

ORDER NO. 16 303

ENTERED AUG 16 2016

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

SOLARCITY,<sup>1</sup>

Request for Waiver of the 2-month Solar  
Photovoltaic System Interconnection  
Agreement Requirement under  
OAR 860-084-0210(1).

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

At its public meeting on August 16, 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 Circuit Court for Marion County in compliance with ORS 183.484.

<sup>1</sup> The projects are Tracking Nos. D7K0S9, 959347, 20A5O6, G5S6R7, and 11S4G4.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE: August 16, 2016**

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE August 16, 2016

DATE: August 1, 2016

TO: Public Utility Commission

FROM: Nadine Hanhan *NH*

THROUGH: Jason Eisdorfer and Michael Dougherty *J* *M*

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by SolarCity, for waivers of the two-month solar photovoltaic system interconnection application requirement set forth in OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission grant the request by SolarCity made on behalf of five of its customers, including David Sorensen, Valur Gudmundsson, Ina Turenne, Catherine Cardino, and Jason Olson, to waive the two-month interconnection application submission deadline under OAR 860-084-0210(1), so that the deadline is extended from March 13, 2016, until October 13, 2016, for five solar photovoltaic (SPV) systems in Portland General Electric's (PGE) Solar Payment Options Program, and to reinstate the capacity reservation for these five projects.

**DISCUSSION:**

Issue

Whether SolarCity established good cause supporting its request for waiver of the two-month interconnection application deadline required under OAR 860-084-0210(1) for its SPV projects.

Applicable Law

Each SPV 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 filed within two months of the reservation award date, the deposit fees are paid, and the project is installed within 12 months of its reservation start date. If needed, the project can receive a waiver to extend the installation deadline for good cause shown. OAR 860-084-0210(1).

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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."

Discussion and Analysis

SolarCity requests waivers under OAR 860-084-0000(3) for five projects, on behalf of five different customers, to waive the two-month interconnection application deadline. SolarCity states that the deadline was not met due to submitting the incorrect application forms in each of the five cases. SolarCity also reached out to the Public Utility Commission to get the projects back into PGE's Solar Payment Options program.

SolarCity applied for capacity reservation for projects D7K0S9, 959347, 20A5O6, G5S6R7, and 11S4G4, and received a capacity award for each of these systems from PGE. Staff conferred with SolarCity to clarify the status of these projects, and SolarCity confirmed that it had received notifications that it missed the two-month deadline for submitting interconnection agreements for all five projects. SolarCity explained that it mistakenly submitted net metering applications rather than Solar Payment Option applications, thereby missing the correct deadline. SolarCity explained that all five systems are currently installed, and all that is needed is permission to operate, but because it missed the two-month interconnection application deadline, all five projects were removed from PGE's Solar Payment Option program.

SolarCity has since reached out to the Public Utility Commission to get the projects back into the Solar Payment Option program and filed waivers to get deadlines for all five projects extended.

When Staff contacted PGE about the projects, PGE confirmed that all five projects were awarded capacity, but the customers/contractor did not submit their interconnection applications within the two-month window that ended on March 13, 2016. All equipment is purchased and installed, and SolarCity confirmed that it paid the fees to participate in the program. Staff feels comfortable with the status of the projects and the actions taken by SolarCity.

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Conclusion

In analyzing for "good cause," Staff's primary considerations were SolarCity's honesty in addressing the oversight, the demonstrated actions toward completion of the project, and history of successfully completed SPV projects. Staff concludes that SolarCity has shown good cause for waiver of the interconnection application deadlines.

**PROPOSED COMMISSION MOTION:**

Grant the request by SolarCity, on behalf of David Sorensen, Valur Gudmundsson, Ina Turenne, Catherine Cardino, and Jason Olson to waive the two-month installation application requirement for five solar photovoltaic systems in PGE's Solar Payment Option Program so that the deadline is extended from March 13, 2016, until October 13, 2016, and reinstate the capacity reservations for the same systems.

CA5 - UM 1538 David Sorensen Valur Gudmundsson Ina Turenne Catherine Cardino Jason Olson VIR Interconnection 2 month waiver request