

ORDER NO. 14 160

ENTERED MAY 15 2014

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

ELEMENTAL ENERGY on behalf of
DEBORAH GRANT,

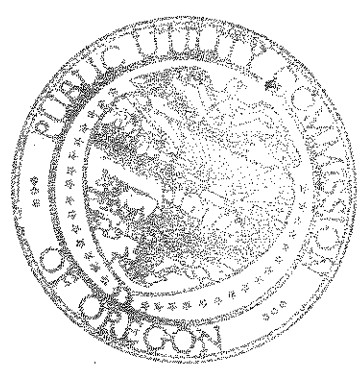
Request for Waiver of the 12-month Solar
Photovoltaic System Installation Requirement
under OAR 860-084-0210(1).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on May 15, 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.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 15, 2014

REGULAR _____ CONSENT X EFFECTIVE DATE May 15, 2014

DATE: May 5, 2014

TO: Public Utility Commission

FROM: Adam Bless *AB*

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

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Elemental Energy on behalf of Deborah Grant 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 Elemental Energy and Deborah Grant to extend the 12-month deadline to install a solar photovoltaic (SPV) system under the Portland General Electric solar payment option program by six months, to October 18, 2014.

DISCUSSION:

Issue

Elemental Energy requests a waiver of the 12-month deadline for installation of a six kilowatt SPV system at the property of Deborah Grant. The project was enrolled in the Portland General Electric (PGE) solar payment option program in April 2013, with an installation deadline of April 18, 2014. Elemental Energy requests an extension of six months, to October 18, 2014. The Commission received the request on April 22, 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."

Docket No. UM 1538 (Elemental Energy waiver request)
May 5, 2014
Page 2

Analysis

Elemental Energy explains that the project is being installed at a multi-story property in Portland, following extensive renovations to the building. Permitting for the renovations began on April 29, 2013. Elemental Energy states that construction was impeded by the city permitting process. The construction and electrical work was finished and approved by the city on February 14, 2014. However, work on the solar installation was further delayed due to a health issue faced by Elemental Energy's client, Deborah Grant.

The construction and wiring are now complete, and the design, structural engineering, and fabrication of a custom-mounted solar structure have all been paid for. Elemental Energy states that it can expedite the solar installation, but requests a six month extension to allow Ms. Grant time to recover from her health concern.

In analyzing for "good cause," I considered the applicant's circumstances, the reasons for the delay, and the likelihood that the project will be completed by the requested new deadline. The delay in city permitting and the need for surgery were unexpected and were outside the applicant's control. Elemental Energy did apply promptly for city permits. Elemental Energy has previously completed seven projects under PGE's solar incentive program, all within their original deadline.

Conclusion and Recommendation

Elemental Energy and Deborah Grant began the construction and permitting process promptly. The delays were unexpected. The Grants have paid for the engineering and structural work. Elemental Energy's prior track record suggests that they will likely complete the project if given the requested extension. I therefore recommend granting the new deadline of October 18, 2014.

PROPOSED COMMISSION MOTION:

The request by Elemental Energy, on behalf of Deborah Grant, to extend the 12-month deadline to install a solar photovoltaic system under the Portland General Electric solar payment option program be granted, and the deadline extended by six months, to October 18, 2014.

Ca6-UM 1538 Elemental Energy VIR waiver request