

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

JONATHAN NAGAR,

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 October 11, 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
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.

ORDER NO. 16 373

ITEM NO. CAI

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: October 11, 2016

REGULAR _____ CONSENT X EFFECTIVE DATE October 11, 2016

DATE: September 26, 2016

TO: Public Utility Commission

FROM: Paul Rossow ^{PR}
IE

THROUGH: Jason Eisdorfer and Michael Dougherty ^m

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. UM 1538) Request by Jonathan Nagar 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 Jonathan Nagar (Mr. Nagar), to waive the 12-month deadline to install a solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program by an additional five months, to March 31, 2017.

DISCUSSION:

Issue

Whether Mr. Nagar established good cause supporting his request for waiver of the OAR 860-084-0210(1) requirement that a SPV system be installed within 12 months of the capacity reservation start date.

Applicable Law

Each SPV project that receives a capacity reservation holds that reservation for a period of 12 months following the reservation start date, so long as a preliminary interconnection application is submitted and approved by the utility within two months of the reservation start date; the deposit fees are paid; and the project is installed within 12 months of its reservation start date, or if for good cause, the project receives a waiver to extend the installation deadline. See OAR 860-084-0210(1) and (2).

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Specifically, 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 OAR 860-084-0000.” 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

Mr. Nagar requests, under OAR 860-084-0000(3), to waive the 12-month installation requirement for two 10kW SPV projects numbered P395J3 and A6N0G3. Mr. Nagar notes that the deadline was not met due to manufacturer delays and engineering-related permit revisions by the Portland Bureau of Development Services (Bureau).

Staff discussed with PGE the status of the respective projects. PGE confirmed with Staff that the projects have met the requirements to date, including deposits, interconnection agreements, and fees. When Staff contacted Mr. Nagar about the solar projects, Mr. Nagar stated that the solar modules chosen for each system under the recommendation of the solar contractor are facing delays from the manufacturer (SolarWorld). According to Mr. Nagar, SolarWorld is now unable to guarantee a delivery date in 2016, but has a revised delivery period in the first quarter of 2017. The engineering permit revision is expected to be approved in October 2016. Staff feels comfortable with the status of the SPV project and the actions taken by Mr. Nagar to date.

Conclusion

In analyzing for “good cause,” Staff’s considerations were Mr. Nagar’s thorough and reasonable explanation for the delay of the solar project, his investment of over \$300,000 toward the installation of both solar projects, the current status of the solar project, and the need to comply with the Bureau’s engineering-related permit revisions. Given Mr. Nagar’s efforts to complete the project to date, and the time required to resolve the Bureau’s requirements, Staff concludes that Mr. Nagar has established good cause for his requested waiver.

PROPOSED COMMISSION MOTION:

Grant Mr. Nagar’s request to waive the 12-month installation requirement for two SPV systems under PGE’s Solar Photovoltaic Pilot Program, P395J3 and A6N0G3, and extend the installation deadline until March 31, 2017.