

ORDER NO. 14 366

ENTERED OCT 28 2014

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

JIM POPLACK,

Request for Waiver 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 28, 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. CA10

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 28, 2014

REGULAR _____ CONSENT X EFFECTIVE DATE October 28, 2014

DATE: October 16, 2014

TO: Public Utility Commission

FROM: Michael Breish *MB*

THROUGH: Jason Eisdorfer and Aster Adams *JE* *AA*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Jim Poplack (customer) for a waiver of the requirement to file an interconnection application within two months for a solar photovoltaic system installation under the Solar Photovoltaic Pilot Program, pursuant to OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the request by the customer to waive the Solar Photovoltaic (SPV) Solar Payment Option Program requirement to file an interconnection application within two months of the reservation start date, and authorize Portland General Electric (PGE) to review the interconnection application that will be submitted to PGE after the Commission grants the waiver request.

DISCUSSION:

Issue

Jim Poplack requests a waiver of the SPV Solar Payment Option Program requirement to file a completed interconnection application within two months of the reservation start date. Mr. Poplack's project was accepted into the program in early April, 2014, but he failed to submit an interconnection agreement within the two month window mandated by the program. The only waiver requested is for submittal of the interconnection application. There is no request to extend the one-year deadline to complete the project. The Commission received this request on September 22, 2014.

Docket No. UM 1538 (Solar VIR Waiver)
October 16, 2014
Page 2

Rule

The applicable rule is OAR 860-084-0210(1), which states that "a capacity reservation expires if a completed interconnection application is not filed within two months of the reservation start date..." unless a waiver is granted under OAR 860-084-0000(3). OAR 860-084-0000(3) states "the Commission may waive any of the Division 084 rules for good cause shown." The Commission has discretion to determine what constitutes "good cause."

Analysis and Recommendation

Mr. Poplack failed to submit the interconnection agreement application after receiving it from his contractor DPI Solar. DPI Solar had sent the interconnection agreement to the customer for him to sign and then submit to PGE. Mr. Poplack states that in the exchange of documents, instructions, and procedures, he simply failed to return the completed interconnection agreement application.

Mr. Poplack had assumed that either DPI Solar or PGE would have contacted him if any part of the program's process was incomplete or insufficient. He claims neither did so he assumed that all requirements were met and proceeded to install the SPV. Mr. Poplack only learned about the missing interconnection agreement when he requested an inspection of the completed SPV; PGE notified DPI Solar, who notified the customer, that the interconnection agreement had not been received.

Despite the failure to return the interconnection agreement in a timely fashion, there is no request to extend the one-year deadline to complete the project.

In analyzing for "good cause," Staff's primary considerations were the complete purchase and installation of the SPV system and Mr. Poplack's candid account of the situation. Mr. Poplack sincerely regrets failing to send the interconnection agreement and "very much want[s] to be a partner in PGE's solar program...."

Based on this analysis, Staff recommends the waiver request be granted.

PROPOSED COMMISSION MOTION:

The request by Jim Poplack to waive the Solar Photovoltaic Pilot Program requirement to file an interconnection application within two months of the reservation start date be granted.