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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 330
DEPARTMENT OF ENERGY

FILED
10/30/2019 3:52 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Creates rebate program for solar electric systems and paired solar and storage systems.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/03/2019 5:00 PM

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

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Filed By:
Wendy Simons
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/03/2019

TIME: 1:30 PM

OFFICER: Wendy Simons

ADDRESS: Meitner Conference Room,
First Floor
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NEED FOR THE RULE(S):

The 2019 Legislative Assembly adopted House Bill 2618, codified as Oregon Laws Chapter 655, which creates an incentive program offering rebates for solar photovoltaic systems and paired solar and energy storage systems. Contractors installing eligible systems will apply for rebates on behalf of their customers, using a system developed by the Department to reserve funds in anticipation of the installation of an eligible system. Once a system installation is complete, the contractor will apply to receive the rebate. Both the customer and the contractor will sign a statement that the customer has received the full amount of the rebate as a reduction in the cost of the purchase, construction or installation of the system. The legislation directs the Oregon Department of Energy to implement the program, which includes granting the Department authority to adopt rules to establish policies and procedures for the administration and enforcement of the program. The legislation also grants the Department authority to establish the following in rule: preferences for providing rebates to low- or moderate-income households and low-income service providers; provisions for determining and verifying eligibility of solar electric systems and paired solar and storage systems; policies and procedures for determining rebate amounts; further definition of "low-income service providers" which is defined in general terms in the bill; and additional certification requirements for eligible contractors. The operative date of the legislation is January 1, 2020.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

FISCAL AND ECONOMIC IMPACT:

The Department anticipates the proposed rules will have minimal fiscal impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The proposed program rules create an incentive program granting rebates for solar electric systems and paired solar and storage systems, and do not create any regulatory requirements for public bodies or members of the public. Under the program, a contractor will apply for a rebate on behalf of a household or low-income service provider who in turn receives the benefit of the rebate in the form of a reduction in the cost of the system. The contractor applying for the rebate on a household's or low-income service provider's behalf, will be required to submit information to the Department to prove that an eligible project has been completed and that the customer is eligible to participate in the program. In the case of a low- or moderate-income household or a low-income service provider, additional documentation will be required to prove the participant's eligibility to receive a preference under the program.

Developers and owners of subsidized affordable multifamily housing and public or non-profit agencies offering certain services to low- or moderate-income persons may qualify as "low-income service providers" under the program, which would make those agencies eligible to receive rebates for installations of solar electric systems or paired solar and storage systems, which could in turn reduce future energy costs. In order to qualify, the public or non-profit agency would need to submit documentation to the Department, which would consist of already-existing documents demonstrating the organization's purpose and services offered to low- and moderate-income households, and in the case of multifamily housing developers, information about the public subsidies that have been awarded to the project.

The rebate program will offer preferences for low- and moderate-income residential households. A household will establish eligibility to receive such preferences by certifying on a form provided by the Department that the household is currently qualified to receive services under one or more income-limited assistance programs. The Department will verify the household's qualification status with the administering agency. The Department anticipates that it will need to verify the status of fewer than 70 households, most of which will be participants in programs administered by the Oregon Department of Housing and Community Services (OHCS). The Department has consulted with OHCS, and plans to create an interagency agreement for this work.

(2) (a) The Department estimates that approximately 40 small businesses selling equipment and installation services for solar and energy storage systems will be affected by these rules. However, the proposed rules are intended to create additional business opportunities for these small firms by allowing them to offer reduced costs to their customers. The proposed rules do not create any additional compliance obligations for small businesses.

(b) Affected small businesses will be required to submit documentation to the Department proving eligibility for rebates

under the program; however, most, if not all, of the documentation will consist of information already obtained, generated, and stored in the normal course of business.

