

ORDER NO. 16 034

ENTERED JAN 26 2016

**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) and (2).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on January 26, 2016, 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: January 26, 2016

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE January 26, 2016

DATE: January 15, 2016

TO: Public Utility Commission

FROM: Cindy Dolezel <sup>CSD</sup>  
<sub>JE</sub> <sub>JE for AA</sub>

THROUGH: Jason Eisdorfer and Aster Adams

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by Dynamic Power Innovation (DPI) on behalf of its customer, Bethany Development LLC, 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 Dynamic Power Innovation's (DPI) request filed on behalf of its client Bethany Development LLC (Bethany Development), to grant an after-the-fact extension of the 12-month installation deadline for a project in Portland General Electric's (PGE) Solar Incentive Program. The project's original installation deadline was April 14, 2015, and the project received a six month extension for this deadline by Commission Order No. 15-090. This request is for an additional 16-day extension to move the installation deadline to October 30, 2015. The project is allocated capacity through reservation number Y8V2R4.

**DISCUSSION:**

Issue

Should the Commission approve DPI's second request for a deadline extension for a waiver of the 12-month solar photovoltaic system installation requirements as set forth above?

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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).

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

DPI requests a waiver under OAR 860-084-0000(3) for its client Bethany Development. Bethany Development's project received a prior extension of its deadline under Order No. 15-090. This Order allowed DPI's request to extend the original project installation deadline from April 14, 2015, to October 14, 2015. The current filing requests an after-the-fact extension of an additional 16 days (i.e. extend the deadline until October 30, 2015).

The project was assigned allocation number Y8V2R4 was completed on August 26, 2015. Unfortunately, DPI mistook the extended waiver date for October 30 instead of October 14 due to simple human error. The installation proceeded under this misguided installation deadline and the project was completed and inspected on October 27, 2015. PGE informed DPI on January 7, 2016, that the project had not been technically completed within the waiver period, which led DPI to realize it misread the approval date in Order No. 15-090. DPI was honest and forthcoming about its mistake.

Staff verified the status of the project with PGE staff, who commented that the initial interconnection application was submitted and approved within the required two-month timeframe, that all fees were paid in a timely manner, and that no technical difficulties are anticipated by the utility.

In analyzing the "good cause" rule criterion, Staff notes that DPI's recounting of the situation was exacting and DPI expressed great concern that their customer would be

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penalized because of their oversight. Given these circumstances and the fact that the installation was installed in good faith, extending the installation deadline for this project by an additional 16 days seems reasonable and fair and is 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 Dynamic Power Innovation, made on behalf of its client Bethany Development, LLC, to extend the 12-month installation deadline for project reservation number Y8V2R4, in Portland General Electric's Solar Incentive Program from October 14, 2015, to October 30, 2015, be approved.

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