

Chapter 330 Department of Energy Administrative Rules

Division 240 (New)

SOLAR PLUS STORAGE REBATE PROGRAM

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330-240-0000 Purpose and Applicability of Rules in Division 240

- (1) The purpose of these rules is to implement the Solar + Storage Rebate Program established by Oregon Laws 2019, chapter 655 (House Bill 2618). The rules provide procedures for submitting reservation and rebate requests, 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 Solar + Storage Rebate Program.

330-240-0010 Definitions for Division 240

- (1) “Contractor” means a person whose trade of 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 of paired solar and storage systems.
- (2) “Department” means the Oregon Department of Energy.
- (3) “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.
- (4) “Energy storage system” means commercially available technology that is capable of retaining energy, storing the energy for a period of time, and transmitting the energy after storage.

- (5) “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.
- (6) “Net cost” 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. Net cost does not include ineligible project costs.
- (7) “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.
- (8) “Paired solar and storage system” 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.
- (9) “Program” means the Solar + Storage Rebate Program established by Oregon Laws 2019, chapter 655 (House Bill 2618).
- (10) “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.
- (11) “Solar electric system” means any system, mechanism or series of mechanisms, including photovoltaic systems, that uses solar radiation to generate electrical energy. A solar electric system must contain all components necessary to convert and deliver solar energy into electrical energy for use in a dwelling or commercial application.
- (12) “Utility incentive” means financial assistance 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.

330-240-0020 Contractor Eligibility

1. Before submitting a reservation application, a contractor must register with the Department to use the software system designated by the Department to receive and track reservation applications. The Department will accept contractor registrations beginning January 1, 2020, and will continue to accept contractor registrations until all funds allocated to the program have been spent or the sunset of the program, whichever comes first.
2. In order to become a registered user, 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.
 - (1) A contracting firm must hold any applicable contractor license as required by the state of Oregon to sell and construct and install a solar energy system or a paired solar and energy storage system. The contracting firm must maintain all applicable licenses through the construction and installation period.

- (2) All individuals working on the installation of the solar energy system or paired solar and energy storage system must hold any applicable individual license required by the state of Oregon.
- (3) Contracting firm must meet at least one of the following:
 - i. The contracting firm employs a PV Installation Professional (PVIP) certified by the North American Board of Certified Energy Practitioners (NABCEP), or the contracting firm employs both a PV Installer Specialist (PVIS) certified by NABCEP and a person with the NABCEP PV Technical Sales (PVTs) certification.
 - ii. The contractor is identified as an approved solar PV installer on a list maintained by an electric utility serving territory in Oregon.
2. The Department reserves the right to verify that a contractor has maintained all applicable licenses, permits or certifications at the time of installation before issuing a rebate payment for a completed installation.

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.
 - 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 such that the energy storage system provides storage capacity for electrical energy produced by the solar electric system.
 - d. The purchase contract for a solar electric system or paired solar and storage system must be signed on or after January 1, 2020.
 - e. A contractor must submit a reservation application before starting construction of a solar electric system or paired solar and storage system in order to be eligible for a rebate.
 - f. The solar electric system or paired solar and storage system must be installed on real property in Oregon.
 - g. 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.
 - h. The solar electric system or paired solar and storage system must consist of new equipment.
 - i. All installations must have a manufacturer warranty of at least 25 years for photovoltaic panels and ten years for inverters. All installations must have 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.

- j. 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.
- k. The solar electric system or paired solar and storage system must have received all applicable electrical and structural permits from the local jurisdiction and the state of Oregon and must pass all final inspections conducted by the authority having jurisdiction.
- l. The solar electric system or paired solar and storage system must follow utility-specific rules and regulations for connecting to the electric utility distribution system, if applicable.

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.

330-240-0050 Energy Storage System Technical Specifications

1. All batteries must be certified to UL 1973. All battery storage systems must be certified to UL 9540.
2. 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.

330-240-0060 Low- or Moderate-Income Residential Customer Eligibility

1. "Low- or moderate-income residential customers" are residential electrical utility customers who are qualified by the administering agency to receive assistance under at least one of the following programs:
 - a. Low Income Home Energy Assistance Program (LIHEAP)
 - b. Oregon energy assistance program (OEAP)
 - c. Federal Low Income Weatherization Assistance Program
 - d. Medicaid/Oregon Health Plan
 - e. Bureau of Indian Affairs Financial Assistance and Social Services
 - f. Supplemental Security Income (SSI)
 - g. Supplemental Nutrition Assistance Program (SNAP)
 - h. Women, Infants and Children (WIC)
 - i. Temporary Assistance for Needy Families (TANF) or Tribal TANF
 - j. First-time Homebuyer Program

k.