(c) The Department does not anticipate that the proposed rules will require increased expenditures on supplies and services, but does anticipate that eligible contractors will spend a minimal number of labor hours creating online documentation in order to apply for and receive rebates on behalf of their customers.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Representatives of the solar photovoltaic and energy storage installation industries, most of which would qualify as small businesses under Oregon statute, were consulted and provided input to the Legislature in developing House Bill 2618 and participated in the stakeholder process conducted by the Department to develop draft rule language to implement the legislation.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Department conducted three stakeholder meetings, as well as telephone and email correspondence, to receive input on rule development to implement the program created by House Bill 2618 (2019). Participants included organizations representing solar and energy storage installation contractors, individual solar and energy storage installation contractors, electric utilities, community service organizations, nonprofit organizations representing environmental and labor interests, local governments, and other state agencies.

The proposed rules do not create any compliance obligations for public agencies nor for Oregon businesses. The primary purpose of the solar plus storage rebate program under House Bill 2618 (2019) is to grant rebates for the installation of solar electric and paired solar and storage systems. The program requires documentation of eligibility for participating contractors, customers who will receive preference as either a low- or moderate-income residential customer or a low-income service provider, and systems receiving a rebate. However, in order to minimize administrative burden, wherever possible the Department plans to rely upon existing certifications and qualifications to prove eligibility for this program rather than creating new or separate certification processes. Additionally, the Department plans to use a software system to track reservations with which most solar and energy storage installation contractors will already be familiar.

HOUSING IMPACT STATEMENT:

As required under ORS 183.530 and 183.534, the Department has considered the potential impact of these rules and believes these rules will cause no impact to the following costs for developing a typical 1,200 square foot detached single family dwelling on a 6,000 square foot parcel of land:

- (1) materials and labor costs
- (2) administrative construction or other costs
- (3) land costs, or
- (4) other costs.

RULES PROPOSED:

330-240-0000, 330-240-0010, 330-240-0020, 330-240-0030, 330-240-0040, 330-240-0050, 330-240-0060, 330-240-0070, 330-240-0100, 330-240-0110, 330-240-0120, 330-240-0130, 330-240-0140, 330-240-0150, 330-240-0160, 330-240-0170

ADOPT: 330-240-0000

RULE SUMMARY: This rule is a statement of purpose and applicability for the new Division 240 rules which implement

House Bill 2618 (2019) to establish a solar plus storage rebate program..

CHANGES TO RULE:

330-240-0000

Purpose and Applicability of Rules in Division 240

(1) The purpose of these rules is to implement a solar plus storage rebate program established by Oregon Laws 2019, chapter 655 (House Bill 2618). The rules provide procedures for: submitting reservation and rebate requests, calculating rebate amounts, agency review of reservation and rebate requests, and agency audits and inspections to ensure compliance.¶

(2) The eligibility requirements in these rules apply to any contractor, customer, or installation associated with an application to reserve or claim a rebate under the program.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2019 chapter 655 (House Bill 2618)

Statutes/Other Implemented: Oregon Laws 2019 chapter 655 (House Bill 2618)

ADOPT: 330-240-0010

RULE SUMMARY: This rule provides definitions of terms used in rules in the new Division 240 rules to create a solar plus storage rebate program.

CHANGES TO RULE:

