

ORDER NO. 11 286

ENTERED AUG 03 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

JOSEPH COMMUNITY SOLAR, LLC's

Request for Approval of a Waiver of OAR
860-084-0210

ORDER

DISPOSITION: APPLICATION APPROVED IN PART


On July 13, 2011, Joseph Community Solar, LLC (Joseph Solar) filed a request to waive the 12-month installation requirement under OAR 860-084-0210 for a proposed 499.5 kW Solar Photovoltaic (SPV) system. Joseph Solar requests to extend the current deadline from August 19, 2011 to November 25, 2011. 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 its Public Meeting on July 26, 2011, the Commission adopted Staff's recommendation to extend the installation deadline of the proposed SPV system until October 21, 2011.


ORDER

IT IS ORDERED that Joseph Community Solar, LLC's request for waiver is allowed, and the installation deadline is extended to October 21, 2011.

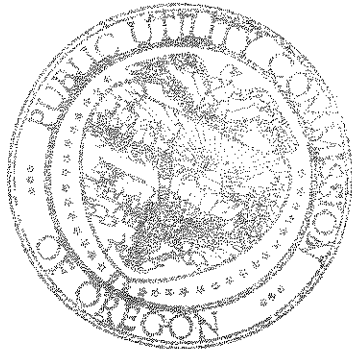
Made, entered, and effective AUG 03 2011.



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. 3

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: July 26, 2011**

REGULAR X CONSENT _____ EFFECTIVE DATE July 26, 2011

DATE: July 18, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy, *MS*

THROUGH: *in* Lee Sparling, *in FOR* Maury Galbraith, and Lori Koho *UK*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Joseph Community Solar, LLC for a waiver of the 12-month installation requirement under OAR 860-084-0210.

STAFF RECOMMENDATION:

Staff recommends the Commission grant the waiver request by Joseph Community Solar, LLC and extend the installation deadline of the proposed Solar Photovoltaic System (SPV system) until October 21, 2011.

DISCUSSION:

On July 13, 2011, Joseph Community Solar, LLC (Joseph Solar or Applicant) filed a request to waive the 12-month installation requirement under OAR 860-084-0210 for a proposed 499.5 kW SPV system. Joseph Solar requests to extend the current deadline from August 19, 2011 to November 25, 2011. Applicant reserved capacity for the proposed system with PacifiCorp, which will expire on August 22, 2011. The proposed SPV system is a large-scale system as provided by OAR 860-084-0190(2)(c):

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

On June 28, 2011, Joseph Solar obtained the necessary permit from the Wallowa County Planning Commission (WCPC) to install the proposed system. The information shows that the permit application was deemed complete on April 4, 2011. The supporting documentation indicates that the delay in obtaining the permit is partly due to two factors that are not under Applicant's control:

Docket No. UM 1538 (Joseph Solar)
June 27, 2011
Page 2

1. WCPC's determination to move the original location of the proposed SPV system into an area where it will be more visually subordinate to the area landscape. The new location lies in the Wallowa Lake Moraine, Goal 5 Protection Area, where there is a requisite for a public hearing and approval process to make decisions on permit applications.¹
2. WCPC's inability to vote to approve the permit during the May 31, 2011, meeting because a quorum was not met.

Installation of large-scale SPV systems should be completed as provided by OAR 860-084-0210(2):

"The capacity reservation for large-scale systems expires six months from the date that an interconnection application is filed or within twelve months from the reservation start date, whichever is longer, if the system has not been installed."

Applicant notes that there are challenges associated with installing a system that is on the high side of this range. Applicant indicated and PacifiCorp confirmed that it has been diligent in its management of this project. Applicant submitted the following information to demonstrate that it has been working to complete the installation prior to the expiration date:

- The lead time to obtain parts for these relatively large SPV systems is longer than it is for the smaller systems in the large-scale system class.
- The Applicant invested in ordering the parts of the system even prior to receiving the conditional use permit from WCPC.
- The large size of the SPV system has required more extensive planning, preparation and coordination work with the utility than smaller systems in the large-scale system class.
- Construction work has started at the site.

Nonetheless, Applicant is concerned that any unforeseen event such as component(s) not meeting the technical specifications, delay in delivery, or worker strike, all of which are not controlled by Applicant, would affect its ability to complete the installation of the system within the 12-month deadline. Therefore, Applicant requests a limited extension of the project installation deadline to November 25, 2011, in the event such an extension is needed.

¹ Applicant indicates that this process was not required to approve the project in the originally proposed location.

Docket No. UM 1538 (Joseph Solar)
June 27, 2011
Page 3

Based on the above information, Staff is persuaded that Applicant's actions support its commitment to install the system within the 12-month requirement and that it has shown good cause for a waiver request under OAR 860-084-0000(3), which provides:

"The Commission may waive any of the rules contained in Division 084 for good cause."

However, Applicant indicates that it may be able to complete the project installation by the original deadline and that the extension is sought primarily in the event of delay as described above. Therefore, Staff recommends the extension be limited to October 21, 2011.

PROPOSED COMMISSION MOTION:

Joseph Solar's request for waiver be granted, and the installation deadline be extended to October 21, 2011.

UM 1538-JosephSolar