

ORDER NO. 11 241

ENTERED JUL 05 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON STAFF

Request by Sunlight Solar Energy for
waiver of the 12 months installation
requirement and a three month extension
under OAR 860-084-0210.

ORDER

DISPOSITION: WAIVER GRANTED ON TEMPORARY BASIS

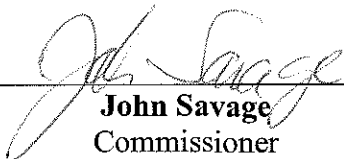
On June 9, 2011, Sunlight Solar Energy filed, on behalf of Peter Dinsdale, a request to waive the 12-month installation requirement for a nine kW Solar Photovoltaic System (SPV). Mr. Dinsdale made a capacity reservation with PacifiCorp for the proposed SPV in July 2010. Under OAR 860-084-0210(1), the installation deadline expires July 5, 2011.

At the July 5, 2011 Public Meeting, the Commission set aside Staff's recommendation to deny the waiver to allow more time to investigate the circumstances giving rise to the request. At the time the Commission made that decision, it did not know that the capacity reservation is scheduled to terminate today. Accordingly, the Commission hereby waives application of the 12-month requirement for a period not to exceed two weeks to allow time to obtain and consider any additional information.

ORDER

IT IS ORDERED that the 12-month installation requirement of OAR 860-084-0210(1), as applied to the capacity reservation subject to this request, is waived for period not to exceed two weeks.

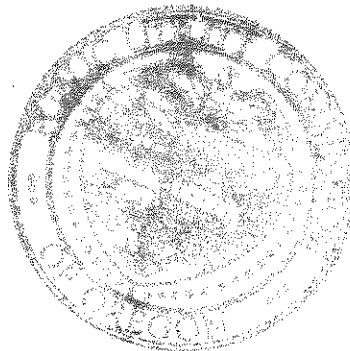
Made, entered, and effective JUL 05 2011.



John Savage
Commissioner



Susan K. Ackerman
Commissioner



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 Court of Appeals in compliance with ORS 183.480 through 183.484.

ITEM NO. 4

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 5, 2011**

REGULAR X CONSENT EFFECTIVE DATE July 5, 2011

DATE: June 27, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy *MS*

THROUGH: *li* Lee Sparling, *MG* Maury Galbraith, and *lk* Lori Koho

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Sunlight Solar Energy's waiver request from the 90 percent rolling average requirement in OAR 860-084-0100.

STAFF RECOMMENDATION:

Staff recommends the Commission grant Sunlight Solar Energy's request that PacifiCorp determine the nameplate capacity of the proposed Solar Photovoltaic System (SPV) based on usage by a similarly-situated customer consistent with OAR 860-084-0100(2)(e).¹

DISCUSSION:

Sunlight Solar Energy (Sunlight) is the installer of 9.9 kW Solar Photovoltaic System (SPV) that will serve a future residential property owned by Mr. Andy Laakman. During the April 2011 open enrollment period, Mr. Laakman made a capacity reservation for the proposed SPV with PacifiCorp. On April 11, 2011, PacifiCorp rejected Mr. Laakman's request, stating: "the usage at the premises is so low a system of any size would fail to meet the 90 percent as required by OAR 860-084-0100(2)(e)."² The proposed residence is under construction and there is no historical usage to determine the

¹ As explained in Staff's discussion, the term "waiver" does not accurately describe the issue in this request. Sunlight's interest may be granted by implementing the current rule. Accordingly, a waiver is neither needed nor appropriate.

² This statement appears in PacifiCorp's rejection notice to applicant. Staff's interpretation of this statement is that since the property is under construction, the meter is not registering enough usage to calculate 90% of actual consumption to size the system.

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nameplate capacity by the 90 percent requirement. Sunlight requests that PacifiCorp determine the consumption of Mr. Laakman's property based on usage by a similarly-situated customer. OAR 860-084-0100(2)(e) states the following:

"Capacity of qualifying systems sized to provide an estimated energy generation equal to 90 percent of the rolling average of the usage at the premises at which the qualifying system will be installed. If this average cannot be determined, the nameplate capacity can be no more than 90 percent of a rolling average of three year's usage by a similarly-situated customer, as determined by the electric company. The methodology used to calculate this energy generation will be consistent with the methodologies used by the Energy Trust of Oregon and the Oregon Department of Energy."

Sunlight submitted an estimation of the consumption at Mr. Laakman's premise using the energy analysis software and rating software used by the Energy Trust of Oregon (ETO) and the US Department of Energy (Rem/Rate) for residential applications. The model's calculations take into consideration factors such as the square footage of the house, number of bedrooms, types and number of appliances on the premise, type of construction materials used and other technical factors.

Reading the current rule in its entirety, Staff does not believe that a waiver is necessary to address Sunlight's need. In fact, Staff would be concerned that by granting a waiver of implementing the referenced rule, Sunlight may be unable to successfully install the proposed SPV under the similarly-situated customer provision. Staff acknowledges that the current rule does not specifically address installation of SPV systems to new construction.³ However, it provides authority to size the SPV systems based on usage by a similarly-situated customer. Therefore, Staff confirms that the current rule authorizes PacifiCorp to determine the nameplate capacity of the proposed SPV using the consumption of a similarly-situated customer. Staff notes that it is neither approving nor disapproving Sunlight's estimates.

Based on this information, Staff recommends that PacifiCorp determine the size of the proposed SPV based on the usage by a similarly-situated customer.

³ In Order No. 11-089, Docket No. UM 1505, the Commission directed Staff to convene public workshops to make necessary revisions to the existing rule in light of its authorized modifications to the Solar Pilot Program. Staff, the electric utilities, and other interested parties are currently discussing clarifications of the existing rule to determine capacity of the SPV systems serving new construction.

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PROPOSED COMMISSION MOTION:

Sunlight's request for waiver be denied, and PacifiCorp be directed to determine the nameplate capacity of the proposed SPV system based on usage by a similarly-situated customer as provided by OAR 860-084-0100(2)(e).

UM 1538-Sunlight-new construction