330-240-0010

Definitions for Division 240

- (1) "Contractor" has the definition given in Oregon Laws 2019 Chapter 655 Section 1(1) and means a person whose trade or business consists of offering for sale solar electric systems or paired solar and storage systems or of providing construction, installation, or design services for solar electric systems or paired solar and storage systems.¶
- (2) "DC" means direct current electricity.¶
- (3) "Department" means the Oregon Department of Energy.¶
- (4) "Director" means the director of the Oregon Department of Energy.¶
- (5) "Eligible project cost" means the costs allowed for determining the rebate, including solar photovoltaic modules, mounting structure and hardware, associated electrical equipment, energy storage system equipment, and labor costs.¶
- (6) "Energy storage system" has the definition given in Oregon Laws 2019 Chapter 655 Section 1(3) and means commercially available technology that is capable of retaining energy, storing the energy for a period of time, and transmitting the energy after storage.¶
- (7) "Household" means all individuals who reside in the place of residence, including all family members and roommates who are not related and not part of a separate lease agreement.¶
- (8) "Ineligible project cost" means the costs not allowed for determining the rebate, including, but not limited to, financing charges, maintenance costs, service contracts, extended warranties, reroofing, or costs for auxiliary distribution systems such as electric vehicle charging stations.¶
- (9) "Low- or moderate-income residential customer" means a residential electrical utility customer whose household income is less than or equal to 100 percent of state median income adjusted for household size.¶
- (10) "Net cost" has the definition given in Oregon Laws 2019 Chapter 655 Section 1(5) and means the actual cost of the purchase, construction, and installation of a solar electric system or a paired solar and storage system, minus any incentive received for the system from the electric utility serving the customer for which the system is installed. ¶
- (11) "Operation date" means the date as of which a solar electric system or paired solar and storage system: has received its final inspection by the authority having jurisdiction; has received its final permit; is interconnected with the local utility distribution system if applicable; and is capable of generating and storing energy.¶
- (12) "Paired solar and storage system" has the definition given in Oregon Laws 2019 Chapter 655 Section 1(6) and means a solar electric system and an energy storage system purchased, constructed, and installed together by the same contractor and paired such that the energy storage system is capable of providing storage capacity for electrical energy produced by the solar electrical system.¶
- (13) "Program" means the solar plus storage rebate program established by Oregon Laws 2019, chapter 655 (House Bill 2618).¶
- (14) "Purchase date" means the date that a contract for purchase of a solar energy system or paired solar and storage system is signed by both the contractor and the customer for which the system is installed.¶
- (15) "Residential paired solar and storage system" means a set of standalone components necessary to collect and deliver solar and storage energy to a dwelling. Systems qualifying for residential rebates may not be part of a larger system or share components such as racking with other solar electric or paired solar and storage systems. ¶
- (16) "Residential solar electric system" means a set of standalone components necessary to collect and deliver solar energy to a dwelling. A system qualifying for a general residential or low- of moderate-income residential rebate may not be part of a larger system or share components such as racking with other solar electric or paired solar and storage systems.¶

(17) "Solar electric system" has the definition given in Oregon Laws 2019 Chapter 655 Section 1(7) and means any system, mechanism or series of mechanisms, including photovoltaic systems, that uses solar radiation to generate electrical energy. ¶

(18) "Utility incentive" means financial assistance that lowers the capital cost of a solar electric system or paired solar and storage system and that is provided directly from an electric utility as defined in ORS 757.600 or from funds provided by the Energy Trust of Oregon pursuant to ORS 757.612.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2019 chapter 655 (House Bill 2618)

Statutes/Other Implemented: Oregon Laws 2019 chapter 655 (House Bill 2618)

ADOPT: 330-240-0020

RULE SUMMARY: This rule provides eligibility requirements for contractors who wish to participate in the solar plus storage rebate program. The enabling legislation for the program requires contractors to maintain and document that they hold certain certifications, and authorizes the Department to establish additional certification requirements in rule. This rule also creates a process for contractors to register with the Department in order to receive login credentials for the Department's software system used to administer the program.

CHANGES TO RULE:

330-240-0020

Contractor Eligibility

(1) In order to participate in the program, a contractor must meet the eligibility requirements provided in these rules. Once the Department has confirmed a contractor's eligibility, the contractor will receive login credentials to use the software system designated by the Department to receive and track reservation applications.¶

(2) The Department may begin accepting contractor registrations January 1, 2020, three weeks before the Department will begin accepting applications to reserve funds for rebates under the program. The Department may continue to accept new contractor registrations throughout the duration of the program until all funds allocated to the program have been spent or the sunset of the program, whichever comes first.¶

(3) A contractor must meet the eligibility requirements listed below and submit appropriate documentation to the Department. The Department will verify the completeness and accuracy of information submitted by a contractor as part of the contractor registration process.¶

(a) A contractor must hold any license, bond, insurance or permit required to sell and construct or install a solar electric system or a paired solar and storage system. The contractor must maintain all applicable licenses, bonds, insurance or permit throughout the construction and installation period until the solar electric system or paired solar and storage system is complete.¶

