

ORDER NO.

15 090

ENTERED

MAR 24 2015

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

DYNAMIC POWER INNOVATION, on  
behalf of BETHANY DEVELOPMENT, LLC,

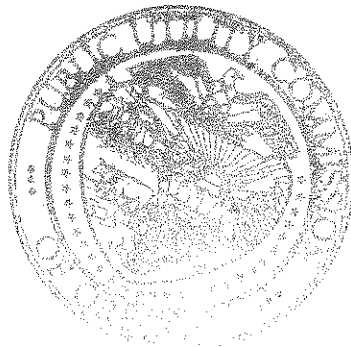
Request for Waiver of the 12-month Solar  
Photovoltaic System Installation Requirement  
under OAR 860-084-0210(1).

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on March 24, 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.

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ITEM NO. CA9

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: March 24, 2015**

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE March 24, 2015

DATE: March 16, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CSP*

THROUGH: *J E* Jason Eisdorfer and *AA* Aster Adams

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Dynamic Power Innovation on behalf of its customer, Bethany Development, LLC, 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 Dynamic Power Innovation's request, made on behalf of its customer, Bethany Development, LLC, to extend the 12-month installation deadline from April 14, 2015, to October 14, 2015, for the completion of two solar electricity systems (9 kW each) in Portland General Electric's (PGE) Solar Incentive Program.

**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; and 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). Dee Kopczynski, the project contractor for Dynamic Power Innovation, requests a waiver under OAR 860-084-0000(3) on behalf of its customer Bethany Development, LLC to extend the 12-month installation deadline by six months due to delays with construction and permitting caused by City of Portland's permitting office. The delays and scheduling conflicts resulted from the City of Portland's permit processing backlogs.

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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 12 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

Ms. Kopczynski is requesting an extension of six months to complete the solar photovoltaic systems on an assisted living new construction project. Funding is secured and engineering work is completed. Staff notes that the racking materials, the solar panels, and inverters are secured for this project and are awaiting delivery to the site. The solar permits were applied for and are awaiting final approval. The contractor expects to have the project completed by the end of August 2015, but has requested a little more time to consider unforeseen construction delays.

Staff verified the status of both projects with PGE staff. PGE staff said they see no issues with this project being installed before the requested deadline of August 1, 2015, if all necessary documentation is submitted in a timely manner.

In analyzing the "good cause" rule criterion, Staff notes that there has been demonstrated investment in equipment, permitting, and preparation, but the project was delayed by unforeseen permit processing backlogs at the City of Portland which affected the scheduling of construction contractors. It seems reasonable that the project will be completed by October 14, 2015.

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

#### **PROPOSED COMMISSION MOTION:**

The request for a waiver by Dynamic Power Innovation to extend the 12-month installation deadline from April 14, 2015, to October 14, 2015, for the completion of two solar electricity systems (9 kW each) in Portland General Electric's Solar Incentive Program for its customer, Bethany Development, LLC, be approved.