

JOHN R. KROGER  
Attorney General



MARY H. WILLIAMS  
Deputy Attorney General

DEPARTMENT OF JUSTICE  
GENERAL COUNSEL DIVISION

June 13, 2011

Attention: Filing Center  
Public Utility Commission of Oregon  
550 Capitol Street NE, #215  
PO Box 2148  
Salem, OR 97308-2148  
[puc.filingcenter@state.or.us](mailto:puc.filingcenter@state.or.us)

Re: *In the Matter of PUBLIC UTILITY COMMISSION OF OREGON Investigation into Pilot Programs to Demonstrate the Use and Effectiveness of Volumetric Incentive Rates for Solar Photovoltaic Energy Systems.*  
PUC Docket No.: UM 1452  
DOJ File No.: 860115-GB0114-09

Enclosed are an original and one copy of Staff's Notice to Change Service List and Motion to Schedule Prehearing Conference in the above-captioned matter for filing with the PUC for today.

Sincerely,

Stephanie S. Andrus  
Senior Assistant Attorney General  
Business Activities Section

SSA:mme/#2846374  
c: UM 1452 Service List

**PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1452**

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON

MOTION TO SCHEDULE PREHEARING  
CONFERENCE

Investigation into Pilot Programs to  
Demonstrate the use and effectiveness of  
Volumetric Incentive Rates for Solar  
Photovoltaic Energy Systems.

Staff of the Public Utility Commission of Oregon (Staff) asks the Administrative Hearings Division of the Commission to schedule a pre-hearing conference in Docket No. UM 1452 for the purpose of setting a procedural schedule for additional proceedings. The additional proceedings will be divided into two tracks – one to establish the Volumetric Incentive Rate (VIR) for the October enrollment window and the second to implement Commission-ordered and other possible changes to the Solar Photovoltaic Pilot (SPV) Pilot Programs.

Staff anticipates that a significant number of stakeholders may wish to participate in any proceeding initiated to effectuate the Commission’s directives in UM 1505 and accordingly, it will be efficient and convenient to use Docket No. UM 1452 (in which many stakeholders have already intervened) to implement changes to the SPV Pilots. And, the Commission has used Docket No. UM 1452 for previous changes to the VIR.

At the prehearing conference, Staff will ask the Administrative Law Judge (ALJ) to adopt two schedules, one to establish the VIR and the other to adopt certain changes to the SPV Pilot Programs. The bi-furcation is necessary because the VIR should be established early enough to provide potential Pilot Program participants sufficient notice of what the rate will be. The Commission has stated that “ample time” is needed between the time the VIR is established and the next enrollment window.<sup>1</sup> Staff proposes a schedule that will allow the Commission to

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<sup>1</sup> Order No. 11-089 at 12.

1 establish the VIR by August 1, 2011, which is two months prior to the October 1, 2011  
2 enrollment window.

3 The second procedural track—for the investigation into how to implement changes to the  
4 SPV Pilot—must also be fast in light of the fact the next enrollment window is October 1, 2011.  
5 Staff suggests a schedule that will result in a Commission decision by early September 2011.  
6 Staff's proposed schedules for the VIR track and implementation track are attached to allow  
7 stakeholders opportunity to review prior to any prehearing conference.

8 Finally, Staff notes that it will be necessary to amend at least one administrative rule to  
9 implement the Commission-ordered changes to the SPV, and possibly more. Any proposed rule  
10 changes will have to be submitted to the Secretary of State's office for publication in the Oregon  
11 State Bulletin. Given the October 1, 2011 enrollment window, and the Secretary of State's  
12 deadline for Bulletin notices, any proposed rule modifications will likely have to be submitted to  
13 the Secretary of State on or before July 15, 2011.

14  
15 DATED this 13<sup>th</sup> day of June 2011.

16 Respectfully submitted,

17 JOHN R. KROGER  
18 Attorney General

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20 Stephanie S. Andrus, #92512  
21 Senior Assistant Attorney General  
22 Of Attorneys for Public Utility  
23 Commission of Oregon  
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**Staff's proposed administrative process for Solar Photovoltaic Pilot rulemaking and VIR**

Staff proposes two separate dockets to run simultaneously in order to satisfy the Commission directives in UM 1505 Order and to allow adequate opportunities for parties' input on different issues.