(b) If the contractor is an Energy Trust of Oregon trade ally, the contractor must have at least four stars in the five-star Energy Trust of Oregon rating system or two and one-half stars in the three-star Energy Trust of Oregon rating system, as applicable.¶

(c) If the contractor is not an Energy Trust of Oregon trade ally, the contractor must meet at least one of the following requirements:¶

(A) The contractor either holds, or employs an individual holding, the PV Installation Professional (PVIP) certification administered by the North American Board of Certified Energy Practitioners (NABCEP), or the contractor employs both a PV Installer Specialist (PVIS) certified by NABCEP and a person with the NABCEP PV Technical Sales (PVTS) certification.¶

(B) The contractor is identified as an approved solar PV installer on a list maintained by an electric utility as defined in ORS 757.600 serving customers in Oregon.¶

(4) The Department reserves the right to verify all applicable licenses, bonds, insurance, permits or certifications of a contractor at any time.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2019 chapter 655 (House Bill 2618)

Statutes/Other Implemented: Oregon Laws 2019 chapter 655 (House Bill 2618)

ADOPT: 330-240-0030

RULE SUMMARY: This rule provides eligibility requirements for solar electric systems and paired solar and storage systems in order to be eligible to receive a rebate under the program.

CHANGES TO RULE:

330-240-0030

Project Eligibility

(1) To be eligible for a rebate for the sale, construction, or installation of a solar electric system or a paired solar and storage system, the system must meet the following requirements:¶¶

(a) The solar electric system or paired solar and storage system must be installed by an eligible contractor. The contractor may use subcontractors in the construction or installation of a solar electric system or paired solar and storage system; however, all firms and individuals working on the construction or installation of a solar electric system or paired solar and storage system, whether working on behalf of the contractor or a subcontractor, must hold any license, bond, insurance or permit required for the work performed.¶¶

(b) In the case of a paired solar and storage system, the solar electric system and energy storage system must be purchased together from the same eligible contractor.¶¶

(c) In the case of a paired solar and storage system, the solar electric system and associated energy storage must be constructed and installed together by the same eligible contractor, as provided in subparagraph (a), such that the energy storage system is capable of providing storage capacity for electrical energy produced by the solar electric system.¶¶

(d) In the case of a paired solar and storage system, the system must include a minimum of one kilowatt DC of solar electric nameplate capacity for every five kilowatt-hours of battery storage.¶¶

(e) The purchase contract for a solar electric system or paired solar and storage system must be signed on or after January 1, 2020.¶¶

(f) A contractor must submit a reservation application before starting construction or installation of a solar electric system or paired solar and storage system in order to be eligible for a rebate.¶¶

(g) The solar electric system or paired solar and storage system must be installed on real property in Oregon.¶¶

(h) The solar electric system or paired solar and storage system must benefit a residential customer or a low-income service provider as defined in these rules.¶¶

(i) The solar electric system or paired solar and storage system must consist of new equipment.¶¶

(j) In the case of a solar electric system, the system must contain all components necessary to convert and deliver solar energy into electrical energy for use in a dwelling or commercial application.¶¶

(k) Equipment purchased for a solar electric system or a paired solar and storage system must include a manufacturer warranty covering the following:¶¶

(A) The photovoltaic inverters for a minimum of five years against manufacturer's defects¶¶

(B) Photovoltaic modules for a minimum of 20 years against degradation of performance below 80 percent of original output under standard test conditions¶¶

(l) All installations of a solar electric system or paired solar and storage system must include a total system workmanship warranty that covers the installation of solar panels, inverters, racking, patented roof protection systems, roof penetrations, batteries, electrical and mechanical parts, and wiring for the duration of at least five years.¶¶

(m) Any equipment installed as part of a solar electric system or paired solar and storage system must meet industry standards and the technical specifications provided in these rules.¶¶

(n) The solar electric system or paired solar and storage system must have received all applicable electrical and structural permits from the local jurisdiction and must pass all final inspections conducted by the authority having jurisdiction.¶¶

(o) The solar electric system or paired solar and storage system must follow electric utility-specific rules and regulations and complete either a net-metering agreement or interconnection agreement with the electric utility serving the location where the system is installed, if applicable.¶¶

(p) Under no circumstances will more than one rebate be issued under the program for the same solar electric system or paired solar and storage system.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2019 chapter 655 (House Bill 2618)

Statutes/Other Implemented: Oregon Laws 2019 chapter 655 (House Bill 2618)

ADOPT: 330-240-0040

RULE SUMMARY: This proposed rule lists technical specifications that are requirements for solar electric systems to receive a rebate under the program.

