

ORDER NO. **17 155**

ENTERED MAY 01 2017

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1538

In the Matter of

WARREN TROTTER,

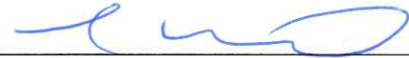
Request for Waiver of the 12-month Solar
Photovoltaic System Installation Requirement
under OAR 860-084-0210(1) and (2).

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Special Public Meeting on May 1, 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.

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 1, 2017**

REGULAR _____ CONSENT X EFFECTIVE DATE May 2, 2017

DATE: April 11, 2017

TO: Public Utility Commission

FROM: Paul Rossow ^{PR}

THROUGH: Jason Eisdorfer ^{JE} and John Crider

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 1538) Request by Mr. Warren Trotter for waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1) and (2).

STAFF RECOMMENDATION:

Staff recommends the Commission grant the request by Mr. Warren Trotter (Mr. Trotter) to waive the 12-month deadline to install one specified solar photovoltaic (SPV) system under Portland General Electric Company's (PGE or Company) Solar Photovoltaic Pilot Program and extend the installation deadline to August 31, 2017.¹

DISCUSSION:

Issue

Whether the Commission should approve Mr. Trotter's request for a deadline extension for a waiver of the 12-month solar photovoltaic system installation requirements as set forth above.

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 completed interconnection application is submitted to the utility within two months of the reservation start date; the deposit fees are paid; and the project is

¹ The project number and size for the PGE project is L564F0 with capacity of 7.36 kW.

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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).²

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

On March 31, 2017, Mr. Trotter filed a request for a waiver under OAR 860-084-0000(3) of the 12-month installation requirement for a SPV project. On April 7, 2017, Mr. Trotter filed an amended request for a waiver to clarify the facts stated in the March 31, 2017, filing. PGE issued a capacity reservation to Mr. Trotter on January 13, 2016.

Mr. Trotter explains that the installation deadline was not met due to unfavorable weather conditions that have delayed the installation of the underground wiring, which includes directional boring under a 30-foot driveway and hand trenching the remaining distance to the meter. Currently, all other work is completed.

Staff conferred with PGE and Mr. Trotter regarding the status of the respective project and confirmed the facts that are set forth above.

Conclusion

To determine whether Mr. Trotter established "good cause" to waive the installation requirement, Staff considered the reasons for the delay. The delay is due to unfavorable weather conditions. Staff considers this circumstance to be beyond Mr. Trotter's control. Staff finds it reasonable to allow Mr. Trotter's request for a waiver until August 31, 2017. Finally, Staff notes that no potential participants are impacted by the delay in installing this project because PGE's program has closed to new participants. If these reservations are terminated, the previously-reserved 7.36 kW will simply be unused capacity.

² 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.

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PROPOSED COMMISSION MOTION:

Grant Mr. Trotter's request to waive the 12-month installation requirement for the specified SPV system under PGE's Solar Photovoltaic Pilot Program and extend the installation date to August 31, 2017.

UM 1538 Mr. Trotter VIR waiver request