

ORDER NO. 15 123

ENTERED APR 14 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

IMAGINE ENERGY, LLC, on behalf of
CHRISTOPHER KING,

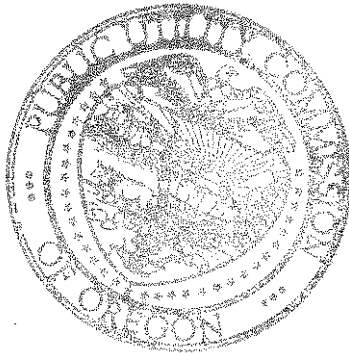
Request for Waiver of the 12-month Solar
Photovoltaic System Installation Requirement
under OAR 860-084-0210(1).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on April 14, 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 Circuit Court for Marion County in compliance with ORS 183.484.

ITEM NO. CA11

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: April 14, 2015**

REGULAR _____ CONSENT X EFFECTIVE DATE April 14, 2015

DATE: April 6, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *ESD*

THROUGH: Jason Eisdorfer and Aster Adams *I for AA*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
Docket No. UM 1538) Request by Imagine Energy, LLC, on behalf of its customer, Mr. King, 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 Imagine Energy's request, made on behalf of its customer, Mr. King, to extend the 12-month installation deadline from April 10, 2015, to October 10, 2015, for the completion of a 9.2 kW solar photovoltaic system in Portland General Electric's (PGE) Solar Incentive Program.

DISCUSSION:

Issue

Each project that is awarded a capacity reservation retains it 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 start 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).

Randy Feldhaus, the project manager for Imagine Energy, LLC, requests a waiver under OAR 860-084-0000(3) on behalf of its customer Mr. King, to extend the 12-month installation deadline by six months due to delays in permitting issues that were caused by the previous owner of the home, who did not get the appropriate permits for the barn that was to house this solar photovoltaic array.

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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. King is financially committed to this solar project and is determined to work through zoning and permitting requirements to mend the previous property owner's omissions that have delayed the project.

Mr. King has paid all required deposits in a timely manner for this project and the interconnection application was submitted and approved before the two-month deadline. Mr. King paid for all equipment related to the solar photovoltaic project. The equipment is in hand.

Mr. King was told by the previous property owner that the barn on the property where the solar is to be located had "Ag Exempt" status. When Imagine Energy went to the Multnomah County to apply for the electrical permit, they were informed that the barn was in fact not "Ag Exempt." Furthermore the previous owner had built the barn and never applied for a structural permit.

Mr. King was required to re-survey the property to establish property lines, which he has done, and now must complete an environmental review before the structure can be retroactively permitted. Mr. King has been working through the process of meeting all the zoning requirements that Multnomah County has specified, but this has caused unforeseen delays that make the current deadline impossible to meet. This six-month extension will give Mr. King enough time to complete the permitting process, construct the solar project, and pass all inspections.

In analyzing the "good cause" rule criterion, Staff notes that there has been demonstrated investment in equipment and preparation, but the project was delayed by unforeseen issues due to permitting. It seems reasonable that the project will be completed by October 10, 2015.

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

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PROPOSED COMMISSION MOTION:

The request by Imagine Energy on behalf of Mr. King to: (1) waive the 12-month installation requirement for the completion of a 9.2 kW solar photovoltaic system in Portland General Electric's Solar Incentive Program and (2) extend the deadline from April 10, 2015, to October 10, 2015, be approved.

CA11 UM 1538 Mr. King's Barn VIR waiver request