CHANGES TO RULE:

330-240-0040

Solar Electric System Technical Specifications

(1) All installed photovoltaic modules must be certified to UL 1703 or IEC61730 standards or other comparable standards.¶

(2) All installed photovoltaic inverters must be certified to UL 1741.¶

(3) The Department will consider the eligibility of equipment for solar electric systems that do not interconnect with the local utility's distribution grid on a case-by case basis.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0050

RULE SUMMARY: This proposed rule lists technical specifications that are requirements for an energy storage system that is part of a paired solar and storage system in order to receive a rebate under the program.

CHANGES TO RULE:

330-240-0050

Energy Storage System Technical Specifications

(1) All batteries must be certified to UL 1973.¶

(2) All battery storage systems must be certified to UL 9540. ¶

(3) The Department will consider the eligibility of energy storage equipment for paired solar and storage systems that do not interconnect with the local utility's distribution grid on a case-by case basis.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0060

RULE SUMMARY: This proposed rule requires a residential customer to provide proof of eligibility in order to receive a higher rebate rate offered under the program for low- or moderate-income residential customers.

CHANGES TO RULE:

330-240-0060

Low- or Moderate-Income Residential Customer Eligibility

(1) In order to qualify for the rebate rate offered under the program for low- or moderate-income residential customers, the homeowner where the installation will be located must provide proof of eligibility.¶

(2) The Department will maintain a list of income-limited programs which are administered by state or local public agencies or non-profit organizations and whose participants meet the eligibility requirements of the program. The Department will provide a form listing the qualifying programs to contractors. A homeowner may certify that the owner(s) of the property where the installation will occur is currently qualified for one or more of the programs listed. The contractor and all legal owners of the property must sign the form, certifying that the information is accurate. The contractor must submit the form, or a scanned copy of the form, to the Department as part of the reservation application. The Department will verify the homeowner's eligibility with the administering agency of the programs certified by the homeowner.

Statutory/Other Authority: OL 2019, Ch 655 (HB 2618), ORS 469.040

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0070

RULE SUMMARY: This proposed rule includes eligibility criteria in order for a community service organization to be eligible to receive preference as a low-income service provider under the program.

CHANGES TO RULE:

330-240-0070

Low-Income Service Provider Eligibility

(1) "Low-income service provider" includes the developer or owner of affordable multifamily housing eligible to receive assistance under one or more housing development or rental assistance programs administered by Oregon Housing and Community Services.¶

(2) "Low-income service provider" also includes a community service organization which is a public or private entity organized under section 501(c) of the federal tax code whose primary purpose is to offer health, dental, social, financial, energy conservation, or other assistive services to individuals or households with incomes at or below 100 percent of the state median income by household size. Examples of eligible organizations include health or dental clinics, food banks, homeless shelters, childcare centers, senior citizen centers, and community action partnership agencies that serve low- or moderate-income individuals and households, or as approved by the Director.¶

(3) An organization claiming eligibility as a low-income service provider under paragraph (2) must provide sufficient information to allow the Department to determine the organization's eligibility. Documentation of eligibility may include an organization's articles of incorporation, federal Form 990, or other documentation that demonstrates the organization's purpose and reflects the organization's support for low- and moderate-income households.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0100

RULE SUMMARY: This proposed rule includes rebate rates and the method for calculating rebates for solar electric systems for four categories of customers: low-or moderate-income residential; general residential (not low- or moderate-income) who are eligible for a utility incentive; general residential (not low- or moderate-income) who are not eligible for a utility incentive; and low-income service providers.

