

ORDER NO. 14 110

ENTERED APR 01 2014

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of  
  
DYNAMIC POWER INNOVATION,  
  
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*  
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**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. CA6

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: April 1, 2014

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

DATE: March 21, 2014

TO: Public Utility Commission

FROM: Adam Bless *AB*

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Dynamic Power Innovation 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 Dynamic Power Innovation to extend the deadline to install a solar photovoltaic system (SPV) under the Portland General Electric (PGE) Solar Incentive Program by one month, to May 14, 2014.

**DISCUSSION:**

**Issue**

Dynamic Power Innovation (DPI) requests a waiver of the deadline for installation of a solar photovoltaic system (SPV) under the PGE Solar Incentive Program on behalf of its client, Woodburn Fast Service, Inc. The project was enrolled in the program in April 2013, with an installation deadline of April 14, 2014. DPI requests one additional month, which would make the new deadline May 14, 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 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."

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**Analysis**

In this case, the applicant is a gas station. The SPV installation is part of a larger reconstruction of the entire station, timed to coincide with construction of a new highway overpass. Delays in construction of the overpass delayed progress on the SPV installation. DPI has acquired and paid for the required engineering, submitted the required interconnection agreement to PGE, and applied for all of the required local building and electrical permits. DPI has secured the solar panels and inverters and ordered parts for the racking. Delays in delivery of the racking have delayed the final project installation schedule. DPI states that they may still meet their original deadline, but requests an additional 30 days to make sure.

**Conclusion and Recommendation**

The project is very nearly complete, and the delays in highway construction and parts delivery are outside the applicant's control. DPI is requesting only a short extension and appears very likely to complete the project by the new deadline. These facts constitute good cause for a waiver of the rule. I recommend granting the new date of May 14, 2014, as requested.

**PROPOSED COMMISSION MOTION:**

The request by DPI to waive the 12-month installation requirement for the SPV system under PGE's Solar Incentive Program be granted and the deadline extended to May 14, 2014.