

ORDER NO. 17 041

ENTERED FEB 07 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

SUNBRIDGE SOLAR, LLC,

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.

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ITEM NO. CA8

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 7, 2017

REGULAR _____ CONSENT X EFFECTIVE DATE February 8, 2016

DATE: January 13, 2017

TO: Public Utility Commission

FROM: Paul Rossow ^{PR}

THROUGH: Jason Eisdorfer ^J and John Crider ^{SC}

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Sunbridge Solar, LLC 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 Sunbridge Solar, LLC to waive the 12-month deadline to install one 10 kW solar photovoltaic (SPV) system under Portland General Electric's (PGE) Solar Photovoltaic Pilot Program by an additional 12 months, to March 7, 2018.

DISCUSSION:

Issue

Whether Sunbridge Solar, LLC 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

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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).¹

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

Sunbridge Solar, LLC ("Sunbridge") requests a waiver under OAR 860-084-0000(3) of the 12-month installation requirement for a 9.52 kW SPV project.² PGE issued a capacity reservation to the Hewitt residence on March 7, 2016. Sunbridge submitted the request for waiver within the 12-month period for installation.

Sunbridge explains that the installation deadline was not met because Clackamas County (County) approvals and processes associated with the development of the Hewitt's property has taken longer than expected, with unanticipated subdivision development design issues and road improvements that have been required by the County. Sunbridge also states that the Land Used Decision has been received from the County, which finalizes all of the requirements of the process and officially approves the application for the subdivision.

Sunbridge believes the plan review process for the subdivision will be completed in January of 2017, which will set the stage for the new property boundary monumentation and recording of the new plats in February or March of 2017. Sunbridge anticipates a period of nine months to complete the construction of the Hewitt residence. Once PGE establishes permanent power to the Hewitt residence in the fall of 2017, Sunbridge will begin the installation of the 10 kW solar system.

Staff conferred with PGE and Sunbridge regarding the status of the respective project and both confirmed the facts that are set forth above in the Analysis part of this memorandum.

¹ 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.

² The project number for the PGE project is W5L022.

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Conclusion

To determine whether Sunbridge established "good cause" to waive the installation requirement, Staff considered the reasons for the delay. It appears that the delay is not entirely within the control of Sunbridge. Further, no potential participants are impacted by the delay in installing this project because PGE's Solar Photovoltaic Pilot Program has closed to new participants. If this reservation is terminated, the previously-reserved 10 kW will simply be unused capacity. Staff concludes that in light of all these circumstances, Sunbridge has established good cause for its requested waiver.

PROPOSED COMMISSION MOTION:

Grant Sunbridge Lighting, Inc.'s request to waive the 12-month installation requirement for this SPV system under PGE's Solar Photovoltaic Pilot Program and extend the installation deadline to March 7, 2018.

UM 1538 Sunbridge Lighting, Inc. VIR waiver request