

ORDER NO. 11 523

ENTERED DEC 20 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

TAYLOR'S SAUSAGE, INC.

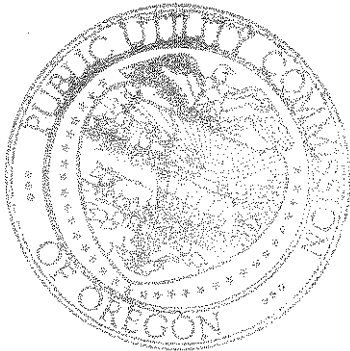
Request for Waiver of OAR 860-084-0210(1)
12-month Solar System Installation
Requirement.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on December 20, 2011, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter, attached as Appendix A.

BY THE COMMISSION:



Becky L. Beier

Becky L. Beier

Commission Secretary

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. 4B

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: December 21, 2011**

REGULAR X CONSENT _____ EFFECTIVE DATE December 21, 2011

DATE: December 13, 2011

TO: Public Utility Commission

FROM: Moshrek Sobhy *MS*

THROUGH: *hac* Bryan Conway, *MG, hyl, hyl* Maury Galbraith, and *LK* Lori Koho

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No.UM 1538)
Request by Taylor's Sausage 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 Taylor's Sausage waiver request and extend the 12-month installation requirement to February 14, 2012.

DISCUSSION:

On October 7, 2011, Taylor's Sausage (Applicant) requested a waiver of the 12-month installation requirement to install a proposed Solar Photovoltaic (SPV) system. PacifiCorp awarded the capacity reservation for the proposed system on October 6, 2010. Prior to October 6, 2011, (the installation deadline) Applicant contacted Staff and inquired about the process to seek a deadline extension. However, a waiver request was not filed with the Commission until October 7, 2011. Staff's legal counsel advised that despite the expiration of the deadline, a waiver request is still valid under OAR 860-084-0000(3), which provides:

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

Applicant provided information that it obtained a \$20,000 grant from the United States Department of Agriculture to partially finance the installation. During preliminary preparation for the project, Applicant learned that the existing roof of the building was not appropriate to install the SPV system. Accordingly, Applicant pursued the replacement of the existing roof before installing the system. In addition, the effect of the downturn in the economy on business delayed Applicant's ability to install the

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project within the original 12-month installation window. Following the initial assessment, Applicant decided that it could not afford the roof replacement after learning that the cost is substantially higher than originally estimated. Subsequently, Applicant elected to reinforce the existing roof so that the building will structurally support the SPV system. Applicant provided copies of required permits to install the system and estimated completion dates of the construction work. Accordingly, Applicant determined that the installation of the SPV will be completed on or before February 14, 2012.

Applicant's receipt of the USDA grant to partially finance the installation of the project demonstrates that Applicant has been actively pursuing and was successful to secure funding sources necessary to install the system. Additionally, Applicant's determination to either replace or reinforce the existing roof so it can structurally support the installation of the system further demonstrates Applicant's commitment to install the system.

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, Staff finds that Applicant demonstrated "good cause" for a waiver. Staff recommends that the Commission grant a waiver and extend the installation deadline to February 14, 2012, on a one-time basis.

PROPOSED COMMISSION MOTION:

Taylor's Sausage request for waiver of the 12-month installation requirement be granted and the installation deadline be extended to February 14, 2012.

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