CHANGES TO RULE:

330-240-0100

Solar Electric System Rebate Rates; Calculation Method

(1) Low- or moderate- income residential rebate rate: \$1.80 per watt DC of installed capacity, up to 60 percent of the net cost or \$5,000, whichever is less.¶

(2) Residential rebate rate for customers eligible for an electric utility incentive and not low- or moderate-income: \$0.20 per watt DC of installed capacity, up to 40 percent of the net cost or \$5,000, whichever is less(4).¶

(3) Residential rebate rate for customers not eligible for a utility incentive and not low- or moderate-income: \$0.50 per watt DC of installed capacity, up to 40 percent of the net cost or \$5,000, whichever is less.¶

(4) Low-income service provider rebate rate: \$0.75 per watt DC of installed capacity, up to 50 percent of the net cost or \$30,000, whichever is less.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0110

RULE SUMMARY: This proposed rule includes rebate rates and the method for calculating a rebate for an energy storage system that is purchased and installed as part of a paired solar and storage system. There are three categories of customers with different rebate rates: low- or moderate-income residential; general residential (not low- or moderate-income); and low-income service providers.

CHANGES TO RULE:

330-240-0110

Energy Storage System Rebate Rates; Calculation Method

(1) Low- or moderate-income residential customer rebate rate: \$300 per kilowatt hour of installed storage capacity, up to 60 percent of net energy storage system cost or \$2,500, whichever is less.¶

(2) Residential rebate rate for residential customers who are not low- or moderate-income: \$300 per kilowatt hour of installed storage capacity, up to 40 percent of net energy storage system cost or \$2,500, whichever is less.¶

(3) Low-income service provider rebate rate: \$300 per kilowatt hour of installed storage capacity, up to 60 percent of net energy storage system cost or \$15,000, whichever is less.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0120

RULE SUMMARY: This proposed rule provides administrative procedures for a contractor to reserve a rebate for a customer under the program, including a list of information that the contractor is required to submit for each reservation application.

CHANGES TO RULE:

330-240-0120

Reservation Process

(1) Contractors must submit an application to reserve a rebate for a solar electric system or a paired solar and storage system using the Department's designated software system.

(2) The following information about an installation must be provided to the Department to make a reservation application:

(a) Name of customer

(b) Whether the installation benefits a residential customer or a low-income service provider

(c) Address of installation and unit number, if applicable

(d) Size of the solar electric system

(e) System specifications of the solar electric system, as listed in the Department's software system

(f) Size of the energy storage system, if applicable

(g) System specifications for the energy storage system if applicable, as listed in the Department's software system

(h) For a residential customer, whether the customer claims to be qualified as low-income or moderate-income

(i) Eligible project cost for solar electric system

(j) Eligible project cost for energy storage system, if applicable

(k) Whether the project will receive a utility incentive

(l) Amount of utility incentive, if applicable

(m) Date of contract signed between customer and contractor

(n) Copy of the signed contract

(o) Other information as requested by the Department

(3) Reservation applications for low-income service providers must provide the following information in addition to the information in paragraph 2:

(a) For multifamily affordable housing: the state and/or agencies which have awarded public subsidies to the project, the number of units in the project, and the projected occupancy date

(b) For low-income service providers other than multifamily affordable housing: documentation required to verify the organization's eligibility consistent with program rules.

(4) The Department's software system will confirm receipt and will give each reservation application a time and date stamp signifying the time and date the initial reservation application is received. The Department will review reservation applications in the order that they are received, based upon the time and date stamp. The Department will provide written notice to the contractor once a reservation application has been approved or denied.

(5) A reservation for a residential customer installation is valid for six months unless extended under OAR 330-240-0130. If a rebate is not claimed within six months and the reservation is not extended, the reservation will no longer be valid.

(6) A reservation for a low-income service provider installation is valid for one year unless extended under OAR 330-240-0130. If a rebate is not claimed within one year and the reservation is not extended, the reservation will no longer be valid.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0130

RULE SUMMARY: This proposed rule describes the circumstances under which a contractor may amend a reservation or extend a reservation under the program.

