

ORDER NO. 11 263

ENTERED JUL 14 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON STAFF

ORDER

Request by ImaginEnergy for a waiver and  
three-month extension of the installation  
requirement under OAR 860-084-0210.

**DISPOSITION: WAIVER DENIED**

On June 20, 2011, ImaginEnergy, on behalf of Steven Rebeiro, requested a three-month extension of the 12-month installation requirement for an 8.8 kW Solar Photovoltaic System (SPV). Mr. Rebeiro made a capacity reservation for a small-scale system during the July 2010 open enrollment window. The installation deadline expires July 2011 under OAR 860-084-0210(1). ImaginEnergy filed its request for a waiver on June 20, 2011, stating that its client is unable to install the SPV within the 12-month requirement due to circumstances beyond the client's control.

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 ImaginEnergy 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.

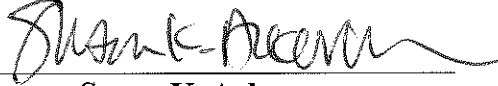
Accordingly, the Commission adopts Staff's recommendation to deny the waiver request.

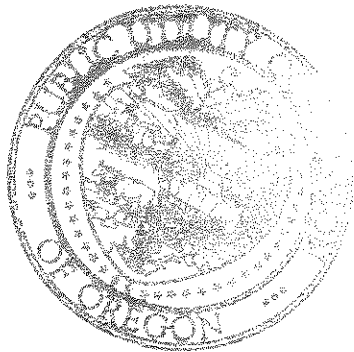
**ORDER**

IT IS ORDERED that the waiver request filed by ImaginEnergy, on behalf of Steven Rebeiro, is denied.

Made, entered, and effective JUL 14 2011.

  
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**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. 7

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

REGULAR  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 ImaginEnergy for a waiver and three-month extension of the installation requirement under OAR 860-084-0210.

**STAFF RECOMMENDATION:**

Staff recommends the Commission deny the waiver request by ImaginEnergy.

**DISCUSSION:**

ImaginEnergy, on behalf of Steven Rebeiro, is requesting a three-month extension of the 12-month installation requirement for an 8.8 kW Solar Photovoltaic System (SPV). Mr. Rebeiro made a capacity reservation for a small-scale system during the July 2010 open enrollment window. The installation deadline expires July 2011 pursuant to OAR 860-084-0210(1). ImaginEnergy filed its request for a waiver on June 20, 2011, stating that its client is unable to install the SPV within the 12-month requirement due to circumstances beyond the client's control.

According to ImaginEnergy and Mr. Rebeiro, the original contractor that had been hired to install the SPV backed away from the project after Mr. Rebeiro changed the location and design of the SPV to expedite the installation process. The original plan was to install the SPV on a very tall structure in May 2011. Financing from the Oregon Department of Energy (ODOE) was denied because ODOE required engineering plans and formal bids to construct the supporting structure. Mr. Rebeiro indicates that the engineering plans were delivered in late February 2011, and that he had obtained financial approval from Addison Avenue Credit Union. Around this time, Mr. Rebeiro decided to install a manufactured home on his property at the same original location of the SPV. The manufactured home is planned to be the residence of Mr. Robert

Docket No. UM 1538  
June 27, 2011  
Page 2

Beveridge (a retired US Navy Commander) and his spouse. As such, the plans had to be changed to install the SPV on the roof of the manufactured home. This change in plans required obtaining a permit to install the manufactured home as a prerequisite to install the SPV on the roof. Additionally, Marion County required Mr. Rebeiro to change his property address as a prerequisite to obtain the permit to install the manufactured home on his property. Mr. Rebeiro states that the processing time to obtain the manufactured home permit and the change of address requirement would not allow completing the SPV installation within the required 12-month period. Thereafter, Mr. Rebeiro decided again to change the plans and move the location of the SPV and install a simple ground mount system at the sunny location where Mr. Beveridge's garden was planned.<sup>1</sup> Following the last change, the original contractor declined to continue the project and Mr. Rebeiro hired ImaginEnergy to complete the installation.

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.

In reviewing ImaginEnergy's request, it is evident that Mr. Rebeiro took into consideration the effect of wet weather on the construction of the SPV supporting structure at the time of reserving capacity and anticipated the installation to take place in May 2011. Further, the engineering drawings were delivered to Mr. Rebeiro at least two months prior to the planned installation timeframe leaving ample time to finalize the details with the project's contractor. It is clear that the significant changes in Mr. Rebeiro's plans regarding the location and the type of the SPV as described above had a significant role in not meeting the 12-month system installation requirement. Additionally, there is no certainty about the final plans to install the system.

Therefore, Staff is not persuaded that ImaginEnergy and Mr. Rebeiro have shown good cause for the Commission to waive the 12-month installation requirement.

**PROPOSED COMMISSION MOTION:**

ImaginEnergy's request for a waiver of the 12-month installation requirement and three-month extension under OAR 860-084-0210(1) based on the Commission's authority in OAR 860-084-0000(3) be denied.

UM 1538-ImaginEnergy

<sup>1</sup> Mr. Rebeiro implies in his statement that the vegetable garden is a factor in Mr. and Mrs. Beveridge's interest in residing on this property.