

ORDER NO. 11 378

ENTERED SEP 27 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

BEAVERTON SCHOOL DISTRICT,

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

ORDER

**DISPOSITION: APPLICATION APPROVED**

On August 8, 2011, Beaverton School District 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 for three Solar Photovoltaic systems.

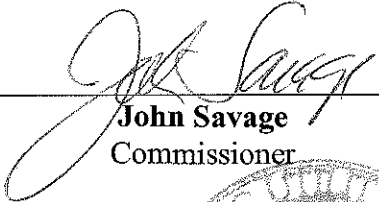
A full description of the filing, its procedural history, and Staff's recommendation are contained in the Staff Report, attached as Appendix A and incorporated by reference.

At its Public Meeting on September 20, 2011, the Commission adopted Staff's recommendation to grant an extension to November 15, 2011.

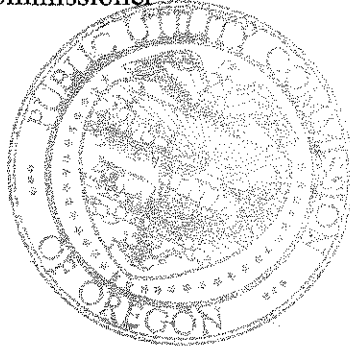
**ORDER**

IT IS ORDERED that Beaverton School District's request for waiver of the 12-month installation requirement for three Solar Photovoltaic systems is approved, and the deadline is extended to November 15, 2011.

Made, entered, and effective SEP 27 2011

  
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**John Savage**  
Commissioner

  
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**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. 2

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

REGULAR  CONSENT  EFFECTIVE DATE September 20, 2011

DATE: September 12, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy MS

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No.UM 1538)  
Request by Beaverton School District 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 Beaverton School District (Beaverton) and extend the installation deadline to November 15, 2011.

**DISCUSSION:**

Beaverton School District (BSD), Gladstone School District (GSD), Gerding Edlen Sustainable Solutions (GESS), and Kenyon Energy (collectively "the Parties") have coordinated the installation of six 99 kW Solar Photovoltaic (SPV) systems at BSD and GSD facilities under the Solar Photovoltaic Pilot Program (Pilot).

On May 27, 2011, the Commission granted GSD's waiver request and extended the 12-month installation requirements for two of the six SPV systems to October 15, 2011.<sup>1</sup> In the GSD's waiver request, the parties submitted that financing for the six systems was to be provided through a third party. The third party investor conditioned its final commitment to finance the projects on passage of HB 2563, which clarified the tax exemption treatment with respect to SPV systems financed by third parties.

The Parties initially believed that upon passage of HB 2563, they would be able to proceed with developing the necessary plans and obtaining the required permits to install all six systems by October 15, 2011.

<sup>1</sup> Order No. 11-173. The original deadline to install these systems was July 15, 2011.

Docket No. UM 1538 (Beaverton SD Waiver)  
September 12, 2011  
Page 2

However, due to staff limitations, the team responsible for preparing the design plans of the projects was unable to work on all six systems at once, and started with the GSD systems (three). After receiving necessary approval by the Washington County Planning Department (WCPD), construction work has commenced to complete the installation of the GSD systems by the October 15<sup>th</sup> deadline. As a result of developing the BSD's plans after the GSD systems, the Parties believe there is a risk of not completing the installation of the three BSD systems by the deadline.<sup>2</sup>

While the Parties are working toward meeting the current deadline, they are concerned that there may be unforeseen delays caused by the permitting process, inspection, weather or other factors not under their control. Therefore, the Parties are requesting a limited one-month extension to allow for completion of the installation in the event such factors affect their ability to complete the installation of the BSD systems by October 15, 2011.

OAR 860-084-0000(3) provides:

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

Staff notes that the original deadline for installing BSD's systems is October 15, 2011, and no prior extension was granted for these four systems. The Parties provided information demonstrating their commitment to complete the BSD systems by the original deadline and that factors not under their control could delay the systems' installation. Based on this information, Staff agrees that BSD has demonstrated good cause for the waiver request, and recommends a one-month extension for the installation of BSD's systems.

#### **PROPOSED COMMISSION MOTION:**

BSD's request for waiver of the 12-month installation requirement for the three SPV systems be granted and the deadlines be extended to November 15, 2011.

UM 1538. (Beaverton SD waiver)

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<sup>2</sup> Three 99 kW SPV systems will be installed at Springville K-8, Capital Center and Elmonica Elementary facilities.