

ORDER NO. 11 524

ENTERED DEC 20 2011

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

LANGE WINERY, LLC.

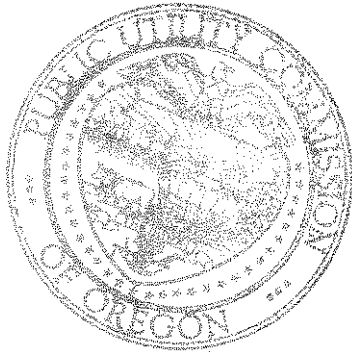
Request for Waiver of OAR 860-084-0210(1)
12-month Solar System Installation
Requirement.

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. 4A

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: *BAC* Bryan Conway, *MG* Maury Galbraith, and *LK* Lori Koho

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No.UM 1538)
Request by Lange Winery 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 Lange Winery.

DISCUSSION:

On October 12, 2011, Lange Winery (Applicant) requested waiver of the 12-month solar system installation requirement pursuant to OAR 860-084-0210(1). Lange Winery's capacity reservation started on October 15, 2010. Lange Winery states the primary reason for requesting the extension is due to its decision to change the initial solar contractor.

On November 16, 2011, Staff requested additional information from Applicant to determine whether "good cause" has been established. OAR 860-084-0000(3) provides:

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

In general, Staff considers activities such as development of system plans, beginning of construction, partial or total purchase of the system parts, applying or obtaining required construction and zoning permits (when applicable), and/or securing financing, to be indicative of Applicant's commitments to install their solar systems. In Staff's opinion, a partial or full demonstration of these activities is necessary to support "good cause" for a waiver.

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In this case, Applicant did not provide any information about the activities listed above. Staff concludes that "good cause" for Applicant's waiver request has not been established. Accordingly, Staff recommends denial of the waiver request.

PROPOSED COMMISSION MOTION:

Lange Winery's request for waiver of the 12-month installation requirement be denied.

UM 1538. (Lange Winery)