

ORDER NO. 15 249

ENTERED AUG 25 2015

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

RS ENERGY on behalf of ADAM  
FRANCOIS,

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.

ITEM NO. CA5

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

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE August 25, 2015

DATE: August 11, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel *CD for CD*

THROUGH: Jason Eisdorfer and Aster Adams *JE*

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by RS Energy on behalf of its customer, Adam Francois, for a waiver of the two-month solar photovoltaic system interconnection application requirement set forth in OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission approve RS Energy's request, made on behalf of its customer Adam Francois, to waive the two-month interconnection application submission deadline, set forth under OAR 860-084-0210(1), so that the deadline is extended from July 15, 2015 until September 15, 2015, for a solar photovoltaic system in Portland General Electric's (PGE) Solar Incentive Program and to reinstate the capacity reservation for this project.

**DISCUSSION:**

Issue

Each project that is awarded a capacity reservation retains it for 12 months from the 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). RS Energy requests a waiver under OAR 860-084-0000(3), on behalf of its customer Adam Francois to waive the two-month interconnection application deadline that was not met due to an acknowledged mistake by the contractor.

Docket No. UM 1538 (Solar VIR Waiver)  
August 11, 2015  
Page 2

#### Applicable Rules

OAR 860-084-0210(1) states that "A capacity reservation expires...if a completed interconnection application is not filed within two months of the reservation start date or 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

RS Energy, on behalf of its customer Adam Francois, applied for a capacity reservation as part of the May 2015 enrollment window and received a capacity award from PGE as Reservation Number COG538, for a 10 kW Direct Current (DC) solar photovoltaic array starting with the allocation on May 15, 2015, and the interconnection application submission deadline of July 15, 2015 and finally with the system installation deadline of May 15, 2016.

The deposit was paid by RS Energy, on behalf of the customer, in a timely manner. Once the reservation was confirmed, RS Energy entered into a contract with its client and started the system design.

On July 7, 2015, RS Energy submitted plans to Clackamas County for the required building permit. The building permit was approved on August 6, 2015. Then RS Energy contacted PGE to check on the status of the interconnection application. At this time, RS Energy realized that they had mistakenly not submitted the interconnection application within the two-month submission window (i.e. by July 15, 2015).

RS Energy then contacted and collaborated with PGE staff to determine how they could remedy the situation. At this point, PGE advised RS Energy that according to the program rules, RS Energy would not be able to submit the application and be part of the Solar Incentive Program, unless a waiver of OAR 860-084-0210(1) was granted by the PUC for the two-month interconnection application.

In analyzing the "good cause" rule criterion, Staff notes that the contractor mistakenly missed the deadline while balancing over 26 projects at the same time. The contractor did pay all fees, submitted all other documentation in a timely manner, purchased solar panels, and acquired permits for the project. With this in mind, Staff notes that this mistake is understandable and RS Energy immediately contacted Staff to try to remedy the situation. Staff also notes that RS Energy has been very forthcoming, has demonstrated concern for its customer, and operated under the belief that the requirements of the project had been met. RS Energy hopes that the customer will not

Docket No. UM 1538 (Solar VIR Waiver)

August 11, 2015

Page 3

be penalized because of their oversight of not submitting a signed interconnection request agreement within the two-month deadline.

Staff is aware that there has been confusion in the past surrounding communication about the submission and processing of interconnection application approvals and denials between contractors and the utilities.

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

**PROPOSED COMMISSION MOTION:**

The request by RS Energy, made on behalf of its customer Adam Francois, to waive the two-month interconnection application submission deadline, set forth under OAR 860-084-0210(1), so that the application deadline is extended from July 15, 2015, until September 15, 2015, for a solar photovoltaic system in Portland General Electric's (PGE) Solar Incentive Program and to reinstate the capacity reservation for this project, be approved.