

ORDER NO. 14 293

ENTERED AUG 19 2014

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

NEIL KELLY,

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 August 19, 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. CA4

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: August 19, 2014

REGULAR \_\_\_\_\_ CONSENT \_\_\_\_\_ X EFFECTIVE DATE August 19, 2014

DATE: July 29, 2014

TO: Public Utility Commission

FROM: John Crider *JC*

THROUGH: Jason Eisdorfer, Maury Galbraith, and Aster Adams *MEG* *AA*

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

**STAFF RECOMMENDATION:**

Staff recommends the Commission grant the request by Neil Kelly to extend the 12-month deadline to install a solar photovoltaic (SPV) system under the Portland General Electric solar payment option program to January 11, 2015.

**DISCUSSION:**

Issue

On July 11, 2014, Neil Kelly requested a waiver of the 12-month deadline for installation of a SPV system on behalf of his client, Grant Sawyer (customer). The project was enrolled in the Portland General Electric (PGE) solar payment option program in October 2013, with an installation deadline of October 11, 2014. In his July filing, Neil Kelly requested an extension to January 11, 2015.

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

The PGE solar payment option application was received and approved by PGE in December 2013. The customer also submitted an interconnection application and agreement to PGE at the same time. The interconnection agreement was approved by PGE contingent on completion of roofing and electrical work which would support the solar system.

Design engineering and permitting of the required construction work was finalized around May 2014. The customer was planning on performing much of the labor himself, but became ill and work on the project stalled until his health improved.

As of the time of this filing, the customer's improvement in health will now allow the project to move forward to completion. However, the several months of delay incurred due to his health issues has put the project behind schedule and will not be completed by the original 12-month deadline. The new estimated completion date is early January, 2015.

Conclusion and Recommendation

The financing for the project is already secured, helping to ensure the project's completion by the extended deadline date. **With** the alleviation of Mr. Sawyer's health concerns, work on the project has recommenced and is expected to be completed before the new proposed deadline.

**PROPOSED COMMISSION MOTION:**

The request by Neil Kelly to extend the 12-month deadline to install a SPV system under the PGE solar payment option program be granted, and the deadline extended to January 11, 2015.

Ca#-UM 1538 Neil Kelly VIR waiver request