

ORDER NO. 11 350

ENTERED SEP 19 2011

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1538

In the Matter of

COMMON ENERGY LLC

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

ORDER

DISPOSITION: APPLICATION APPROVED IN PART

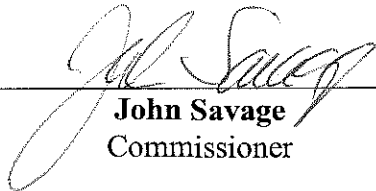
On July 5, 2011, Common Energy, LLC filed a request to waive the 12-month installation requirement under OAR 860-084-0210 for a proposed 5.9 kW Solar Photovoltaic (SPV) system. Common Energy, LLC requests to extend the current deadline from October 4, 2011 to January 4, 2012. A full description of the 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 August 23, 2011, the Commission adopted Staff's recommendation to extend the installation deadline of the proposed SPV system until November 28, 2011.

ORDER

IT IS ORDERED that Common Energy, LLC's request for waiver is allowed, and the installation deadline is extended to November 28, 2011.

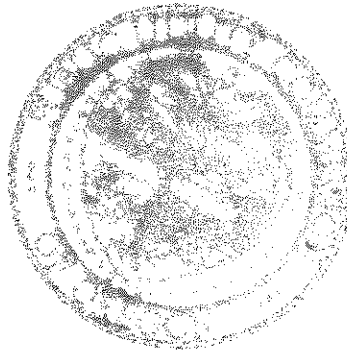
Made, entered, and effective SEP 19 2011.



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: August 23, 2011**

REGULAR CONSENT EFFECTIVE DATE August 23, 2011

DATE: August 15, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy *MS*

THROUGH: *lis* Lee Sparling, *ME* Maury Galbraith, and *LK* Lori Koho

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Common Energy 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 Common Energy and extend the installation deadline of the proposed Solar Photovoltaic System (SPV system) until November 28, 2011.

DISCUSSION:

On June 21, 2011, Common Energy filed a request to waive the 12-month installation requirement under OAR 860-084-0210 for a 5.9 kW SPV system to be installed at the residence of David and Katie Skakel (the Skakels) in Mosier, Oregon. Common Energy's capacity reservation started on October 4, 2010. The 12-month installation deadline is October 4, 2011. Common Energy requests to extend the deadline to January 4, 2012.

Upon receiving confirmation of a successful capacity reservation, the Skakels applied to refinance their mortgage loan on October 15, 2010, in order to finance the installation of the proposed SPV system. The information provided by Common Energy indicates that an error by a previous lender resulted in one of the owners whose name is on the title being missing on the loan. Consequently, the refinancing process was delayed until this issue was resolved. The Skakels' loan ultimately closed on June, 15, 2011.

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Additionally, the Skakels residence is located in the Columbia Gorge Scenic Area. This area requires a more rigorous process to obtain the required installation permit from the Wasco County Planning Department (WCPD).

Financing of the Skakels' project is contingent upon refinancing the original mortgage loan. Common Energy reported that due to the significance of the processing fee for the WCPD permit application (\$1,071), and the expenses of preparing the engineering drawings for the project, the Skakels needed certainty about securing project financing prior to submitting the WCPD permit application.

According to Common Energy, WCPD estimates approximately three months to complete the application review process due to understaffing.

Common Energy provided documentation in support of the claim that the delay in installing the Skakels' system within the 12-month installation requirement is at least partially due to loan processing delays out of the Skakels' control. Therefore, Staff agrees that Common Energy demonstrated good cause for waiver under OAR 860-084-0000(3):

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

Common Energy submitted the WCPD permit application for the Skakels' project on June 16, 2011. According to information on file, WCPD's permit processing is expected to be completed within three months from the application submittal date, i.e. September 15, 2011. Common Energy projects ten weeks to complete the installation of the system. By adding WCPD's estimated three-month permit processing period to Common Energy's proposed installation schedule, Staff recommends that the existing deadline be extended one time to November 28, 2011.

PROPOSED COMMISSION MOTION:

Common Energy's request for waiver be granted, and the installation deadline be extended to November 28, 2011.

UM 1538-Common Energy.waiver