

ORDER NO. 12 045
ENTERED FEB 14 2012

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 562

In the Matter of Corrections to
OAR 860-039-0005.

ORDER

DISPOSITION: MODIFICATIONS TO RULE ADOPTED

This proceeding was convened to correct a scrivener error in rules recently adopted. The Public Utility Commission of Oregon (Commission) adopted changes to the definitions found in OAR 860-039-0005 by Order No. 11-338 (Docket AR 548). The rule changes adopted in AR 548 were filed with the Secretary of State and became effective on September 7, 2011. On September 8, 2011, the Commission adopted general waiver provisions to nearly all divisions of its rules by Order No. 11-346 (Docket AR 554). When the proposed rules for AR 554 were drafted, the changes to OAR 860-039-0005 had not yet been adopted and were not reflected in the proposed rules. When the Commission adopted the AR 554 changes, due to a scrivener error, it failed to capture in the adopted rule language the definition changes adopted on the previous day in AR 548. This rulemaking proposed to reinstate the changes to the definitions that were previously adopted by the Commission in AR 548 but inadvertently removed by the subsequent adoption of changes in AR 554.

On November 18, 2011, the Public Utility Commission of Oregon filed a Notice of Proposed Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. On that same day notice was provided to all interested persons on the service lists maintained pursuant to OAR 860-001-0030(1)(b) and to certain legislators specified in ORS 183.335(1)(d). Notice of the rulemaking was published in the January 2012 *Oregon Bulletin*.

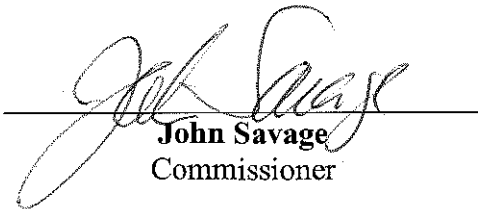
As specified in the notice, the deadline for filing written comments was close of business, January 23, 2012. Portland General Electric Company and the Citizens' Utility Board of Oregon filed written comments supporting the proposed correcting modifications to the rule. No other written comments were received by the Commission. The proposed modifications to OAR 860-039-0005 should be adopted.

ORDER

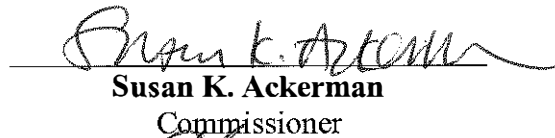
IT IS ORDERED that:

1. The modifications to Oregon Administrative Rule 860-039-0005, as shown in Appendix A, are adopted.
2. The rule becomes effective upon filing with the Secretary of State.

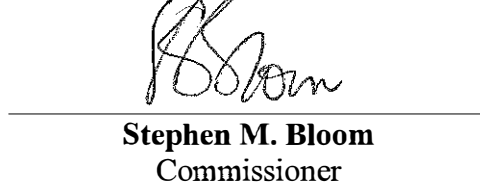
Made, entered, and effective FEB 14 2012.



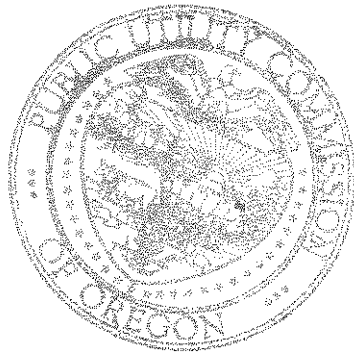
John Savage
Commissioner



Susan K. Ackerman
Commissioner



Stephen M. Bloom
Commissioner



A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

860-039-0005**Scope and Applicability of Net Metering Facility Rules**

(1) OAR 860-039-0010 through 860-039-0080 (the "net metering rules") establish rules governing net metering facilities interconnecting to a public utility as required under ORS 757.300. Net metering is available to a customer-generator only as provided in these rules. These rules do not apply to a public utility that meets the requirements of ORS 757.300(9).

(2) Upon request or its own motion, the Commission may waive any of the Division 039 rule for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

(a) A public utility and net metering applicant may mutually agree to reasonable extensions to the required times for notices and submissions of information set forth in these rules for the purpose of allowing efficient and complete review of a net metering application.

(b) If a public utility unilaterally seeks waiver of the timelines set forth in these rules, the Commission must consider the number of pending applications for interconnection review and the type of applications, including review level and facility size.

(3) As used in OAR 860-039-0010 through 860-039-0080:

(a) "ANSI C12.1 standards" means the standards prescribed by the 2001 edition of the American National Standards Institute, Committee C12.1 (ANSI C12.1), entitled "American National Standard for Electric Meters - Code for Electricity Metering," approved by the C12.1 Accredited Standard Committee on July 9, 2001.

(b) "Applicant" means a person who has filed an application to interconnect a net metering facility to an electric distribution system.

