

ORDER NO. 111 376

ENTERED

SEP 27 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

ADVANCED ENERGY SYSTEMS,

Request for Waiver of 12-Month  
Installation Requirement  
(OAR 860-084-0210 (1))

ORDER

**DISPOSITION: APPLICATION APPROVED**

On June 10, 2011, Advanced Energy Systems filed an application with the Public Utility Commission of Oregon (Commission) under OAR 860-084-0210 (1) requesting a waiver of the 12 month installation requirement.

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 September 20, 2011, the Commission adopted Staff's recommendation to grant an extension to January 31, 2012.<sup>1</sup>


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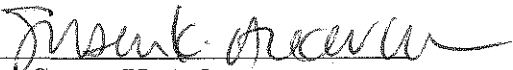
<sup>1</sup> Staff's Report contained a typographical error. The Staff Recommendation on page 1 should have stated the date of January 31, 2012, as identified in the Proposed Commission Motion on page 2.

**ORDER**

IT IS ORDERED that the Advanced Energy Systems' request for waiver of the 12-month installation requirement for the proposed Solar Photovoltaic system is approved, and the deadline is extended to January 31, 2012.

Made, entered, and effective SEP 27 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. 11

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: September 20, 2011**

REGULAR   X   CONSENT        EFFECTIVE DATE   September 20, 2011  

DATE: September 12, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy *MS*

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No.UM 1538)  
Request by Advanced Energy Systems on behalf of Ian Levin for a waiver of the 12-month solar system installation requirement pursuant to OAR 860-084-0210 (1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission grant the waiver request to Advanced Energy Systems and extend the installation deadline to December 30, 2011.

**DISCUSSION:**

On September 8, 2011, Advanced Energy Systems (AES) submitted its waiver request for a 9 kW Solar Photovoltaic (SPV) system on behalf Ian Levin (owner). Portland General Electric (PGE) awarded a capacity reservation for the proposed system during the October 2010 open enrollment window. Pursuant to OAR 860-084-0210(1), the current 12-month installation requirement expires October 1, 2011. AES is requesting a four-month extension to install the proposed SPV system.

AES summarized the factors contributing to its inability to meet the 12-month installation requirement for the proposed system as follows:

- Pioneer Trust Bank, the financial institution through which the system's owner (Ian Levin) will partially finance the installation of the proposed SPV system requires a 40 percent contribution of the total project cost by Mr. Levin to proceed with the loan.
- With a total estimated cost of \$60,000 to complete the project, the owner was able to raise \$18,000 of the required \$24,000 down payment.

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September 12, 2011  
Page 2

- With a total estimated cost of \$60,000 to complete the project, the owner was able to raise \$18,000 of the required \$24,000 down payment.
- Extended lease renewal negotiations with an existing tenant delayed the owner's ability to raise the necessary capital contribution.

On September 13, 2011, AES provided additional information demonstrating the applicant's commitment to install the proposed system by the original deadline. The supporting information included the systems' design plans. AES added that owner had to make significant upgrades in his property in order to renew the lease of the existing tenant. After successful negotiations of the lease renewal, the owner will be able to raise the remainder of the needed capital contribution for the SPV system in two months. With uncertainty about being granted the waiver and extension of the installation deadline, AES and the owner are hesitant to incur the expenses of applying for the zoning review and construction permit.

OAR 860-084-0000(3) provides:

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

Based on this information, Staff agrees that AES has demonstrated a good cause for the waiver request. Staff recommends granting the waiver and extending the installation deadline to January 31, 2012.

**PROPOSED COMMISSION MOTION:**

AES's request for waiver of the 12-month installation requirement for the proposed SPV system be granted and the deadline be extended to January 31, 2012.

UM 1538. AES&IanLevin.waiver