

ORDER NO. 13 443

ENTERED NOV 26 2013

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC,

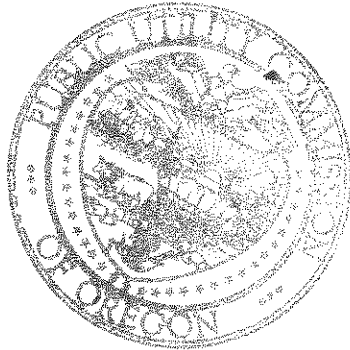
Request for Waiver of the 12-month Solar  
Photovoltaic System Installation Requirement  
under OAR 860-084-0210(1) for the 100 kW  
Modoc Project.

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. CA11

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 *AK*

THROUGH: Jason Eisdorfer, Maury Galbraith, and Aster Adams *JE* *AK* *MG* *aa*

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 100 kW Modoc Project, pursuant to OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends that the Commission grant the request by PGPV LLC (PGPV) to extend the 12-month deadline to install a solar photovoltaic system (SPV) for its 100 kilowatt (kW) Modoc project 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 solar photovoltaic system (SPV) under the PacifiCorp Solar Incentive Program for its Modoc project. 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 100 kW SPV installation near Chiloquin, OR.<sup>1</sup> In its waiver request, PGPV cites difficulties with financing and equipment delivery as the major reasons for the delay in completing the project. PGPV is simultaneously requesting waivers for three other SPV projects, with a combined capacity of more than 500 kW. The combined cost of these and other SPV projects was too great for PGPV's former lender, forcing PGPV to seek financing from a larger bank. PGPV also experienced delays in

<sup>1</sup> PGPV simultaneously submitted a waiver request for its 100 kW Highway 97 project, also located near Chiloquin, OR. Although the two projects are similar, Staff treated them as separate waiver requests.

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delivery of tracking equipment. PGPV cites these financing and delivery delays as evidence of good cause for the waiver.

PGPV states that it now has secured all required financing, and 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, it has spent over \$145,000 on this project, representing about 70 percent of the project's final cost. In its waiver request, PGPV described its schedule for the remaining work, which it estimates will take approximately 5 weeks. PGPV states that it can complete this work by its requested date of January 12, 2014.

Conclusion

I am persuaded that the challenge of obtaining financing for this large amount of SPV capacity is good cause for a delay of three months. I also consulted with the Oregon Department of Energy, which confirmed that PGPV is an experienced third party solar provider with a significant impact on the development of solar projects in Oregon. 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 a waiver of the 12-month installation requirement for the SPV system under PacifiCorp's Solar Incentive Program be granted for the Modoc Project, and the deadline be extended to January 12, 2014.

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