

ORDER NO. 16 167

ENTERED

MAY 03 2016

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UM 1538

In the Matter of

JONATHAN NAGAR,

Request for Waiver of the Prohibition to  
Transfer a Capacity Reservation as Set Forth in  
OAR 860-084-0195(6).

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:



A handwritten signature in blue ink, appearing to read "Kristi Collins".

**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 X EFFECTIVE DATE May 3, 2016

**DATE:** April 26, 2016

**TO:** Public Utility Commission

**FROM:** Michael Breish <sup>MB</sup>

**THROUGH:** Jason Eisdorfer and Mike Dougherty

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Jonathan Nagar for a waiver of the prohibition to transfer a capacity reservation from his tenant to himself as set forth in OAR 860-084-0195(6).

**STAFF RECOMMENDATION**

Staff recommends the Commission grant Jonathan Nagar, the owner of the property under consideration, his request to transfer the capacity reservation in the Solar Payment Option Program from his tenant to himself.

**DISCUSSION:**

Issue

Whether the Commission should approve Jonathan Nagar's request to waive OAR 860-084-0195(6) in order to allow the transfer of the solar capacity reservation from his tenant, Amanda Payne, to himself.

Applicable Law

OAR 860-084-0195(6) states "Capacity reservations are non-transferable from one customer generator to another." 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

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When Mr. Nagar secured a capacity reservation in May, 2015 for his property located in Portland, he assigned the reservation to the tenant Amanda Payne who was the electric account holder at the time. Upon submitting the interconnection application within the two-month window in his own name, PGE informed him of the issue regarding account holder and reservation name reconciliation and directed him to contact the PUC to receive a waiver.

Staff verified the status of the project with PGE staff and Mr. Nagar. Mr. Nagar explained that it was always his intention to have the Solar Payment Option contract under his name and that listing the tenant at the time was a clerical misunderstanding.

In analyzing the "good cause" rule criterion, Staff notes that Mr. Nagar's request is reasonable as he is the property owner and he always intended to have the contract with PGE in his name. Mr. Nagar was honest and forthcoming about the situation and explained the project is otherwise underway.

#### Recommendation

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

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

The request by Jonathan Nagar to waive OAR 860-084-0195(6) in order to allow the transfer of a capacity waiver from his tenant to himself.

Ca16-UM 1538 Nagar VIR waiver request