CHANGES TO RULE:

330-240-0130

Amending or Extending a Reservation

(1) A contractor may make changes to system size or specifications for a solar electric system installation or a paired solar and energy storage system installation after submitting a reservation application and before claiming a rebate. ¶

(2) If a contractor increases the size of an installation for which a reservation application was previously submitted, such that the customer is eligible for a larger rebate amount than the initial reservation application, the increase in rebate amount is subject to availability of funds as of the date the amended application is approved by the Department. ¶

(3) If a contractor adds energy storage to a solar electric system already having a reservation for a rebate under the program, such that the installation becomes a paired solar and storage system, the contractor must submit a new reservation application which will receive a new time and date stamp in the Department's software system. The rebate amount for a paired solar and storage system under this paragraph is subject to availability of funds as of the date the new reservation application for the paired solar and storage application is approved by the Department. ¶

(4) At the end of the six-month reservation period, the Department may grant one six-month extension to each reservation upon request for any reason. ¶

(5) The Department may grant additional six-month extensions for a reservation for a low-income service provider upon the contractor submitting documentation that the project is making progress toward completion. Such documentation could include evidence that the project is meeting construction benchmarks or maintains valid site construction permits

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0140

RULE SUMMARY: This proposed rule provides a process by which a contractor may request a rebate on behalf of a customer upon completion of an installation of a solar electric system or paired solar and storage system.

CHANGES TO RULE:

330-240-0140

Making a Rebate Request

The eligible contractor seeking a rebate must supply the following information to the Department to convert a reservation into a rebate request:

(1) Name of customer

(2) Address of installation and unit number, if applicable

(3) Description of the equipment included in the solar electric system or paired solar and storage system

(4) System installation completion date

(5) Proof of completion, including permits received from the authority having jurisdiction over permitting for the system

(6) Documentation that the contractor has any license, bond, insurance or permit, as well as any additional certification required by the Department, required for the sale and construction or installation of the solar electric system or paired solar and storage system

(7) A statement signed by both the contractor and the customer for whom the solar electric system or paired solar and storage system is installed that the customer has received the full value of the rebate as a reduction in the net cost of the purchase, construction or installation of the system and that the rebate was clearly reflected on an invoice provided to the customer.

(8) Contractor's business mailing address

(9) Contractor's tax identification number

(10) Other information requested by Department

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0150

RULE SUMMARY: This proposed rule describes the process by which the Department will allocate rebate funds under the program. This proposed rule implements the limits provided in HB 2618 for the percentage of rebate funds that may go toward low-income service providers under the bill (capped at 50 percent) and residential customers who are not low- or moderate-income (capped at 75 percent). The proposed rule also sets a cap of 20 on the number of active reservations that any one contractor may have in the Department's reservation software system at one time. The rule sets a timetable for making rebate funds available for reservation by category of customer.

CHANGES TO RULE:

330-240-0150

Allocation of Rebate Funds

(1) Subject to limits on the number of reservations per contractor and on the percentage of funding that may be spent under the program for specific categories of installations, the Department will allocate rebate funding within each funding allocation in paragraph (5) according to the order in which reservation applications are approved by the Department. The Department will review applications for reservation in the order in which reservations are submitted by contractors, signified by the time and date stamp for receipt of the reservation application.

(2) The Department will only reserve funding for twenty (20) reservations per contractor at a time. Any reservation application made by a contractor with twenty reservations will be rejected by the Department. Once a contractor converts a reservation into a rebate request using the Department's software system, an additional reservation may be obtained.

(3) No more than 75 percent of program funds may be used for rebates benefitting residential customers who are not low- or moderate-income residential customers, except as provided in paragraph (6).

(4) No more than 50 percent of funds may be used for rebates benefitting low-income service providers.

(5) The Department will make rebate funds available for reservation according to the following schedule:

(a) Projects for low- or moderate-income residential customer: Beginning January 22, 2020, 50 percent of rebate funds will be available for reservation for systems for low- or moderate-income residential customers or low-income service providers.

