

ORDER NO.

11 379

ENTERED

SEP 27 2011

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

BRYAN ALLAN,

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

ORDER

**DISPOSITION: APPLICATION APPROVED**

On August 25, 2011, Bryan Allan 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.

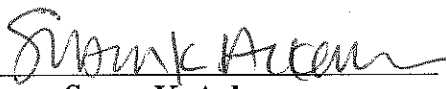
At its Public Meeting on September 20, 2011, the Commission adopted Staff's recommendation to grant an extension to November 15, 2011.

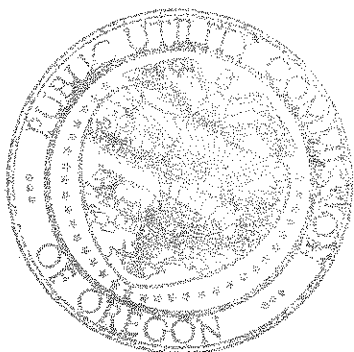
**ORDER**

IT IS ORDERED that Bryan Allan's request for waiver of the 12-month installation requirement for the kW Solar Photovoltaic system is approved, and the deadline is extended to November 15, 2011.

Made, entered, and effective SEP 27 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. 1

**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: *ME* Lee Sparling, *MS* Maury Galbraith, and *MS* Lori Koho

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

**DISCUSSION:**

Bryan Allan (Applicant) was awarded a capacity reservation for a three kW Solar Photovoltaic (SPV) system under the Solar Photovoltaic Pilot Program (Pilot) by Portland General Electric (PGE) on October 15, 2010. Upon applying for an installation permit from the City of Portland (City), Mr. Allan learned that the City would likely deny the permit because his residence is located in the Kenton Conservation District, where restricted zoning codes on installing rooftop solar panels are enforced. Mr. Allan further learned that an amendment that to exempt solar panels from the zoning code was being considered by the Portland City Council (Council) and a vote to approve it was anticipated in the near future.

Initially, it was expected that the amended code would become effective October 7, 2011, which is one week from the 12-month installation requirement. Accordingly, Applicant requested a three-month extension of the current installation deadline. In the interim, the City's Bureau of Planning and Sustainability granted Applicant's request for an emergency implementation of the amended code effective September 2, 2011.

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September 12, 2011  
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Applicant's contractor (Solar City) believes that the proposed system's installation should be completed within the 12-month installation requirement. However, Mr. Allan is concerned that there may be unforeseen delays in completing the permit process or in the City's inspection of the installed system caused by the City's shortage in staff. Therefore, Applicant modified his original request from a three-month extension to a one-month extension to accommodate the installation schedule should an unexpected delay occur.

OAR 860-084-0000(3) provides:

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

Applicant demonstrated his commitment to install the proposed SPV system. Mr. Allan has worked with Solar City since as early as November, 8, 2010, and filed an application for the necessary permit with the City of Portland. Based on this information, Staff agrees that Mr. Allan has shown good cause for the waiver and recommends extending the deadline to November 15, 2011.

**PROPOSED COMMISSION MOTION:**

Bryan Allan's request for waiver of the 12-month installation requirement for the SPV system be granted and the deadline be extended to November 15, 2011.

UM 1538. (Bryan Allan. waiver)