Rulemaking Docket (AR XXX) for proposed rule changes to OAR 860-084 et. seq.	Docket UM 1452 to address setting the new VIR and implementation not done by rule	
<b>Rulemaking</b>	<b>VIR (Rate Update Order)</b>	<b>VIR (Implementation and Policy Order)</b>
Workshop 6/23	Workshop 6/30	
Notice of New Rulemaking 7/15	Comments received by 7/7/11	Comments received by 7/7/11
Hearing/ Comments Deadline 8/22/11	Closing Comments 7/15/11	Closing Comments 8/22/11
Expected Commission Order 9/6/11	Expected Commission Order 8/1/11	Expected Commission Order 9/6/11

1                                **BEFORE THE PUBLIC UTILITY COMMISSION**  
2    **OF OREGON**

3    **UM 1452**

4        In the Matter of

5        PUBLIC UTILITY COMMISSION OF  
6        OREGON

NOTICE OF CHANGE TO SERVICE LIST

7        Investigation into Pilot Programs to  
8        Demonstrate the use and effectiveness of  
9        Volumetric Incentive Rates for Solar  
10       Photovoltaic Energy Systems.

11                Staff of the Public Utility Commission of Oregon ("Staff") provides notice of the  
12       following changes to the Docket No. UM 1452 service list:

13       **Remove:**

14                Theresa Gibney  
15                Public Utility Commission of Oregon  
16                PO Box 2148  
17                Salem, Oregon 97308  
18                [theresa.gibney@state.or.us](mailto:theresa.gibney@state.or.us)

19       **Add:**

20                Moshrek Sobhy  
21                Public Utility Commission of Oregon  
22                PO Box 2148  
23                Salem, Oregon 97308  
24                [moshrek.sobhy@state.or.us](mailto:moshrek.sobhy@state.or.us)

25                DATED this 13<sup>th</sup> day of June 2011.

26                                Respectfully submitted,

JOHN R. KROGER  
Attorney General



Stephanie S. Andrus, #92512  
Senior Assistant Attorney General  
Of Attorneys for Staff of the Public Utility  
Commission of Oregon

# CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of June 2011, I served the foregoing Staff's Notice to Change Service List and Motion to Schedule Prehearing Conference upon the persons named on the service list, by mailing a full, true and correct copy thereof and to such persons waiving such service by mail who were served at their e-mail address as listed on the service list.

W Randy Allphin Idaho Power Company <a href="mailto:rallphin@idahopower.com">rallphin@idahopower.com</a>	W Judy Barnes OREP <a href="mailto:jbarnes@hevanet.com">jbarnes@hevanet.com</a>	W Christa Bearry Idaho Power Company <a href="mailto:cbearry@idahopower.com">cbearry@idahopower.com</a>
W John Bishop Oregon AFL-CIO <a href="mailto:jbishop@mbjlw.com">jbishop@mbjlw.com</a>	W Rex Blackburn Idaho Power Company <a href="mailto:rblackburn@idahopower.com">rblackburn@idahopower.com</a>	W Karl Bokenkamp Idaho Power Company <a href="mailto:kbokenkamp@idahopower.com">kbokenkamp@idahopower.com</a>
W Kacia Brockman ETO <a href="mailto:kacia@energytrust.org">kacia@energytrust.org</a>	W Commissioner Jeff Cogen Multnomah County Commissioner <a href="mailto:district2@co.multnomah.or.us">district2@co.multnomah.or.us</a>	Melinda J. Davison Davison Van Cleve PC 333 SW Taylor – Ste. 400 Portland, OR 97204 <a href="mailto:mail@dvclaw.com">mail@dvclaw.com</a>
W Megan Walseth Decker RNP <a href="mailto:megan@rnp.rg">megan@rnp.rg</a>	W Rob Del Mar ODOE <a href="mailto:robert.delmar@state.or.us">robert.delmar@state.or.us</a>	W Gordon Feighner CUB <a href="mailto:gordon@oregoncub.org">gordon@oregoncub.org</a>
W Warren Fish Multnomah County <a href="mailto:warren.fish@co.multnomah.or.us">warren.fish@co.multnomah.or.us</a>	W Ryan Flynn PacifiCorp <a href="mailto:ryan.flynn@pacificorp.com">ryan.flynn@pacificorp.com</a>	W John R. Gale Idaho Power Company <a href="mailto:rgale@idahopower.com">rgale@idahopower.com</a>
J. Richard George PGE 121 SW Salmon St. 1WTC1301 Portland, OR 97204 <a href="mailto:richard.george@pgn.com">richard.george@pgn.com</a>	W Jennifer Gleason ELAW <a href="mailto:jen@elaw.org">jen@elaw.org</a>	W Melody Guy Oregon District Council of Laborers' <a href="mailto:melodyg@qwestoffice.net">melodyg@qwestoffice.net</a>
Joe Henri Sunedison 12500 Baltimore Ave. Beltsville, MD 20705	W Jenny Holmes Ecumenical Ministries of Oregon <a href="mailto:jholmes@emoregon.org">jholmes@emoregon.org</a>	W Robert Jenks CUB <a href="mailto:bob@oregoncub.org">bob@oregoncub.org</a>
W Teddy Keizer <a href="mailto:teddy@goteddygo.com">teddy@goteddygo.com</a> <a href="mailto:teddyla@aol.com">teddyla@aol.com</a>	W Raymond S. Kindley Cable Huston Benedict Haagensen & Lloyd, LLP <a href="mailto:rkindley@cablehuston.com">rkindley@cablehuston.com</a>	W Andrew Koyaanisqatsi Solar Energy Solutions, Inc. <a href="mailto:andrew@solarenergyoregon.com">andrew@solarenergyoregon.com</a>
W Jeff Malmen Idaho Power Company <a href="mailto:jmalmen@idahopower.com">jmalmen@idahopower.com</a>	W G. Catriona McCracken CUB <a href="mailto:catriona@oregoncub.org">catriona@oregoncub.org</a>	W Steven McGrath Sustainable Solutions Unlimited LLC <a href="mailto:steve@solutions21st.com">steve@solutions21st.com</a>



