

ORDER NO. 15 308

ENTERED

OCT 06 2015

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

JONATHAN NAGAR,

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 October 6, 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: October 6, 2015

REGULAR _____ CONSENT X EFFECTIVE DATE October 6, 2015

DATE: September 30, 2015

TO: Public Utility Commission

FROM: Cindy Dolezel ^{USD}
I

THROUGH: Jason Eisdorfer and Aster Adams *J for AR*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Jonathan Nagar for a waiver 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 Jonathan Nagar's request to grant an extension of the 12-month installation deadline for two projects in Portland General Electric's (PGE) Solar Incentive Program due to permitting and weather delays. Both projects' original installation deadline was May 15, 2016, and this request is to move both deadlines to December 15, 2016. The projects are as follows:

1. 10 kW solar photovoltaic array at 3736 SE Haig St, Portland, OR 97202, Reservation Number: P395J3
2. 10 kW solar photovoltaic array at 3740 SE Haig St, Portland, OR 97202, Reservation Number: A6N0G3

DISCUSSION:

Issue

Should the Commission approve Mr. Nagar's request for the deadline extensions set forth above?

Docket No. UM 1538 (Solar VIR Waiver)
September 30, 2015
Page 2

Applicable Law

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. Nagar requests a waiver under OAR 860-084-0000(3) for both projects' original 12-month installation deadline from May 15, 2016, to December 15, 2016. 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 OAR 860-084-0000." 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

Nagar filed for building permits with the City of Portland on May 7, 2015. The project experienced unforeseen delays as part of the permit process due to City of Portland backlog and project complications. Roof removal is part of these solar installations and construction must occur in the "dry season" to avoid rain damage to the existing portions of the building, so the construction must wait until spring to commence. The final building permits are expected in October 2015.

Nagar has invested \$50,000 toward plans, permits, and engineering, and is committed to the project and the solar installations. Nagar intends to begin building in April 2016 and expects the projects' final inspections and interconnections to take place by the end of October 2016. The requested seven month extensions allow for extra time in the event that building materials take longer to arrive than the suppliers have stated.

Staff verified the status of both projects with PGE staff, who commented that the initial interconnection applications were submitted and approved within the required two-month timeframe.

In analyzing the "good cause" rule criterion, Staff notes that the project experienced considerable delays in permitting with the City of Portland; the project owner has invested significantly in the solar project. Further, Mr. Nagar submitted his request well

Docket No. UM 1538 (Solar VIR Waiver)
September 30, 2015
Page 3

in advance of the final construction deadline of May 15, 2016, because even though Mr. Nagar submitted his construction permits, the project is already four months behind due to permitting problems and a backlog of permits at the City of Portland. Given the above mitigating circumstances, extending the installation deadlines to Jonathan Nagar by seven months seems reasonable for completion of these projects and within the overall timeframe of the Solar Incentive Program.

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

PROPOSED COMMISSION MOTION:

The request for a waiver by Jonathan Nagar to extend the 12-month installation deadline for two projects on Haig Street, reservation numbers P395J3 and A6N0G3, in Portland General Electric's Solar Incentive Program from May 15, 2016, to December 15, 2016, be approved.

CA5-UM 1538 NAGAR VIR waiver request