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SHEMIA FAGAN  
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ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## PERMANENT ADMINISTRATIVE ORDER

### DOE 3-2022

CHAPTER 330  
DEPARTMENT OF ENERGY

**FILED**

04/13/2022 4:46 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Amendments to Solar Plus Storage Rebate Program

EFFECTIVE DATE: 04/15/2022

AGENCY APPROVED DATE: 04/12/2022

CONTACT: James Cogle  
503-510-9726  
james.cogle@energy.oregon.gov

550 Capitol Street NE  
First Floor  
Salem, OR 97301

Filed By:  
James Cogle  
Rules Coordinator

#### RULES:

330-240-0010, 330-240-0020, 330-240-0030, 330-240-0060, 330-240-0070, 330-240-0120, 330-240-0130, 330-240-0170

AMEND: 330-240-0010

RULE TITLE: Definitions for Division 240

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: Changes expand the definition of a residential customer to include an occupant who is the trustee of a trust that is the owner of a residential dwelling. Other changes align rules with statute.

#### RULE TEXT:

- (1) "Completion date" means the date as of which a solar electric system or paired solar and storage system has passed its final inspection by the authority having jurisdiction.
- (2) "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.
- (3) "DC" means direct current electricity.
- (4) "Department" means the Oregon Department of Energy.
- (5) "Director" means the director of the Oregon Department of Energy.
- (6) "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.
- (7) "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.
- (8) "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.
- (9) "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.

(10) "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.

(11) "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.

(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 provides 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 customer" means the owner-occupant of a residential dwelling. An occupant who is the trustee of a trust that is the owner of a residential dwelling, is considered to meet the definition of residential customer.

(16) "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.

(17) "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)

AMEND: 330-240-0020

RULE TITLE: Contractor Eligibility

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: The amendment makes permanent a recent temporary rule and removes rule language requiring that contractors who are Energy Trust of Oregon solar trade allies must have four out of five stars. Instead, contractors who are Energy Trust of Oregon solar trade allies and who are currently eligible to apply for Energy Trust of Oregon rebates would be eligible to register for and make reservations under the Oregon Solar Plus Storage Rebate Program. This proposed amendment reflects the current status of Energy Trust of Oregon's trade ally certification program.

RULE TEXT:

(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. 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 that constructs or installs a solar electric system or paired solar and storage system, or a subcontractor that constructs or installs a solar electric system or paired solar and storage system on behalf of a contractor that offers such systems for sale, must hold any license, bond, insurance or permit required to construct or install a solar electric system or a paired solar and storage system. The contractor or any subcontractors performing construction or installation must maintain all applicable licenses, bonds, insurance or permits 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 solar trade ally who is currently eligible to apply for Energy Trust of Oregon incentives on behalf of customers, the contractor is eligible to register for the program and make reservations under the program. Contractors are required to notify the Department within five business days of becoming ineligible to apply for Energy Trust of Oregon incentives.

(c) If the contractor is not an Energy Trust of Oregon solar 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, including a contractor's status as a solar trade ally with Energy Trust of Oregon.

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)

AMEND: 330-240-0030

RULE TITLE: Project Eligibility

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: Amendments include information that was formerly in the definitions section. Other amendments allow a solar or paired solar plus storage system to share an AC disconnect and main utility panel; and a photovoltaic array with modules that do not meet the minimum Total Solar Resource Fraction qualifications to still receive a rebate, by counting only the modules that meet the standard in calculating the rebate amount. Additional edits align rule with statute.

RULE TEXT:

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:

- (1) 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.
- (2) 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.
- (3) 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 or a subcontractor working for the eligible contractor, as provided in subparagraph (a), such that the energy storage system provides storage capacity for electrical energy produced by the solar electric system.
- (4) 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.
- (5) The purchase contract for a solar electric system or paired solar and storage system must be signed on or after January 1, 2020.
- (6) 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.
- (7) The solar electric system or paired solar and storage system must be installed on real property in Oregon.
- (8) 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.
- (9) The solar electric system or paired solar and storage system must consist of new equipment.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.

(15) The solar electric system or paired solar and storage system must follow electric utility-specific rules and regulations.

(16) The Total Solar Resource Fraction ("TSRF") shall be calculated for each photovoltaic array and provided to the Department for reporting in the Department's designated software system. The Department reserves the right to request documentation from a solar site analysis tool and to conduct independent verification of TSRF values. If all modules in a photovoltaic array do not meet the minimum TSRF requirement under this section, an eligible contractor may apply for a reservation based on the eligible modules. Only photovoltaic modules that meet the minimum performance standards of this section represent installed capacity for the purpose of solar electric system rebate calculations. All installations must meet the following minimum performance standards:

(a) For on-site shade analysis the TSRF must be 75 percent or greater at all points on the photovoltaic array.

(b) For remote shade analysis the TSRF must be 80 percent or greater for the roof plane where the photovoltaic array is located.

(17) 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.

(18) A solar electric system or paired solar and storage system installed for a low-income service provider who is eligible under 330-240-0070 paragraph (4) must be installed on a public building that provides social services to low- or moderate-income individuals, or provides emergency shelter and/or communications in disaster situations.

(19) A solar electric system or paired solar and storage system may share an AC disconnect and main utility panel.

(20) A solar electric system or paired solar and storage system 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.

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)

AMEND: 330-240-0060

RULE TITLE: Low- or Moderate-Income Residential Customer Eligibility

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: Amendment adds the option of submitting a federal tax transcript as evidence of low- or moderate-income eligibility under the program.