W Wendy McIndoo McDowell Rackner & Gibson PC <a href="mailto:wendy@mcd-law.com">wendy@mcd-law.com</a>	W Raymond P. Neff <a href="mailto:rpneff@efn.org">rpneff@efn.org</a>	W Ben Nelson Oregon District Council of Laborers <a href="mailto:nrocnelson@qwest.net">nrocnelson@qwest.net</a>
W Kathleen Newman Ecumenical Ministries of Oregon <a href="mailto:kathleenoipl@frontier.com">kathleenoipl@frontier.com</a> <a href="mailto:k.a.newman@frontier.com">k.a.newman@frontier.com</a>	W Lisa D. Nordstrom Idaho Power Company <a href="mailto:lnordstrom@idahopower.com">lnordstrom@idahopower.com</a>	W Tim O'Neil Southeast Uplift Neighborhood Coalition <a href="mailto:tim@southeastuplift.com">tim@southeastuplift.com</a>
W Oregon AFL-CIO <a href="mailto:afl-cio@orafcio.org">afl-cio@orafcio.org</a> <a href="mailto:duke@orafcio.org">duke@orafcio.org</a>	Oregon Dockets PacifiCorp, dba Pacific Power 825 NE Multnomah St., Ste. 2000 Portland, OR 97232 <a href="mailto:oregondockets@pacificcorp.com">oregondockets@pacificcorp.com</a>	W Mark Pete Pengilly <a href="mailto:mpengilly@gmail.com">mpengilly@gmail.com</a>
PGE Rates & Regulatory Affairs 121 SW Salmon St. 1WTC0702 Portland, OR 97204 <a href="mailto:pge.opuc.filings@pgn.com">pge.opuc.filings@pgn.com</a>	W Janet Prewitt DOJ <a href="mailto:janet.prewitt@doj.state.or.us">janet.prewitt@doj.state.or.us</a>	W Lisa F. Rackner McDowell Rackner & Gibson PC <a href="mailto:lisa@mcd-law.com">lisa@mcd-law.com</a>
W Gregory W. Said Idaho Power Company <a href="mailto:gsaid@idahopower.com">gsaid@idahopower.com</a>	Irion A. Sanger Davison Van Cleve 333 SW Taylor – Ste. 400 Portland, OR 97204 <a href="mailto:mail@dvclaw.com">mail@dvclaw.com</a>	W Vijay A. Satyal ODOE <a href="mailto:vijay.a.satyal@state.or.us">vijay.a.satyal@state.or.us</a>
W Moshrek Sobhy OPUC <a href="mailto:moshrek.sobhy@state.or.us">moshrek.sobhy@state.or.us</a>	W John W. Stephens Esler Stephen & Buckley <a href="mailto:stephens@eslerstephens.com">stephens@eslerstephens.com</a> <a href="mailto:mec@eslerstephens.com">mec@eslerstephens.com</a>	W Mark Stokes Idaho Power Company <a href="mailto:mstokes@idahopower.com">mstokes@idahopower.com</a>
W John M. Volkman ETO <a href="mailto:John.volkman@energitrust.org">John.volkman@energitrust.org</a>	W Daniel Weldon MBA, Leed AP <a href="mailto:danweldon@bctonline.com">danweldon@bctonline.com</a>	W Michael Youngblood Idaho Power Company <a href="mailto:myoungblood@idahopower.com">myoungblood@idahopower.com</a>

DATED: June 13, 2011

Stephanie Andrus, OSB #925123  
Senior Assistant Attorney General