

ORDER NO. 13 226

ENTERED JUN 18 2013

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

SOLITAS ENERGY LLC, dba
CROOK COUNTY SOLAR 1 LLC,

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 June 18, 2013, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is 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.

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ITEM NO. CA3

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: June 18, 2013

REGULAR _____ CONSENT X EFFECTIVE DATE June 18, 2013

DATE: May 23, 2013

TO: Public Utility Commission

FROM: John Crider *Jc*

THROUGH: Jason Eisdorfer, Maury Galbraith and Aster Adams *ME aa*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Solitas Energy LLC, d/b/a/ Crook County Solar 1, LLC, for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends that the Commission grant the waiver request to Crook County Solar 1 to extend the capacity reservation through September 6, 2013 as requested.

DISCUSSION:

Crook County Solar 1 LLC (CC Solar 1) was awarded a 500kW capacity reservation on April 6, 2012, under Pacific Power's Oregon Solar Incentive Program (OSIP). The 500kW (AC) Solar Electric Generating facility (the "facility") is located in Crook County, Oregon.

On February 27, 2013, the US Fish and Wildlife Service (USFWS) notified CC Solar 1 that the facility was located near a productive golden eagle nest in the Dry River golden eagle territory. To minimize potential impacts on the golden eagle pair, the USFWS has requested that construction of the facility be delayed until July – a time that is outside the critical nesting period.

CC Solar 1 has expended a considerable amount of time and placed a substantial amount of capital at-risk to complete the facility. The delivery of equipment was scheduled to begin on May 21, 2013 and construction was scheduled to begin on May 28, 2013. To avoid the critical nesting period, construction will be rescheduled to begin on July 8, 2013.

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Staff has received verification from the U.S. Fish and Wildlife Service (Bend Field Office) regarding the golden eagle nesting site located 0.6 miles from the proposed facility. USFWS expert staff recommend a two month delay in the construction schedule to avoid any disturbance to the nesting site during the breeding season. A capacity reservation expiration date of September 6, 2013 should provide parties enough time to complete the project without impeding on the golden eagle nesting area.

PROPOSED COMMISSION MOTION:

Solitas Energy, LLC, d/b/a/ Crook County Solar 1, LLC's request for waiver of the 12-month installation requirement for the customer solar photovoltaic system be granted and the deadline extended to September 6, 2013.