

ORDER NO.

14 353

ENTERED

OCT 14 2014

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

KAMANA O'KALA, LLC,

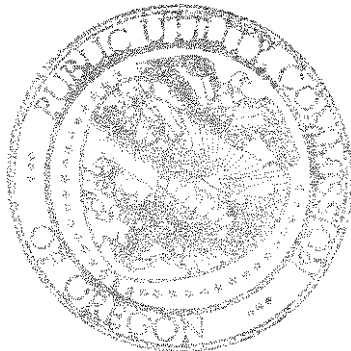
Request for Waivers of the 12-Month Solar
Photovoltaic System Installment Requirement
per OAR 860-084-0210(1).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on October 14, 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.

ITEM NO. CA8

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 14, 2014

REGULAR _____ CONSENT X EFFECTIVE DATE October 14, 2014

DATE: October 6, 2014, 2014

TO: Public Utility Commission

FROM: John Crider 

THROUGH: Jason Eisdorfer  and Aster Adams 

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Kamana O’Kala 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 Kamana O’Kala to extend the 12-month deadline to install solar photovoltaic systems (SPV) under Portland General Electric’s (PGE) solar incentive program by an additional 3 months, to March 31, 2015.

DISCUSSION:

The waiver request includes 14 individual installations for five separate customers, the majority of which are located on Sauvie Island. Multnomah County land use rules require that the contractor complete a geotechnical report to assure that the solar installation will not negatively impact the surrounding land and land use, and that the foundation and support structure for the solar installation are adequate for safety.¹

The resulting geotechnical report required the contractor to redesign the foundation system for the solar photovoltaic (SPV) system supporting structures due to the discovery of poor soil conditions. The extensive delay due to the re-engineering effort has similarly delayed all downstream activities related to these projects, including permitting, interconnection and financing.

The SPV systems being designed include a tracking system which requires special racking and electronic equipment that has a long lead time for delivery. The tracking

¹ Ch. 34, Multnomah County Land Use Code, Ch. 34 -- specifically, §34.2630(V)(10)(b)

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equipment could not be specified until the re-engineering design of the foundation was known. The cascading effect of the delays will not allow completion of the projects within the twelve month requirement. The ordering and delivery of equipment for the projects not located on Sauvie Island was also delayed since the equipment was being purchased in bulk fashion from the vendor.

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."

Analysis

The particular projects under consideration are not typical of solar projects completed under the Volumetric Incentive Program. The location of these projects on Sauvie Island required additional geotechnical and engineering services which introduced significant delays in all the projects. The second factor contributing to the delay in installation is the fact that these system designs incorporate a tracking system for higher efficiency. Since the tracking system equipment is individually tailored to each project, this means the tracking equipment could not be specified until the new engineering design was known. This added additional delay to the overall schedule.

Conclusion and Recommendation

Staff believes the factors responsible for the project delay represent "good cause" for extending the timeframe for installation. Staff recommends that the Commission waive the 12-month installation requirement for good cause and the installation deadline be extended to March 31, 2015, as requested. Staff believes that this is ample time for completion of the project; therefore if for any reason these projects are not completed by the extended deadline, Staff recommends no further time extension be granted and the capacity of the uncompleted projects be reallocated in the May, 2015, reservation window.

PROPOSED COMMISSION MOTION:

The request by Kamana O'Kala to waive the 12-month installation requirement for SPV systems under Portland General Electric's solar incentive program be granted, and the deadline extended to March 31, 2015.