

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

AMERISTAR SOLAR

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

ORDER

DISPOSITION: APPLICATION APPROVED

On August 3, 2011, AmeriStar Solar filed a request to waive the 12-month installation requirement under OAR 860-084-0210 for a proposed 5.6 kW Solar Photovoltaic (SPV) system. AmeriStar Solar requests to extend the current deadline from October 15, 2011 to January 15, 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 January 15, 2012.¹

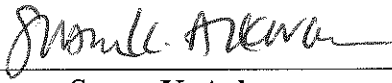
¹ The attached Staff Report contains obvious typographical errors that refer to the recommended extended deadline date as January 15, 2011 (emphasis added). The correct extended deadline is January 15, 2012 (emphasis added), 90 days after the current deadline of October 15, 2011.

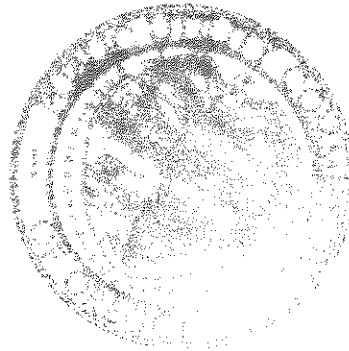
ORDER

IT IS ORDERED that AmeriStar Solar's request for waiver is allowed, and the installation deadline is extended to January 15, 2012.

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. 4

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: August 23, 2011

REGULAR X CONSENT _____ EFFECTIVE DATE August 23, 2011

DATE: August 15, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy *MS*

THROUGH: *u* Lee Sparling, *MG* Maury Galbraith, and *LK* Lori Koho

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by AmeriStar Solar 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 AmeriStar Solar (AmeriStar) and extend the installation deadline of the proposed Solar Photovoltaic System (SPV system) to January 15, 2011.

DISCUSSION:

On August 3, 2011, AmeriStar submitted a request to waive the 12-month installation requirement under OAR 860-084-0210 for a proposed 5.6 kW SPV system to serve a residential building in Washington County, Oregon. AmeriStar's installation deadline expires October 15, 2011, and requests a 90 days extension to complete the installation.

Due to back injuries to Bill Boyk, owner-operator of AmeriStar, the installation of the proposed SPV system may not be completed within the 12-month installation requirement. Mr. Boyk submitted medical reports showing that his back injury occurred in May 2011 and again in August 2011. Mr. Boyk obtained the necessary permit to install the system at the proposed site from Washington County's Department of Land Use & Transportation on April 11, 2011. Further, Mr. Boyk provided documentation of out of pocket expenses for permitting, site preparation and for ordering some parts and components of the system.

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August 15, 2011
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Because AmeriStar is a small owner-operator company, work progress has stopped due to Mr. Boyk's back injury. Mr. Boyk, however, indicated that he will resume work after he recovers from his back injury and that he is willing to hire additional workers to assist him in the project. Mr. Boyk indicated that to complete the project within the 12-month installation requirement, he would have to assign all the remaining work to hired workers. AmeriStar's budget could not afford this solution. Rather, Mr. Boyk plans on curtailing his work share in the project while assigning a portion of the work to the helping workers to avoid recurrence of his injury and to complete the installation of the project. This solution is financially feasible and affordable. However, it will require modification of the original construction schedule. Hence, the waiver and extension request.

Staff agrees that Mr. Boyk demonstrated AmeriStar's commitment to install the project and that the possibility of not meeting the installation deadline is due to factors outside of Mr. Boyk's control. Additionally, Staff believes that small businesses frequently rely on the owner-operator model and usually have limited financial resources. Further, it appears that denying the waiver request at this stage of the project could place AmeriStar in a financially difficult position.

In his request, Mr. Boyk seeks an extension of 90 days to complete the project. OAR 860-084-0000(3) provides:

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

Staff agrees that Mr. Boyk has shown good cause for waiver and extension. Staff believes that granting Mr. Boyk a 90-day extension should provide ample time to complete the project's installation. Accordingly, Staff recommends the installation deadline be extended to January 15, 2011.

PROPOSED COMMISSION MOTION:

AmeriStar's request for waiver be granted, and the installation deadline be extended to January 15, 2011.

UM 1538-AmeriStar .waiver