

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

AR 582

FILED 8-15-14 1:43 PM ARCHIVES DIVISION SECRETARY OF STATE
--

<u>Public Utility Commission of Oregon</u>	860
Agency and Division	Administrative Rules Chapter Number
<u>Diane Davis</u>	(503) 378-4372
Rules Coordinator	Telephone
<u>Public Utility Commission of Oregon, PO Box 1088, Salem, OR 97308-1088</u>	
Address	

RULE CAPTION

In the Matter of Updates to OAR 860-084-0150, 860-084-0190, and 860-084-0220.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

860-084-0150
860-084-0190
860-084-0220

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 757.360-757.380; Ch. 244, OL 2013

Other Authority:

Statutes Implemented:

ORS 757.360-757.380, Ch. 244, OL 2013

RULE SUMMARY

This rulemaking is necessary to implement the legislative changes to the Solar Pilot Programs as set out in Ch. 244, OL 2013. The proposed rules implement legislative changes to add 2.5 MW to the total capacity available statewide (bringing the total to 27.5 MW), to extend the enrollment termination date from March 31, 2015 to March 31, 2016, and to allow the Commission to adopt and adjust, without rulemaking, the percentage goal for capacity deployed by residential and small commercial qualifying systems.

The Commission encourages participants to file written comments as early as practicable in the proceedings so that other participants have the opportunity to consider and respond to the comments before the deadline. Please reference Docket No. AR 582 on comments and file them as a Word or PDF attachment to an e-mail addressed to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed paper copy to the Filing Center at PO Box 1088, Salem, Oregon 97308-1088.

All filings are available for review online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=19148>. For guidelines on filing and publication, please see OAR 860-001-0140 through 860-001-0160 and 860-001-0200 through 860-001-0250 found online at http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_860/860_001.html.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative

09-25-2014 5:00 p.m.

Diane Davis

diane.davis@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Rules Coordinator Name

Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form

FILED
8-15-14 1:43 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Public Utility Commission of Oregon
Agency and Division

860
Administrative Rules Chapter Number

In the Matter of Updates to OAR 860-084-0150, 860-084-0190, and 860-084-0220.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Updates to OAR 860-084-0150, 860-084-0190, and 860-084-0220

Statutory Authority:

ORS 757.360-757.380; Ch. 244, OL 2013

Other Authority:

Statutes Implemented:

ORS 757.360-757.380, Ch. 244, OL 2013

Need for the Rule(s):

This rulemaking is necessary to implement the legislative changes to the Solar Pilot Programs as set out in Ch. 244, OL 2013. The proposed rules implement legislative changes to add 2.5 MW to the total capacity available statewide (bringing the total to 27.5 MW), to extend the enrollment termination date from March 31, 2015 to March 31, 2016, and to allow the Commission to adopt and adjust, without rulemaking, the percentage goal for capacity deployed by residential and small commercial qualifying systems.

Documents Relied Upon, and where they are available:

Chapter 244, Oregon Laws 2013 found online at https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013orLaw0244.pdf

Fiscal and Economic Impact:

The rule changes mirror the legislative changes. Therefore, any fiscal or economic impact is the result of the legislative action and not these rule changes. The legislative fiscal impact was minimal on state or local governments. Witnesses testifying before the legislature estimated costs to ratepayers at less than one cent per month and diminishing over time.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Any costs of compliance are the result of the legislative action. These costs to state agencies, units of local government and the public are expected to be minimal.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Electric companies and solar pilot program participants would be subject to the rules.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The rule changes do not increase reporting, recordkeeping and other administrative activities, but do implement legislative changes that extend existing requirements and activities for one year.

c. Equipment, supplies, labor and increased administration required for compliance:

The rule changes do not increase equipment, supplies, labor or administration for compliance, but do implement legislative changes that extend existing requirements for one year.

How were small businesses involved in the development of this rule?

The changes mirror the changes to the legislation. Small businesses had opportunity to testify before the legislature.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The changes proposed conform the rules to the law; no other changes are proposed.

09-25-2014 5:00 p.m.

Diane Davis

diane.davis@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007

860-084-0150

Solar Photovoltaic Pilot Capacity Limit

New capacity reservations will not be accepted after March 31, 201~~5~~6, or after the cumulative capacity of contracted systems in pilot programs reaches ~~2527.5~~ megawatts of nameplate capacity, whichever is earlier.

Stat Auth: ORS 757.360 - 757.380, Ch. 244, OL 2013

Stats. Implemented: ORS 757.360 - 757.380, Ch. 244, OL 2013

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 7-2011, f. & cert. ef. 9-30-11

860-084-0190

Distributing Capacity by System Size

(1) Three size classes of qualifying systems are established and defined by a range of nameplate capacity. The Commission may modify these capacity ranges.

(a) A small-scale system has a nameplate capacity of less than or equal to 10 kilowatts;

(b) A medium-scale system has a nameplate capacity greater than 10 kilowatts and less than or equal to 100 kilowatts; and

(c) A large-scale system has a nameplate capacity greater than 100 kilowatts and less than or equal to 500 kilowatts.

~~(2) Small-scale and medium-scale systems must be targeted to attain a goal of 75 percent of the capacity deployed under the solar photovoltaic pilot program.~~

~~(23)~~ (23) An electric company must distribute certain percentages of its pilot capacity allocation to small-scale, medium-scale, and large-scale capacity systems as directed by Commission order.

~~(34)~~ (34) An electric company with less than one megawatt of total allocation must allocate 100 percent of its solar photovoltaic capacity limit to small-scale systems.

Stat Auth: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 6-2010, f. & cert. ef. 11-19-10; PUC 7-2011, f. & cert. ef. 9-30-11

860-084-0220

Capacity Availability

(1) Each electric company must announce the total capacity available for reservation before each enrollment period.

(2) Each electric company must announce when the capacity allocation is fully reserved.

(3) Unreserved capacity in any enrollment period must be added to the available capacity for the respective size systems in the next capacity reservation period.

~~(3) In January 2013, the remaining pilot capacity may be reallocated. This reallocation may redistribute the remaining pilot program capacity so that 75 percent of the energy generated is from small-scale systems at the time the pilot program reaches 2527.5 megawatts of alternating current.~~

Stat Auth: ORS 757.360 - 757.380

Stats. Implemented: ORS 757.360 - 757.380

Hist.: PUC 2-2010, f. & cert. ef. 6-1-10; PUC 7-2011, f. & cert. ef. 9-30-11