2. The Department will provide a form to contractors on which a residential customer 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 in paragraph (1) by the agency which administers the program(s).
3. The contractor and all legal owners of the property must sign the form, certifying that the information is accurate.
4. The contractor must submit the form, or a scanned copy of the form, as part of the reservation application.
5. The Department will verify with Oregon Housing and Community Services, or with the local Habitat for Humanity affiliate if applicable, that the owner(s) of the property has been qualified for the program(s) identified on the form. The Department will not request or receive from Oregon Housing and Community Services or Habitat for Humanity any confidential information for the residential customer or the customer's household members.

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 sole 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 such organizations include health or dental clinics, food banks, homeless shelters, childcare centers, senior citizen centers, and community action partnership agencies.

330-240-0100 Solar Electric System Rebate Rates; Calculation method

OPTION A:

1. Low- or moderate- income residential: \$1.80 per watt of installed capacity, up to 60 percent of the net cost or \$5,000, whichever is less.
2. General residential: \$0.20 per watt of installed capacity, up to 40 percent of the net cost or \$5,000, whichever is less for customers eligible for a utility incentive.
3. General residential: \$0.50 per watt of installed capacity, up to 40 percent of the net cost or \$5,000, whichever is less, for customers not eligible for a utility incentive.
4. Low-income service providers: \$0.75 per watt of installed capacity, up to 50 percent of the net cost or \$30,000, whichever is less.

OPTION B:

1. Low- or moderate- income residential: \$1.80 per watt of installed capacity, up to 60 percent of the net cost or \$5,000, whichever is less.
2. General residential: \$0.50 per watt of installed capacity, up to 40 percent of the net cost or \$5,000, whichever is less.
3. Low-income service providers: \$0.75 per watt of installed capacity, up to 50 percent of the net cost or \$30,000, whichever is less.

330-240-0110 Energy Storage System Rebate Rates; Calculation method

1. Low- or moderate-income residential customer: 60 percent of net energy storage system cost or \$2,500, whichever is less.
2. Non-low income/moderate income customer: 40 percent of net energy storage system cost or \$2,500, whichever is less.
3. Low-income service providers: 60 percent of net energy storage system cost or \$15,000, whichever is less.

330-240-0120 Reservation Process

1. Contractors must submit an application to reserve rebate funds 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. Cost for solar electric system
 - j. Cost for energy storage system
 - 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
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 housing agency which has 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: verification of the organization's 501(c) status if applicable
4. The Department's software system will confirm receipt and will give each reservation a time and date stamp signifying the date and time the initial reservation application was received.
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.

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 submitted to 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.
4. At the end of the six-month reservation period, the Department will grant one six-month extension to each reservation upon request for any reason.
5. The Department may grant an additional six-month extension 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.

330-240-0140 Allocation of Rebate Funds

1. Subject to limits 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 pool according to the order in which a reservation application was submitted by a contractor, signified by the time and date stamp for receipt of the reservation application.
2. No more than 75 percent of program funds may be used for rebates benefitting non-low- or moderate-income residential customers, except as provided in paragraph (6).

3. No more than 50 percent of funds may be used for rebates benefitting low-income service providers.
4. The Department will make rebate funds available for reservation according to the following schedule:
 - a. Low- or moderate-income pool: 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. General residential pool, 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. General residential pool, phase two: Beginning May 1, 2020, 25 percent of rebate funds will be available for reservation for systems for residential customers other than low- or moderate-income residential customers.
5. The Department may reallocate funds from the low- or moderate-income pool and make the funds available to the general residential pool after six months, subject to the requirement that at least 25 percent of program funds in the first year of the program must be made available to low- or moderate-income residential customers or low-income service providers.
6. If total funds spent and allocated for installations for low- or moderate-income residential customers and low-income service providers are less than 25 percent of the program funds available for a single year, then the unspent and unallocated funds may be made available for all applicants, including non-low- or moderate-income residential customers, in the following year.
7. 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.

330-240-0150 Making a Rebate Request

1. The contractor must supply the following information to the Department to initiate a rebate request:
 - a. Name of customer
 - b. Address of installation and unit number, if applicable
 - c. Description of the equipment included in the solar electric system or paired solar and storage system
 - d. System installation completion date
 - e. Proof of completion, including permits received from the authority having jurisdiction over permitting for the system
 - f. 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
 - g. 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.

- h. Contractor's business mailing address
- i. Contractor's tax identification number

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 10 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 present an unreasonable risk to personal safety.
3. The Department will provide a written determination to the contractor based upon the inspection.
4. If the Department determines that the installation does not meet project eligibility criteria in order to qualify to receive a rebate, the contractor will have 30 days 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 regarding the contractor's written response to the Department's initial determination after an inspection.
6. The Department may deny a rebate or take action to recover a rebate if a contractor does not resolve issues found in an inspection or audit in a timely manner.

330-240-0170 Revocation of Contractor Eligibility

1. The director of the Department 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:
 - a. The contractor's eligibility under OAR 330-240-0020 was obtained by fraud or misrepresentation by the contractor.
 - b. The contractor's performance for installation of solar electric systems or paired solar and storage systems does not meet industry standards
 - c. 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.