

ORDER NO. 16 139

ENTERED APR 05 2016

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

NW PHOTON ENERGY, on behalf of  
WPC BANCROFT, LLC,

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 5, 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:



A handwritten signature in blue ink, appearing to read "Kristi Collins", is written over a horizontal line.

**Kristi Collins**  
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: April 5, 2016**

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE April 5, 2016

DATE: March 28, 2016

TO: Public Utility Commission

FROM: Michael Breish *MB*

THROUGH: Jason Eisdorfer and Aster Adams *JE* *MA*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by NW Photon Energy for a waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

**STAFF RECOMMENDATION**

Staff recommends the Commission grant the request by NW Photon Energy, submitted on behalf of its customer WPC Bancroft, LLC (WPC), to waive the 12-month deadline to install the 100 kW solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program by an additional 102 days, to September 1, 2016.

**ISSUE**

Has NW Photon Energy established good cause supporting its request for a waiver of the 12-month capacity reservation for its request to install its SPV system?

**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

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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."

### **DISCUSSION AND ANALYSIS**

NW Photon Energy, the project developer, requests a deadline extension of its 100 kW SPV system it is installing on behalf of its customer, WPC. The project is located in the city of Portland. All required documentation has been submitted, financing is secured and permitting has been completed. Due to a delay in receiving a permit from the city and an issue with the building's roof that will require re-roofing, the SPV system will not be completed by the deadline of May 22, 2016. The Commission received this request on December 15, 2015.

NW Photon Energy submitted its plan to Portland's solar structural engineer on October 19, 2015. Due to city agency staffing and other delays, the permit was not approved until February 11, 2016. During this time, part of WPC's building's roof began to leak, resulting in WPC desiring to entirely re-roof prior to the installation of the system. NW Photon Energy states that re-roofing requires "good weather," which will likely jeopardize the May 22, 2016 completion date. Based on recent weather patterns, NW Photon Energy suspects clearer weather will not happen sufficiently during the spring time in order to accommodate both a re-roofing and installation of the SPV system.

In analyzing for "good cause," Staff's primary considerations were NW Photon Energy's successful permitting process, completed documentation, and the candid and thorough explanation of the circumstances.

#### Recommendation

Based on this analysis, Staff recommends the waiver request be granted.

#### **PROPOSED COMMISSION MOTION:**

The request by NW Photon Energy to waive the 12-month installation requirement for the SPV system under PGE's Solar Photovoltaic Pilot Program be granted, and the deadline be extended until September 1, 2016.

Ca3-UM 1538 NW Photon Energy VIR waiver request