

ORDER NO. 14 109

ENTERED APR 01 2014

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of  
  
KENNETH HAYES,  
  
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 1, 2014, 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. CA5

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT**

**PUBLIC MEETING DATE: April 1, 2014**

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE April 1, 2014

DATE: March 21, 2014

TO: Public Utility Commission

FROM: Adam Bless

*AB*  
*J* *A G M K* *AA*

THROUGH: Jason Eisdorfer, Maury Galbraith and Aster Adams

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Andrew Koyaanisqatsi and Kenneth Hayes for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

I recommend the Commission grant the request by Andrew Koyaanisqatsi to extend the deadline to install a solar photovoltaic system (SPV) at the Kenneth Hayes property under the Portland General Electric (PGE) Solar Incentive Program by two months, to June 15, 2014.

**DISCUSSION:**

**Issue**

On March 7, 2014, Andrew Koyaanisqatsi requested a waiver of the deadline for installation of a solar photovoltaic system (SPV) under the PGE Solar Incentive Program. Mr. Koyaanisqatsi is the contractor installing the project on behalf of Kenneth Hayes. The project was originally enrolled in the program in October 2012, with an installation deadline of October 15, 2013. In October 2013, the Commission granted an extension to April 15, 2014. Mr. Koyaanisqatsi now requests an additional two months, which would make the new deadline June 15, 2014.

**Rule**

The applicable rule is OAR 860-084-0210(1), which states that a capacity reservation expires if the system has not been installed within 12 months of the reservation start date, unless a waiver is granted under OAR 860-084-0000(3). The evaluation criteria

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set forth in OAR 860-084-0000(3) for waiver of Division 84 rules is "good cause" shown. The Commission has discretion to determine what constitutes "good cause."

**Analysis**

In this case, Mr. Koyaanisqatsi's waiver request indicates that he made a reasonable effort to complete the project on time. Installation was proceeding according to schedule until January 2014, when there was a misunderstanding between Mr. Koyaanisqatsi and PGE regarding the need to run a new service line from the transformer. PGE and Mr. Koyaanisqatsi have resolved the issue, but the solution they arrived at requires new parts that will not be delivered until late March 2014; too late to meet current deadline. Mr. Koyaanisqatsi has allowed for time for final inspections by the PGE and Washington County, and requests a new deadline of mid-June.

**Conclusion and Recommendation**

The progress on the project up until January, the unexpected issue regarding the service line from the transformer to the customer's service, and the work done by Mr. Koyaanisqatsi and PGE to resolve the service issues, constitute good cause. I recommend granting the new deadline of June 15, 2014.

**PROPOSED COMMISSION MOTION:**

The request by Andrew Koyaanisqatsi and Kenneth Hayes to waive the 12-month installation requirement for the SPV system under PGE's Solar Incentive Program be granted and the deadline extended to June 15, 2014.