

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 546

In the Matter of a Revision to
OAR 860-084-0190 to comport with
ORS 757.365.

ORDER

DISPOSITION: MODIFICATION TO RULE ADOPTED

This proceeding was convened to consider the need for clarifying changes to the existing rule regarding the Solar Photovoltaic Pilot Program – Distributing Capacity by System Size. On September 9, 2010, the Public Utility Commission of Oregon (Commission) filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. Notice was provided to all interested persons on the service lists maintained pursuant to OAR 860-001-0030(1)(b), formerly 860-011-0001, on September 9, 2010; and notice was provided to certain legislators specified in ORS 183.335(1)(d) on September 10, 2010. Notice of the rulemaking was published in the October 2010 *Oregon Bulletin*.

As stated in the notice, the proposed changes to OAR 860-084-0190 are necessary to align the rule to ORS 757.365. In particular, the targeted goal stated in the rule should be a measurement of the capacity deployed to small-scale and medium-scale solar photovoltaic energy systems, not the energy generated by only small-scale systems. The proposed changes to the rule align the rule with the statute.

As specified in the notice, the deadline for filing written comments was close of business, October 22, 2010. Idaho Power Company filed written comments stating it had no objection to the proposed modifications to the rule. No other written comments were received by the Commission. The proposed modifications to OAR 860-084-0190 should be adopted.

ORDER

IT IS ORDERED that:

- 1. The modifications to Oregon Administrative Rule 860-084-0190, as shown in Appendix A, are adopted.
- 2. The rule becomes effective upon filing with the Secretary of State.

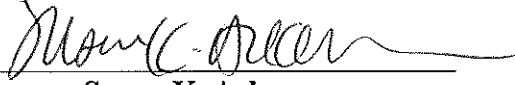
Made, entered, and effective NOV 10 2010.



Ray Baum
 Chairman



John Savage
 Commissioner



Susan K. Ackerman
 Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

860-084-0190

Distributing Capacity by System Size

(1) A solar photovoltaic system capacity is the total capacity contracted by a single retail electricity consumer.

(2) Three size classes of qualifying systems are established and defined by a range of nameplate capacity; the Commission may modify these capacity ranges.

(a) A small-scale system has a nameplate capacity of less than or equal to 10 kilowatts;

(b) A medium-scale system has a nameplate capacity greater than 10 kilowatts and less than or equal to 100 kilowatts; and

(c) A large-scale system has a nameplate capacity greater than 100 kilowatts and less than or equal to 500 kilowatts.

(3) Small-scale **and medium-scale** systems must be targeted to attain a goal of 75 percent of the ~~energy generated~~ **capacity deployed** under the solar photovoltaic pilot program.

(4) An electric company must allocate certain percentages of its pilot capacity allocation for small-scale, medium-scale, and large-scale capacity systems as directed by Commission order.

(5) An electric company with less than one megawatt of total allocation must allocate 100 percent of its solar photovoltaic capacity limit to retail electricity consumers installing small-scale systems.

Stat Auth: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10