

ORDER NO. 11 262
ENTERED JUL 14 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON STAFF

Request by Joseph E. and Cynthia E.
Graziano for a waiver and five-month
extension of the installation requirement
under OAR 860-084-0210.

ORDER

DISPOSITION: WAIVER DENIED

On June 11, 2011, Joseph E. and Cynthia E. Graziano requested a waiver of the 12-month installation requirement and a five-month extension to complete the installation of a Level 1 interconnection Solar Photovoltaic System (SPV) to Portland General Electric (PGE).¹

A full description of the filing, its procedural history, and Staff's recommendation are contained in the Staff Report, attached as Appendix A and incorporated by reference.

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. Specifically, the Commission directed Staff to inform the Grazianos of the opportunity to file additional information to support the request by June 12, 2011. No additional information was submitted, and the time for doing so has expired.

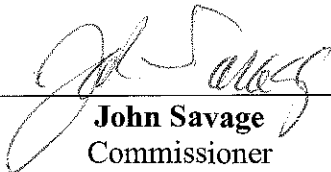
Accordingly, the Commission adopts Staff's recommendation to deny the waiver request.

¹ Level 1 is classified as small, certified inverter based systems that are rated 25 kW or less (OAR 860-084-0310).


ORDER

IT IS ORDERED that the waiver request filed by Joseph E. and Cynthia E. Graziano, is denied.

Made, entered, and effective JUL 14 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. 5

**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

THROUGH: Lee Sparling, Maury Galbraith, and Lori Koho

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Joseph E. and Cynthia E. Graziano for a waiver and five-month extension of the installation requirement under OAR 860-084-0210.

STAFF RECOMMENDATION:

Staff recommends the Commission deny the waiver and extension request by Joseph E. and Cynthia E. Graziano (Applicants).

DISCUSSION:

On June 11, 2011, the Applicants requested a waiver of the 12-month installation requirement and a five-month extension to complete the installation of a Level 1 interconnection Solar Photovoltaic System (SPV) to Portland General Electric (PGE).¹ The Applicants' waiver request letter shows that they informed Dynamic Power Innovation (DPI) on August 30, 2010, that they would not continue working with DPI to install Applicants' SPV. In their request, the Applicants state the lack of obtaining a written estimate from DPI, in addition to concerns regarding the lack of insurance and construction license to install the SPV on Applicants' concrete tile roof, as the reasons to discontinue working with DPI.

Upon review, it is evident that nearly ten months have elapsed since the time the Applicants decided to change contractors. Staff's opinion is that there has been sufficient time to hire a different licensed contractor and complete the installation during this required period. The Applicants' letter included PGE's tracking number of 6E8674

¹ Level 1 is classified as small, certified inverter based systems that are rated 25 kW or less (OAR 860-084-0310).

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but provided no other background information to support the waiver request. For example, the Applicants failed to explain why several months were needed to find and hire a new contractor. Upon inquiry by Staff, PGE reported that the capacity of the system reserved under this tracking number is 2.16 kW and that it has contacted Applicants on May 13, 2011, warning them that the 12-month installation deadline is approaching and the system needs to be installed.

OAR 860-084-0210 (1) provides that the capacity reservation for small-scale and medium-scale systems expires if a completed interconnection application is not filed within two months of the reservation start date, or if the system has not been installed within twelve months of the reservation start date. Under OAR 860-084-0000(3), the Commission may waive any of the rules contained in Division 084 for good cause.

Based on the information on file, Staff is not persuaded that the Applicants have shown good cause to grant the waiver and extension request and recommends denial.

PROPOSED COMMISSION MOTION:

Applicants' request for a waiver of the 12-month installation requirement and a five-month extension under OAR 860-084-0210 based on the Commission's authority in OAR 860-084-0000(3) be denied.

UM 1538-Gráziano