

ORDER NO. 15 078

ENTERED MAR 10 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC on behalf of LORANCE COURT
APARTMENTS,

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 March 10, 2015, 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.

ORDER NO. 15 076

ITEM NO. CA9

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: March 10, 2015**

REGULAR _____ CONSENT X EFFECTIVE DATE March 10, 2015

DATE: March 3, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel ^{MEI} _{for CD}

THROUGH: Jason Eisdorfer and Aster Adams ^{MEI} _{for AA}

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by PGPV, LLC, on behalf of its customer, Lorance Court Apartments, for a waiver of the 12-month solar photovoltaic system installation requirement set forth in OAR 860-084-0210(1).

STAFF RECOMMENDATION:

Staff recommends the Commission approve PGPV, LLC's request, made by Peter Greenberg, on behalf of its customer, Lorance Court Apartments, to extend the 12-month installation deadline from April 15, 2015, to August 1, 2015, for the completion of 24 solar photovoltaic systems (5.4 kW each) ("Project") in Pacific Power's Solar Incentive Program, due to delayed delivery of racking materials by Port of Portland's freight handling situation.

DISCUSSION:

Issue

Each project that receives a capacity reservation holds that reservation for 12 months from its reservation start date, so long as a preliminary interconnection application is submitted and approved by the utility within two months of the reservation award date; the deposit fees are paid; the project is installed within 12 months of its reservation start date; or if needed, the project receives a waiver to extend the installation deadline. See OAR 860-084-0210(1). Mr. Greenberg requests a waiver under OAR 860-084-0000(3) on behalf of Lorance Court Apartments to extend the 12-month installation deadline by three and a half months due to delayed delivery of racking materials by Port of Portland's freight handling situation.

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Applicable Rules

OAR 860-084-0210(1) states that "a capacity reservation expires... if the system has not been installed within twelve months of the reservation start date, unless a waiver is granted under OAR860-084-0000." The evaluation criterion set forth in OAR 860-084-0000(3) for waiver of Division 084 rules is "good cause shown." The Commission has discretion to determine what constitutes "good cause."

Analysis and Recommendation

Mr. Greenberg is requesting an extension of three and a half months to complete solar photovoltaic installations on 24 units at the Lorance Court townhome and apartment complex in Portland, Oregon. The apartment owner is putting these panels on buildings throughout the complex, will be paid to lease their roof, and will acquire the system after the 15 year VIR allocation. Staff notes that the racking materials for this project were purchased and are already in transit by ship from Asia. The racking was supposed to arrive in Portland, but has been diverted to Long Beach, CA, due to the Port of Portland's freight handling issues, which changed the expected delivery date of these materials.

Staff verified the Project's status with Pacific Power staff, who commented that the initial interconnection application was submitted and approved within the required two month timeframe and foresee no problems or delays with the Project installation or the site design and installation. Permits for the Project were approved by the City of Portland for both structural and electrical and the solar panels were purchased and are awaiting delivery from a warehouse for installation.

In analyzing the "good cause" rule criterion, Staff notes that the panels and racking equipment were purchased, interconnection applications were submitted and approved, electrical and site development permits are in process, and upon delivery of the racking materials, the project is ready for installation. Three and a half months seems a reasonable extension and timeframe for completion of this project that was delayed due to complications with shipping and receiving at the Port of Portland.

Based on this analysis, Staff recommends this waiver request be approved.

PROPOSED COMMISSION MOTION:

The request for a waiver by PGPV, LLC to extend the 12-month installation requirement for the Lorance Court Apartments Project from April 15, 2015, to August 1, 2015, be approved.