

ORDER NO.

111 404

ENTERED

OCT 10 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

DALLA TERRA VINEYARD,

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

ORDER

DISPOSITION: APPLICATION DENIED

On September 8, 2011, Dalla Terra Vineyard 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.

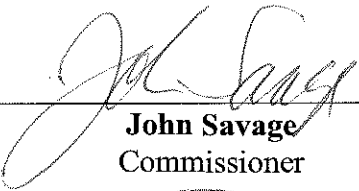
A full description of the filing, its procedural history, and Staff's recommendation are contained in the Staff Report, attached as Appendix A and incorporated by reference.

At its Public Meeting on October 4, 2011, the Commission adopted Staff's recommendation to deny the request for waiver.

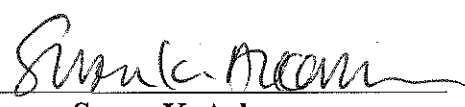
ORDER

IT IS ORDERED that Dalla Terra Vineyard'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. 9

**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 *MS*

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No.UM 1538)
Request by Dalla Terra Vineyards 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 Dalla Terra Vineyards.

DISCUSSION:

On September 8, 2011, Karl and Carole Dinger (Applicants) of Dalla Terra Vineyards (Dalla Terra) requested a four-month extension for a proposed 10 kW Solar Photovoltaic (SPV) system. Portland General Electric (PGE) awarded capacity reservation for the proposed system during the October 2010 enrollment period. Pursuant to OAR 860-084-0210(1), SPV systems under the Solar Photovoltaic Pilot Program (Pilot) must be installed within 12 months of the start of the capacity reservation date.

In their request, Applicants state that they were unable to purchase and install the system due to the economic downturn and cash flow commitment for the upcoming harvest season. Subsequently, Applicants' solar contractor, REC Solar, informed them of the opportunity to finance their project through a solar lease option.

On September 9, 2011, Staff requested the following additional information from Applicants to demonstrate "good cause" for a waiver:

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- Whether Applicants applied for the permit to install the system with the local authority with jurisdiction, e.g. the city or county government where the proposed system was to be installed.
- Whether Applicants have completed the design and engineering plans for the proposed system.
- How would the solar lease option allow the Applicants to install the system under the current economic conditions?

On September 27, 2011, Applicants provided the following information in response to Staff's questions:

- A construction permit to install the proposed system was not sought due to uncertainty about project financing. Because of Applicants' "Agricultural" status and the "ground-based" type of installation, Applicants anticipate a quick turnaround to obtain the necessary permit.
- The engineering plans for the proposed system will be finalized if and when Applicants were granted the extension.
- If granted the extension, Applicants will finance the proposed system's installation through a lease-to-own option arrangement with a third party.

OAR 860-084-0000(3) provides:

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

Based on the information provided in this application, Applicants did not demonstrate that the delay was caused by factors not under their control. In Staff's opinion, the ability and certainty to finance the installation of the proposed system should largely be known at the time of participating in the Pilot. Staff is not persuaded that this information support "good cause" for a waiver and therefore, recommends denial

PROPOSED COMMISSION MOTION:

Dalla Terra Vineyards' request for waiver of the 12-month installation requirement be denied.

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