

ORDER NO. 13 227

ENTERED JUN 18 2013

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

SOLARCITY CORPORATION,

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.

ORDER NO. 13 227

ITEM NO. CA2

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 SolarCity on behalf of customers Rebecca Fong, John Keiter, and Gary Davis, 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 SolarCity on behalf of the named customers and extend the installation deadline to December 1, 2013.

DISCUSSION:

The three projects are 10KW systems located on private residences. The projects were awarded capacity reservations through Portland General Electric's (PGE) Solar Payment Option on April 18, 2012. During the permitting process following the award, it was discovered by SolarCity, the contractor for the three projects, that a special permit was required because the three homes are located within the Columbia River National Gorge Scenic Area. Neither SolarCity nor the homeowners were aware of the necessity for a review by the National Scenic Area (NSA) commission prior to this time.

Staff contacted all parties, including the Forest Service Columbia River Gorge National Scenic Area staff and Multnomah County planning and land use staff. Staff discovered that Multnomah County manages the permit application, and once the permit is filed with the county, it is then reviewed by concerned parties and finally approved by the NSA commission.

According to SolarCity, the necessary permit application paperwork was submitted to Multnomah County in November, 2012. However, according to Multnomah County

Docket No, UM 1538 (SolarCity Solar waiver)
May 23, 2013
Page 2

planning department in a conversation with George Plummer on May 2, 2013, the planning department was still awaiting additional information from the contractor before proceeding with the permit process. Staff believes there was missed communication between the county and the contractor on this topic and has made the contractor aware of the situation.

The Multnomah County planning department estimates a 4 month process to acquire final approval from the NSA commission once the permit application is complete at the county and any additional information has been supplied by SolarCity.

Staff is of the opinion that the delay in the process between November, 2012 and April, 2013 was due to a miscommunication regarding the necessary procedural steps between the county and the contractor. Although this delay might have been avoided, it does not appear to be due to negligence but instead is a result of a situation previously not encountered by the contractor. Therefore, Staff believes an extension long enough to allow for the NSA commission approval is reasonable.

PROPOSED COMMISSION MOTION:

SolarCity's request for waiver of the 12-month installation requirement for the three customer solar photovoltaic systems be granted and the deadline extended to December 1, 2013.