

ORDER NO. 15 248

ENTERED AUG 25 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC on behalf of LORENCE 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 August 25, 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.

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: August 25, 2015

REGULAR _____ CONSENT X EFFECTIVE DATE August 25, 2015

DATE: August 10, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CD*

THROUGH: Jason Eisdorfer and Aster Adams *JE*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by PGPV, LLC, on behalf of its customers, Lorence Court Apartments, for a waiver under OAR 860-084-000(3) of the 12-month solar photovoltaic system installation requirements set forth in OAR 860-084-0210(1) and (2).

STAFF RECOMMENDATION:

Staff recommends the Commission approve PGPV, LLC's request, made by Peter Greenberg, on behalf of its customer, Lorence Court Apartments, to grant a second extension of the 12-month installation deadline from August 1, 2015, to November 1, 2015, for the completion of 24 solar photovoltaic systems (5.4 kW each) ("Project") in Pacific Power's Solar Incentive Program, due to funding delays, delivery of racking materials interrupted by the Port of Portland's freight handling situation, hot weather conditions affecting roof access, and residential work hour restrictions.

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) and (2). Mr. Greenberg requests a waiver under OAR 860-084-0000(3) on behalf of the Project to extend the project's installation deadline from August 1, 2015, to November 1, 2015.

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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." OAR 860-084-0210(2) provides that once a capacity reservation expires, the customer must re-apply for a reservation. 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 additional three months to a previously granted extension to complete solar photovoltaic installations on 24 units at the Lorence Court townhome and apartment complex in Portland, Oregon. The original installation deadline for this allocation was April 15, 2015. The first extension which was granted by the Commission Order No. 15-076 issued on March 10, 2015, reset the deadline to August 1, 2015, and this extension would reset the installation deadline to November 1, 2015. The apartment owner is installing panels on buildings throughout the complex, will be paid to lease their roof to PGPV, LLC, and will acquire the system after the initial 15 years of the volumetric incentive rates payment.

Several circumstances led to the delay of this project. Staff notes that:

1. The original US Treasury grant¹ process was delayed in its fund distribution;
2. The racking materials from Asia were supposed to arrive in Portland, but were diverted to Long Beach, CA, due to Portland's freight handling issues, which delayed the delivery of the project materials;
3. Higher than normal heat conditions delayed projects under construction and subsequently delayed the Lorence Court installation. Installations on composite roofing during high heat conditions can damage the composite materials. Construction can occur on these roofs when the temperatures are under 90 degrees Fahrenheit, according to PGPV; and
4. This project is in a residential area with construction hours limited to day time hours which coincide with the highest temperatures.

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 foresees no problems or delays with the installation or the site design. Permits for the Project were approved by the City of Portland for both structural and electrical permits. The solar panels are purchased and awaiting installation.

¹ PUC Staff Report for March 10, 2015 Public Meeting (Item No. CA9)

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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. Extending this capacity allocation to November 1, 2015, seems reasonable for completion of this Project that was delayed due to weather, funding delays from the US Treasury, and complications with shipping and delivery of the building materials.

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 Lorence Court Apartments Project from August 1, 2015, to November 1, 2015, be approved.

CA-UM 1538 Lorence Court VIR waiver request