



## PERMANENT ADMINISTRATIVE ORDER

**DOE 1-2020**  
CHAPTER 330  
DEPARTMENT OF ENERGY

**FILED**  
05/28/2020 4:04 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Additional methods to verify low- or moderate-income eligibility under solar plus storage rebate program.

EFFECTIVE DATE: 05/28/2020

AGENCY APPROVED DATE: 05/28/2020

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### RULES:

330-240-0010, 330-240-0030, 330-240-0060, 330-240-0160

AMEND: 330-240-0010

RULE TITLE: Definitions for Division 240

NOTICE FILED DATE: 04/21/2020

RULE SUMMARY: Adds definition of "residential customer" for clarity.

### 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 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 customer" means the owner-occupant of a residential dwelling.

(16) "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.

(17) "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- or 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.

(18) "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.

(19) "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: 330-240-0030

RULE TITLE: Project Eligibility

NOTICE FILED DATE: 04/21/2020

RULE SUMMARY: Adds clarification that project for an entity claiming eligibility as a low-income service provider under OAR 330-240-0070 (3) must be installed on a building that provides social services to low- or moderate-income individuals or provides emergency services, as described in OAR 330-240-0070 (3).

RULE TEXT:

- (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 or a subcontractor working for the 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.

(p) The Total Solar Resource Fraction ("TSRF") shall be calculated for each PV array and provided to the Department for reporting in the Department's designated software system. 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 PV array.

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

(C) The Department reserves the right to request documentation from a solar site analysis tool and to conduct independent verification of TSRF values.

(q) 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.

(r) 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 (3) 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.

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: 04/21/2020

RULE SUMMARY: Adds methods for residential customers to prove eligibility for the low- or moderate-income residential customer rebate rate.

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 an 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: 330-240-0160

RULE TITLE: Audits and Inspections; Compliance

NOTICE FILED DATE: 04/21/2020

RULE SUMMARY: Corrects typographical errors.

RULE TEXT:

- (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 in an audit within the time limit established under program rules.
- (7) Pursuant to the procedures for a 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, Oregon Laws 2019 chapter 655 (House Bill 2618)

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