(c) "Area network" means a type of electric distribution system served by multiple transformers interconnected in an electrical network circuit in order to provide high reliability of service. This term has the same meaning as the term "secondary grid network" as defined in IEEE standard 1547 Section 4.1.4 (published July 2003).

(d) "Contiguous" means a single area of land that is considered to be contiguous even if there is an intervening public or railroad right of way, provided that rights of way land on which municipal infrastructure facilities exist (such as street lighting, sewerage transmission, and roadway controls) are not considered contiguous.

(de) "Customer-generator" means ~~a customer-generator as defined in ORS 757.300(1)(a)~~ the person who is the user of a net metering facility and who has applied for and been accepted to receive electricity service at a premises from the serving public utility.

(ef) "Electric distribution system" means that portion of an electric system which delivers electricity from transformation points on the transmission system to points of connection at a customer's premises.

(fg) "Equipment package" means a group of components connecting an electric generator with an electric distribution system, and includes all interface equipment including switchgear, inverters, or other interface devices. An equipment package may include an integrated generator or electric production source.

(gh) "Fault current" means electrical current that flows through a circuit and is produced by an electrical fault, such as to ground, double-phase to ground, three-phase to ground, phase-to-phase, and three-phase.

(hi) "Generation capacity" means the nameplate capacity of the power generating device(s). Generation capacity does not include the effects caused by inefficiencies of power conversion or plant parasitic loads.

(ij) "Good utility practice" means a practice, method, policy, or action engaged in or accepted by a significant portion of the electric industry in a region, which a reasonable utility official would expect, in light of the facts reasonably discernable at the time, to accomplish the desired result reliably, safely and expeditiously.

(jk) "IEEE standards" means the standards published in the 2003 edition of the Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, entitled "Interconnecting Distributed Resources with Electric Power Systems," approved by the IEEE SA Standards Board on June 12, 2003, and in the 2005 edition of the IEEE Standard 1547.1, entitled "IEEE Standard Conformance Test Procedures for Equipment Interconnecting Distributed Resources with Electric Power Systems," approved by the IEEE SA Standards Board on June 9, 2005.

(kl) "Impact study" means an engineering analysis of the probable impact of a net metering facility on the safety and reliability of the public utility's electric distribution system.

(lm) "Interconnection agreement" means an agreement between a customer-generator and a public utility, which governs the connection of the net metering facility to the electric distribution system, as well as the ongoing operation of the net metering facility after it is connected to the system. An interconnection agreement will follow the standard form agreement developed by the public utility and filed with the Commission.

(mn) "Interconnection facilities study" means a study conducted by a utility for the customer-generator that determines the additional or upgraded distribution system facilities, the cost of those facilities, and the time schedule required to interconnect the net metering facility to the utility's distribution system.

(no) "Net metering facility" means a net metering facility as defined in ORS 757.300(1)(d).

(op) "Non-residential customer" means a retail electricity consumer that is not a residential customer, except "non-residential customer" does not include a customer who would be a residential customer but for the residency provisions of subsection (r) of this rule.

(pq) "Point of common coupling" means the point beyond the customer-generator's meter where the customer-generator facility connects with the electric distribution system.

(qr) "Public utility" has the meaning set forth in ORS 757.005 and is limited to a public utility that provides electric service.

(rs) "Residential customer" means a retail electricity consumer that resides at a dwelling primarily used for residential purposes. "Residential customer" does not include retail electricity customers in a dwelling typically used for residency periods of less than 30 days, including hotels, motels, camps, lodges, and clubs. "Dwelling" includes, but is

not limited to, single-family dwellings, separately-metered apartments, adult foster homes, manufactured dwellings, and floating homes.

(**st**) "Spot network" means a type of electric distribution system that uses two or more inter-tied transformers protected by network protectors to supply an electrical network circuit. A spot network may be used to supply power to a single customer or a small group of customers.

(**tu**) "Written notice" means a required notice sent by the utility via electronic mail if the customer-generator has provided an electronic mail address. If the customer-generator has not provided an electronic mail address, or has requested in writing to be notified by United States mail, or if the utility elects to provide notice by United States mail, then written notices from the utility shall be sent via First Class United States mail. The utility shall be deemed to have fulfilled its duty to respond under these rules on the day it sends the customer-generator notice via electronic mail or deposits such notice in First Class mail. The customer-generator shall be responsible for informing the utility of any changes to its notification address.

Stat. Auth.: ORS 183, 756 & 757

Stats. Implemented: ORS 756.040, 757.300

Hist.: PUC 8-2007, f. & ef. 7-27-07 (Order No. 07-319); PUC 5-2011, f. & ef. 9-7-11 (Order No. 11-338); PUC 6-2011, f. & cert. ef. 9-14-11 (Order No. 11-346)