

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1538

In the Matter of

PGPV, LLC, on behalf of the Albany Regional  
Museum,

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

ORDER

**DISPOSITION: STAFF'S RECOMMENDATION ADOPTED**

This order memorializes our decision, made and effective at our March 27, 2018 Regular Public Meeting, to adopt Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

Dated this 27 day of March, 2018, at Salem, Oregon.

  
**Lisa D. Hardie**  
Chair

  
**Stephen M. Bloom**  
Commissioner



  
**Megan W. Decker**  
Commissioner

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.

ITEM NO. 3

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
PUBLIC MEETING DATE March 27, 2018**

REGULAR   X   CONSENT        EFFECTIVE DATE       March 28, 2018      

DATE: March 12, 2018

TO: Public Utility Commission

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

THROUGH: Jason Eisdorfer and JP Batmale

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION STAFF:  
(Docket No. UM 1538) Requests by Peter Greenburg of PGPV, LLC on behalf of the Albany Regional Museum for waiver of the 12-month solar photovoltaic system installation requirement pursuant to OAR 860-084-0210(1).

**STAFF RECOMMENDATION:**

Staff recommends the Commission deny the request by Peter Greenburg to waive the 12-month deadline to install a specified 10 kW solar photovoltaic (SPV) system under Pacific Power's (PAC) Oregon Solar Incentive.<sup>1</sup>

**DISCUSSION:**

Issue

Whether PGPV, LLC. (PGPV) established good cause to waive the OAR 860-084-0210(1) requirement that an SPV system be installed within 12 months of the capacity reservation start date.

Applicable Law

Each SPV project that receives a capacity reservation in PAC's Oregon Solar Incentive 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 and the project is installed within 12 months of

<sup>1</sup> The project number for the PAC project is: 556836.

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its reservation start date; or, the project receives a waiver of the installation deadlines. 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."

### Analysis

PAC originally issued the capacity reservation to PGPV for the 10 kW on behalf of the Albany Regional Museum (Museum or project 556836) on May 1, 2015. The Commission granted PGPV's request for waiver of the deadline for this project in Order Nos. 16-242 and 17-021. Order No. 17-021 granted Peter Greenburg's request to extend the project installation deadline to April 30, 2017. On December 19, 2017, Peter Greenburg of PGPV filed a request for a third waiver under OAR 860-084-0000(3) of the 12-month SPV installation requirement for project 556836. This waiver request goes back in time and asks the Commission to extend the installation deadline from April 30, 2017, to May 26, 2017, ex post facto.<sup>3</sup>

Peter Greenburg explains that installation of project 556836 was completed after the April 30, 2017, deadline because the electrician was unable to get to this project in time. Mr. Greenburg states that he did not apply for an extension prior to the April 30, 2017, deadline and instead planned to apply for the extension at the same time he applied for other extensions for projects he planned to install in PGE's service territory. As noted above, PGPV filed this request on December 19, 2017, which is almost seven months after the installation deadline had passed.

Based on the information provided in this filing, PGPV did not demonstrate that the delay in installing the project was caused by factors not under PGPV's control. In Staff's opinion, securing the services of an electrician to complete the project is within PGPV's control. Furthermore, PGPV waited seven months after the April 30, 2017, installation deadline to file a request for a waiver of the Commission's rule and an extension of the installation deadline. Even if this project still had a capacity reservation, PAC would have no reason to know it was still viable. Regardless, PGPV failed to clearly communicate with either PAC or the OPUC until seven months after their May 26, 2017, deadline that project 556836 would need another, ex post facto, extension.

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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> PGPV Request for Waiver.

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Because Staff is not persuaded that any information provided by PGPV supports “good cause” for a waiver of the installation deadline Staff recommends denial. Staff notes that PGPV can still apply for PAC’s Oregon Net Metering program.

Staff conferred with PAC and PGPV regarding the status of the respective project and confirmed the facts that are set forth above.

**PROPOSED COMMISSION MOTION:**

PGPV, LLC’s request to waive the 12-month installation requirement for the specified SPV system under PAC’s Oregon Solar Incentive Program be denied.

UM 1538 PGPV, LLC VIR waiver request