

ORDER NO. 16-166

ENTERED MAY 03 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

BARRY BEDDOR,

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 May 3, 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:


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: May 3, 2016**

REGULAR CONSENT EFFECTIVE DATE May 3, 2016

DATE: April 26, 2016

TO: Public Utility Commission

FROM: Michael Breish MB

THROUGH: Jason Eisdorfer and Mike Dougherty

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Barry Beddor 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 Barry Beddor to waive the 12-month deadline to install the 10 kW solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program by an additional 30 days, to June 15, 2016.

DISCUSSION:

Issue

Whether Barry Beddor established good cause supporting his request for a waiver of the 12-month capacity reservation for his 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).

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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

Barry Beddor, the project developer and project site owner, requests a deadline extension of his 10 kW SPV system he is installing on the home he just successfully purchased. The project is located in the city of Newberg. All required documentation has been submitted, permitting has been completed, and the system is constructed. Due to delays from miscommunications between the mortgage company and the loan underwriter as well as from the home constructor, the SPV system may not be completed by the deadline of May 15, 2016. The Commission received this request on April 7, 2016.

Mr. Beddor explained extensively over a phone call with Staff on April 18, 2016 that two separate matters led to delays in successfully installing and operating his SPV system by the 12-month deadline. First, the underwriter of the loan mischaracterized Mr. Beddor's switch from a construction loan to a home ownership loan as a refinance. This in turned caused the underwriter to cancel requests from the mortgage company three times because of this miscommunication in the status of the financial instrument. Additionally, Mr. Beddor stated that since December, the mortgage company has continually lost important paperwork, further delaying the financial process. As for the construction contractor delays, Mr. Beddor explained that some standard issues regarding supplies and timing kept the house from achieving its original construction date which was used in planning of the SPV system. Mr. Beddor now owns the home but only very recently moved in at the time of the phone call. He therefore wants to make sure he has enough time to accommodate any last minute hindrances that may arise as well as settle any remaining issues with PGE.

In analyzing for "good cause," Staff's primary considerations were Mr. Beddor's completed SPV system, completed documentation, and the candid and thorough explanation of the circumstances.

Recommendation

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

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PROPOSED COMMISSION MOTION:

The request by Barry Beddor 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 June 15, 2016.

Ca15-UM 1538 Beddor VIR waiver request