RULE TEXT:

(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. Proof of eligibility shall be provided in the following ways:

(a) A homeowner will be considered eligible if the Department verifies with the Oregon Housing and Community Services Department that the homeowner is eligible for one of the following Oregon Housing and Community Services Department programs:

(A) Low Income Home Energy Assistance Program (LIHEAP).

(B) Oregon Energy Assistance Program (OEAP).

(C) Low Income Weatherization Assistance Program (LIWAP).

(b) A homeowner will be considered eligible if the homeowner provides the Department an eligibility notice for the homeowner's household that has been received in the past seven months for one of the following Oregon Department of Human Services or Oregon Health Authority programs:

(A) Supplemental Nutrition Assistance Program (SNAP).

(B) Oregon Health Plan (OHP) (Medicaid).

(C) Children's Health Insurance Program (CHIP; this option is available only for households consisting of six or fewer people).

(c) A homeowner will be considered eligible if the homeowner provides the Department with a US Internal Revenue Service or Oregon Department of Revenue tax transcript for each tax filer residing at the household for the most recent tax filing year immediately preceding the current year, or the transcript for the year prior if the tax return for the most recent tax filing year has not yet been filed, that demonstrates their household income is less than or equal to 100 percent of state median income adjusted for household size.

(2) The Department will provide low- or moderate-income eligibility certification forms to contractors. For each installation where the customer claims eligibility for the rebate rate for low- or moderate-income residential customers, all legal owners of the property must sign the form, certifying that the information is accurate. The contractor must submit a scanned copy of the form and accompanying documentation under paragraph (1)(b) or paragraph (1)(c), if applicable, to the Department as part of the reservation application.

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)

AMEND: 330-240-0070

RULE TITLE: Low-Income Service Provider Eligibility

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: Rule change adds a Low-Income Service Provider category of owners of a solar or solar and storage system that offsets electric utility expenses incurred by low-and-moderate income tenants and is located on a dwelling that has received public assistance under a housing development or rental assistance program administered by the Oregon Housing and Community Services Department.

RULE TEXT:

Nonresidential customers eligible as a "low-income service provider" under the program include:

- (1) A developer or owner of affordable multifamily housing eligible to receive public assistance under one or more housing development or rental assistance programs administered by Oregon Housing and Community Services.
- (2) The owner of a solar electric system or paired solar and storage system that:
  - (a) Is located on, and generates electrical energy for, a dwelling that has received public assistance under one or more housing development or rental assistance programs administered by the Oregon Housing and Community Services Department; and
  - (b) Offsets electric utility expenses incurred by one or more low- and moderate-income tenants.
- (3) A community service organization, which is a public or tribal entity, or a 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. The entity must provide documentation to the Department that it provides assistive services to low- or moderate-income individuals. Accepted documentation may include but is not limited to the receipt of public funding for the purpose of providing assistive services to low- or moderate-income individuals or families or the receipt of philanthropic funding that advances a mission to serve low- or moderate-income individuals. A private organization claiming eligibility as a low-income service provider under this subparagraph must provide sufficient information to allow the Department to determine the organization's eligibility by providing documentation to the Department that it provides assistive services to low- or moderate-income individuals.
- (4) A tribal or local government entity such as a city, county or school district which uses public buildings to provide social services to low- or moderate-income individuals, or to provide emergency shelter and/or communications in disaster situations. The entity must provide documentation to the Department that it provides social or emergency services to low- or moderate-income individuals. Accepted documentation may include but is not limited to the receipt of public funding for the purpose of providing assistive services to low- or moderate-income individuals or families or the receipt of philanthropic funding that advances a mission to serve low- or moderate-income individuals.

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)

AMEND: 330-240-0120

RULE TITLE: Reservation Process

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: The amendment states the point that funds are reserved.

RULE TEXT:

(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. The Department will begin accepting reservation applications on January 22, 2020, from contractors who have established eligibility under the program for contracts entered into on or after January 1, 2020. The schedule for the availability and allocation of rebate funds by customer category is specified in 330-240-0150.

(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) Total Solar Resource Fraction, or TSRF, for the photovoltaic array.

(g) Size of the energy storage system, if applicable.

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

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

(j) Eligible project cost for solar electric system.

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

(l) Whether the project will receive a utility incentive.

(m) Amount of utility incentive, if applicable.

(n) Date of contract signed between customer and contractor.

(o) Copy of the signed contract.

(p) 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. Subject to the availability of funds, program funds will be reserved for a project following departmental approval of a reservation request.

(5) A reservation for a residential customer installation is valid for 180 days unless extended under OAR 330-240-0130. If a rebate is not claimed within 180 days 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, Oregon Laws 2019 chapter 655 (House Bill 2618)



STATUTES/OTHER IMPLEMENTED: Oregon Laws 2019 chapter 655 (House Bill 2618)

AMEND: 330-240-0130

RULE TITLE: Amending or Extending a Reservation

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: The amendment grants one further 180 day extension to rebate reservations.

RULE TEXT:

- (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 180-day reservation period, the Department may grant one 180-day extension to each reservation upon request for any reason. At the end of the 360-day extended reservation period, one final additional 180-day extension may be granted to each reservation upon request for any reason.
- (5) The Department may grant additional 180-day 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, Oregon Laws 2019 chapter 655 (House Bill 2618)

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2019 chapter 655 (House Bill 2618)

AMEND: 330-240-0170

RULE TITLE: Revocation of Contractor Eligibility

NOTICE FILED DATE: 02/22/2022

RULE SUMMARY: Amendment allows the Oregon Department of Energy to deny or revoke a contractor's eligibility to claim a rebate on behalf of a customer if the contractor attempts to obtain a rebate through fraud or misrepresentation.

RULE TEXT:

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.
- (4) The contractor attempts to obtain a rebate through fraud or misrepresentation.

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)