

ORDER NO. 17 040

ENTERED FEB 07 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC,<sup>1</sup>

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 February 7, 2017, 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:



  
**Michael Dougherty**  
Chief Operating Officer

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 PGE Tracking Nos. A7U0T8 and P7G7A5.

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ITEM NO. CA9

PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT

PUBLIC MEETING DATE: February 7, 2017

REGULAR \_\_\_\_\_ CONSENT X EFFECTIVE DATE February 8, 2017

DATE: January 20, 2017

TO: Public Utility Commission

FROM: Paul Rossow <sup>PR</sup>

THROUGH: <sup>J</sup> Jason Eisdorfer and <sup>sc</sup> John Crider

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Request by PGPV, LLC, on behalf of Blake and Casey Kauer, for 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 PGPV, LLC (PGPV) to waive the 12-month deadline to install two specified solar photovoltaic (SPV) systems under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program and extend the installation deadline to May 31, 2017.<sup>1</sup>

**DISCUSSION:**

Issue

Whether PGPV established good cause supporting its 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 in PGE's Solar Photovoltaic Pilot Program holds that reservation for a period of 12 months following the reservation start date, so long as a preliminary interconnection application is submitted to the utility within two months of the reservation start date; the deposit fees are paid; and the project is

<sup>1</sup> The project numbers and size for the PGE projects are: A7U0T8 with capacity of 6.80 kW and P7G7A5 with capacity of 10kW.

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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).<sup>2</sup>

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

PGPV requests a waiver under OAR 860-084-0000(3) of the 12-month installation requirement for 2 different SPV projects. PGE issued two of the capacity reservations to Blake and Kasey Kauer (Customer) on January 13, 2016. PGPV submitted the request for waiver within the 12-month period for installation.

PGPV explains that the installation deadline was not met because the electrician hired to complete the SPV projects did not have time to finish on a timely basis. PGPV notes that the necessary materials for both projects have already been purchased and anticipates that all requirements for program installation will be met by May 31, 2017.

Staff conferred with PGE regarding the status of the respective projects and confirmed the utility's approval of project number A7U0T8 and its denial of project number P7G7A5 "Level 1" application. PGE advised the Customer to re-apply with a "Level 3" application because the addition of the site's generation capacity to the radial distribution circuit will exceed the aggregate customer generation capacity limit provided under OAR 860-084-0310 (2)(c).<sup>3</sup>

### Conclusion

To determine whether PGPV established "good cause" to waive the installation requirement, Staff considered the reason for the delay and the current status of the solar projects. It appears that the delay was caused by factors which were not fully in the control of PGPV and that PGPV has already taken steps to complete the projects in a timely fashion. Further, no potential participants are impacted by the delay in installing these two projects because PGE's program has closed to new participants. If these reservations are terminated, the previously-reserved 16.80 kW will simply be

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<sup>2</sup> 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.

<sup>3</sup> The Commission's rules set forth the requirements and criteria for what are referred to as Level 1, 2 and 3 applications. See OAR 860-084-0310, 0320, and 0330.

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unused capacity. Staff concludes that in light of all these circumstances, PGPV has established good cause for its requested waivers.

**PROPOSED COMMISSION MOTION:**

Grant PGPV, LLC's request to waive the 12-month installation requirement for the two specified SPV systems under PGE's Solar Photovoltaic Pilot Program and extend the installation date to May 31, 2017.

UM 1538 PGPV Lighting, Inc. VIR waiver request