

ORDER NO. 12 129

ENTERED APR 10 2012

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

CHRISTENSON ELECTRIC on behalf of  
PONZI VINEYARDS,

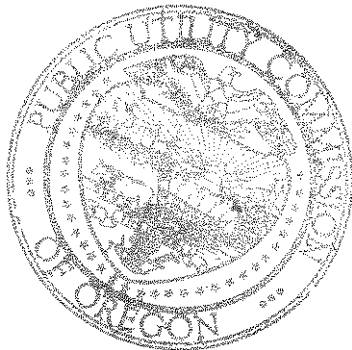
Request for Waiver of the 12-month Solar  
Photovoltaic System Installation Requirement  
under OAR 860-084-0210(1).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Public Meeting on April 10, 2012, 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. 2

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 10, 2012**

REGULAR  X  CONSENT \_\_\_\_\_ EFFECTIVE DATE  April 10, 2012

DATE: April 2, 2012

TO: Public Utility Commission

FROM: Moshrek Sobhy *MS*  
*ABC*

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

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Christenson Electric on behalf of Ponzi Vineyards for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission grant the Christenson Electric and Ponzi Vineyards waiver request and extend the 12-month installation requirement to May 12, 2012.

**DISCUSSION:**

Portland General Electric (PGE) awarded Ponzi Vineyards (Ponzi) a capacity reservation during the April 2011 enrollment period to install a 10 kW Solar Photovoltaic (SPV) system. Christenson Electric (Christenson) is requesting a waiver of the 12-month installation requirement for the proposed SPV system on behalf of its client Ponzi and to extend the installation deadline from April 12, 2012, to May 12, 2012.

Christenson states that while it is endeavoring to complete the installation of its client's system within the existing deadline, a limited one-time extension for 30 days is prudent. This extension will be helpful in the event of delays due to the building and permitting process in Washington County or inclement weather conditions. Also, Christenson states that Ponzi was interested in installing a larger system in the event the results of the Business Energy Tax Credit (BETC) rulemaking process were favorable, which contributed to the delay. Additionally, longer-than-anticipated discussions regarding the system design took place within Ponzi's management. These system design discussions were due to the importance of the aesthetics of the building to the Ponzi brand. Nonetheless, the system's final design plans are completed.

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In support of the request, Christenson provided documentation showing the following work was completed:

- Interconnection application with PGE
- System Design
- Structural engineering review
- Building and electrical permit applications

OAR 860-084-0000(3) provides:

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

Staff does not consider a delay caused by Ponzi's desire to consider the installation of a larger system under BETC as “good cause” for a waiver. PGE awarded the capacity reservation based on Ponzi's application. Staff is unaware of a process under the current rule that allows increasing the original size of the system after the capacity reservation had been awarded. Nevertheless, Christenson ascertained Ponzi's commitment to install the system within the existing deadline, which is demonstrated by the activities Ponzi took to install the system. Furthermore, the other reasons for the waiver request such as the possible impact of inclement weather and the Washington County permitting process on the system installation are acceptable.

Based on the information presented by Christenson, Staff agrees that unforeseen delays as discussed previously constitute “good cause” for the waiver. Therefore, Staff recommends that the Commission grant the waiver and extend the installation deadline to May 12, 2012, on a one-time only basis.

#### **PROPOSED COMMISSION MOTION:**

Christenson's request for waiver of the 12-month installation requirement be granted and the installation deadline be extended to May 12, 2012.

UM 1538.Christenson Elec. (Ponzi)