

ORDER NO. 11 403

ENTERED OCT 10 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

LAURELHURST DENTISTRY,

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

ORDER

DISPOSITION: APPLICATION DENIED

On September 9, 2011, Laurelhurst Dentistry filed an application with the Public Utility Commission of Oregon (Commission) under OAR 860-084-0210 (1) requesting a waiver of the 12-month solar system 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 October 4, 2011, the Commission adopted Staff's recommendation to deny the request for waiver.


ORDER

IT IS ORDERED that Laurelhurst's request for waiver of the 12-month installation requirement for the proposed Solar Photovoltaic system is denied.

Made, entered, and effective OCT 10 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. 7

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 4, 2011**

REGULAR X CONSENT _____ EFFECTIVE DATE October 4, 2011

DATE: September 27, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy *M/S*

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No.UM 1538)
Request by Laurelhurst Dentistry for a waiver of the 12-month solar system installation requirement pursuant to OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission deny the waiver request by Laurelhurst Dentistry.

DISCUSSION:

On September 9, 2011, Laurelhurst Dentistry (Laurelhurst) requested a solar waiver and a four-month extension to install a proposed 10 kW Solar Photovoltaic (SPV) system under the Solar Photovoltaic Pilot Program (Pilot). Portland General Electric awarded capacity reservation for the proposed system in October 2010. OAR 860-084-0210(1) requires that SPV systems under the Pilot be installed within 12 months of the start of the capacity reservation. Laurelhurst's 12-month installation requirement expires on October 15, 2011.

In its request Laurelhurst summarizes the factors that affected the installation of the proposed system within the 12-month installation requirement as follows:

- The location of trees on an adjacent property to the south of Laurelhurst's proposed system location.
- The development plans of the adjacent property, i.e. the height of the structures.
- Spending the capital that was designated for the proposed system's installation on other equipment integral to Laurelhurst's core business.

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Laurelhurst explains that due to the direct impact of the design of a proposed development in the adjacent property on the viability of the proposed system it decided not to incur the additional expenses of preparing the system's engineering plans and filing for the construction permit until two issues are confirmed:

- 1) If the existing trees would be removed from the adjacent property, and
- 2) The height and location of the proposed structures to be built in that property would not cause excessive shading over the system's panels.

According to Laurelhurst, this confirmation was not received until approximately two weeks before filing the waiver request.

OAR 860-084-0000(3) provides:

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

In Staff's opinion, the interference of the existing trees and the development of the adjacent property with the installation of the proposed system should have been taken into consideration when Laurelhurst decided to participate in the Pilot. Obviously, these factors have a direct impact on the location, design and the overall viability of the project. Further, Laurelhurst made a business decision to spend the capital reserved for the installation of the system on other equipment related to its core business.

While Laurelhurst believes that it has now secured funding sources to install the proposed system, Staff is not persuaded that this information supports "good cause" for a waiver and recommends denial.

PROPOSED COMMISSION MOTION:

Laurelhurst Dentistry's request for waiver of the 12-month installation requirement be denied.

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