120/208 Volts, 3-Phase, 4 Wire—**Maximum size 10.5 kW**

(C) Service type: 120/240 Volts, 3-Phase 4 Wire—**Maximum size 12.5 kW**

(D) Service type: 277/480, 3-Phase, 4 Wire—**Maximum size 25.0 kW**

(E) For other service types, the net metering facility must not impact the customer-generator's service conductors by more than 30 amperes.

(b) The disconnect switch may be located more than 10 feet from the public utility meter if permanent instructions are posted at the meter indicating the precise location of the disconnect switch. The public utility must approve the location of the disconnect switch prior to the installation of the net metering facility.

(3) The customer-generator's electric service may be disconnected by the public utility entirely if the net metering facility must be physically disconnected for any reason.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.300

Hist: PUC 8-2007, f. & ef. 7-27-07 (Order No. 07-319)