

ORDER NO. 13 442

ENTERED NOV 26 2013

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC,

Request for Waiver of the 12-month Solar
Photovoltaic System Installation Requirement
under OAR 860-084-0210(1) for the 300kW
Confederated Tribes of Warm Springs Project.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on November 26, 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. CA10

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT**

PUBLIC MEETING DATE: November 26, 2013

REGULAR _____ CONSENT X EFFECTIVE DATE November 27, 2013

DATE: November 18, 2013

TO: Public Utility Commission

FROM: Adam Bless *AB*

THROUGH: Jason Eisdorfer, Maury Galbraith, and Aster Adams *MAG* *JA*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by PGPV LLC for a waiver of the 12-month solar photovoltaic system installation requirement for its 300 kW Confederated Tribes of the Warm Springs Project, pursuant to OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the request by PGPV LLC (PGPV) to extend, for its Warm Springs project, the 12-month deadline to install a solar photovoltaic system (SPV) under the PacifiCorp Solar Incentive Program by three months, to January 12, 2014.

DISCUSSION:

On November 12, 2013, PGPV requested a waiver of the 12-month deadline for installation of a SPV system for its Warm Springs project under the PacifiCorp Solar Incentive Program. The current deadline is October 12, 2013. PGPV requests an extension of three months, to January 12, 2014. PGPV submitted its request after its current deadline had passed, but Staff recommends approval based on our review of the facts regarding this project.

The project is a 300 kW SPV installation in Warm Springs, OR. PGPV is developing the project for the Confederated Tribes of Warm Springs (Tribes). In its waiver request, PGPV cites difficulties with financing, contract negotiation with the Tribes, and equipment delivery as the major reasons for the delay in completing the project. In particular, PGPV explained that they needed to work with multiple tribal committees before agreeing on a contract.

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PGPV is simultaneously developing three other SPV projects, each of which is the subject of a separate waiver request. The combined cost the four projects made financing difficult, and led PGPV to seek financing from a larger bank. PGPV also cited delays in delivery of the trackers for this installation.

PGPV states that it now has a signed contract with the Tribes, which has been approved by the Bureau of Indian Affairs. To demonstrate that it now has adequate financing, PGPV provided a letter from OnePacific Bank, noting that the size and scope of PGPV's portfolio of projects required a significant amount of time to complete the financing transaction, and confirming that PGPV has loan facilities in place with the bank. PGPV states that as of November 12, 2013, the foundation pipes have been driven into the ground and the trackers have been assembled and attached to the foundations. The solar modules and inverters have been procured and delivered. PGPV states that it has spent over \$450,000 on this project, representing about 70 percent of the project's final cost. The remaining work to be done consists of installing the solar modules and completing the electrical work. PGPV states that it can complete this work by its requested date of January 12, 2014.

I consulted with PacifiCorp regarding the status of the interconnection plan. PacifiCorp confirmed that it has received and approved the three 100 kW interconnection applications for Warm Springs Reservation.

Conclusion

I am persuaded that the challenges of contracting with the Tribes and the financing difficulties because of the size and scope of PGPV's projects are good cause to support a waiver. I am also persuaded by the large investment PGPV has made, the amount of work already done, and the fact that major delays with this project appear to be resolved. I believe PGPV has made a reasonable case that it can complete the project by its requested deadline. I recommend approval of the waiver as requested.

PROPOSED COMMISSION MOTION:

PGPV's request for waiver of the 12-month installation requirement for its 300 kW SPV system at Warm Springs under PacifiCorp's Solar Incentive Program be granted and the deadline extended to January 12, 2014.