(b) Projects for residential customers that are not low- or moderate income, phase one: Beginning January 22, 2020, 25 percent of rebate funds will be available for reservation for systems for residential customers other than low- or moderate-income residential customers.

(c) Projects for residential customers that are not low- or moderate-income, phase two: Beginning April 15, 2020, 25 percent of rebate funds will be made available for reservation for systems for residential customers other than low- or moderate-income residential customers, in addition to any remaining available funds from phase one.

(6) The Department may reallocate funds from the low- or moderate-income residential customer allocation under (5)(a) and make the funds available for reservations for residential projects for residential customers who are not low- or moderate-income after six months, subject to the requirement that at least 25 percent of program funds available for issuing rebates in a calendar year be made available to low- or moderate-income residential customers or low-income service providers.

(7) If total funds spent and allocated for installations for low- or moderate-income residential customers and low-income service providers in a calendar year are less than 25 percent of the program funds available for that year, then the unspent and unallocated funds may be made available for all applicants, including residential customers who are not low- or moderate-income residential customers, in the following year.

(8) The Department will periodically post information on its webpage regarding fund balances, including notification when funds that may be used for specific categories of installations are completely spent in the form of rebates or allocated in the form of reservations.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0160

RULE SUMMARY: This proposed rule provides a process for the Department to audit documentation or to inspect an installation and make a determination as to compliance with program requirements, and for a contractor to correct any discrepancies found during an inspection.

CHANGES TO RULE:

330-240-0160

Audits and Inspections; Compliance

(1) The Department reserves the right to conduct a physical inspection of all installations and to audit all documentation relating to an installation for which a reservation is made under the program before or after a rebate payment is made to the contractor.¶

(2) The Department must provide at least 15 days advance notice before performing a physical inspection of an installation. The owner of the property or the contractor must be present and must provide safe access to inspect the installation. Department inspectors will not inspect areas that they deem to present an unreasonable risk to personal safety.¶

(3) The Department will provide a written determination within 30 days to the contractor based upon the inspection.¶

(4) If the Department determines that the installation does not meet project eligibility criteria under the program or the project installed does not match the project description entered by the contractor when making a request for a rebate, the contractor will have 30 days from the date they received written notice from the Department to correct and provide proof of correction for any discrepancies found by the Department or to provide written explanation or justification.¶

(5) The Department must provide a final determination in writing within 15 days regarding the contractor's written response to the Department's initial determination after an inspection.¶

(6) The Department may deny a rebate if a contractor does not resolve issues found in an inspection or audit in a within the time limit established under program rules.¶

(7) Pursuant to the procedures for contested case under ORS chapter 183, the Director may order the revocation of a rebate or portion of a rebate under the program if the Director finds that the rebate was obtained by fraud or misrepresentation, or by mistake or miscalculation. As soon as the order of revocation becomes final, the Department shall proceed to recover the rebate or portion of the rebate that is subject to the order of revocation. All moneys provided to a contractor attributable to the fraudulently or mistakenly obtained rebate or portion of the rebate shall be forfeited.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)

ADOPT: 330-240-0170

RULE SUMMARY: This proposed rule provides the conditions under which the Director of the Department may deny or revoke a contractor's eligibility to participate in the program.

CHANGES TO RULE:

330-240-0170

Revocation of Contractor Eligibility

The Director may deny or revoke a contractor's eligibility to claim a rebate on behalf of a customer, pursuant to the procedures for a contested case under ORS chapter 183, if the director finds any of the following:

(1) The contractor's eligibility under OAR 330-240-0020 was obtained by fraud or misrepresentation by the contractor.

(2) The contractor's performance for installation of solar electric systems or paired solar and storage systems does not meet industry standards.

(3) The contractor has misrepresented to customers either the program or the nature or quality of the solar electric systems or paired solar and storage systems for which rebates are available.

Statutory/Other Authority: ORS 469.040, OL 2019, Ch 655 (HB 2618)

Statutes/Other Implemented: OL 2019, Ch 655 (HB 2618)