

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Investigation of the  
Costs and Benefits of PacifiCorp's Net  
Metering Program

DOCKET NO. 14-035-114  
ORDER GRANTING WAIVER

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ISSUED: December 14, 2016

BACKGROUND

On November 9, 2016, PacifiCorp, d/b/a Rocky Mountain Power ("PacifiCorp" or "Company") initiated a separate docket, 16-035-T14, by filing with the Public Service Commission of Utah ("PSC") Advice No. 16-13. That filing proposed revisions to Schedule 135, Net Metering Service, and introduced a new Schedule 135A, which PacifiCorp proposed to apply to customers who, on or after the proposed effective date of Schedule 135A, apply to interconnect a solar generation system with PacifiCorp's grid. For simplicity, this Order refers to those proposed tariff changes as the "Tariff Changes."<sup>1</sup>

Customer response to the proposed Tariff Changes has been significant. According to PacifiCorp, the Company received 4,622 interconnection applications between November 10, 2016 and December 9, 2016, from customers desiring to interconnect before the proposed effective date of Schedule 135A. A number of administrative rules apply to each of the 4,622 applications, as explained below.

As to Level 1 interconnections:

- R746-312-8(2)(a) requires PacifiCorp to date and time stamp each interconnection request on the day it is received.

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<sup>1</sup> On December 9, 2016, PacifiCorp filed a letter recommending that the PSC exercise its jurisdiction to suspend the Company's request to implement the proposed Tariff Changes. The PSC issued the requested order the same day. See <http://www.psc.utah.gov/utilities/electric/elecindx/2016/documents/29071816035T14osan16-1312-9-2016.pdf>.

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- R746-312-8(2)(b) states that, within three business days after receipt of an interconnection request, PacifiCorp must provide to the requester an acknowledgment of the application.
- R746-312-8(2)(c) states that, within 10 business days after receipt of an interconnection request, PacifiCorp must evaluate the request for completeness and notify the requester as to whether the application is complete.
- R746-312-8(2)(c) states that a requester who has submitted an incomplete application must, within 10 business days of notification, provide all missing information or request an extension of time to do so.
- R746-312-8(2)(d) gives PacifiCorp 15 business days from the date on which it deems an application complete to determine whether the proposed generation system can be safely and reliably interconnected, and to notify the requester of that determination.
- R746-312-8(2)(e) states that, within five business days of approving an interconnection application, PacifiCorp must provide the requester with all procedures, requirements, and associated forms.
- R746-312-8(2)(g) states that an interconnection application is deemed approved unless PacifiCorp issues a denial within 25 days after receipt of the application.
- R746-312-8(4) gives PacifiCorp 10 business days after receipt of all required documentation to conduct any Company-required inspections or tests, to set any required meter, and to issue final approval for parallel operation. If PacifiCorp fails to meet the 10-day deadline, it is deemed to have waived the witness test.
- R746-312-8(5) states that, if PacifiCorp considers the result of a witness test to be unacceptable, it must give the interconnection customer at least 30 business days to resolve the deficiencies. If the customer does not do so, the interconnection request is deemed withdrawn.

As to Level 2 interconnections:

- R746-312-9(2) sets forth the same deadlines that apply to the processing of Level 1 interconnection applications.
- R746-312-9(3) establishes deadlines that apply where a Level 2 interconnection customer agrees to a supplemental review.

- R746-312-9(4) establishes a 10-day deadline for a Level 2 interconnection customer to notify PacifiCorp of anticipated testing and inspection dates.

As to Level 3 interconnections, R746-312-10(2) sets forth the same deadlines that apply to the processing of Level 1 and Level 2 interconnection applications.

On December 13, 2016, PacifiCorp moved the PSC to waive the above administrative rules<sup>2</sup>, arguing that the extraordinary number of applications received since November 10, 2016 cannot realistically be processed under the deadlines. PacifiCorp also argues that the public safety would be placed at risk if PacifiCorp were required to deem the majority of the applications as approved, due to the Company's inability to conduct the review and inspection necessary to determine whether each proposed generation system can be "interconnected safely and reliably." R746-312-8(2)(d).

PacifiCorp's December 13, 2016 motion also indicates the Company's intention to file with the PSC a proposed plan "identifying the actual number of Applications that are backlogged for processing, the rate at which [Applications] continue to be filed ... and the Company's plan and proposal for time frames to process those Applications." PacifiCorp represents that it can complete the proposed plan by December 23, 2016, and the Company asks the PSC to issue an order requiring it to do so. Finally, PacifiCorp requests that the PSC issue the requested order on an emergency, expedited basis.

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<sup>2</sup> PacifiCorp's motion requests that R746-312-8(2) be waived in its entirety, even though Subsection (f) of the rule does not establish any deadlines.

DISCUSSION

We agree that public safety would be put at risk if, under the operation of our administrative rules, potentially thousands of interconnection applications are deemed approved due to the Company's inability to conduct all necessary tests and inspections under the rule-mandated timeframes.

Given the foregoing, we find that temporarily waiving the administrative rules specified in PacifiCorp's motion is in the public interest. This waiver does not modify the suspended status of Docket No. 16-035-T14, nor does this waiver modify the schedule separately established in this docket.

ORDER

Given the foregoing, the Public Service Commission of Utah approves PacifiCorp's request for waiver of the following administrative rules:

- R746-312-8(2);
- R746-312-8(4);
- R746-312-8(5);
- R746-312-9(2);
- R746-312-9(3);
- R746-312-9(4); and
- R746-312-10(2).

This waiver is temporary and may be revoked by the Public Service Commission of Utah on its own initiative or pursuant to a motion of a party. Despite this waiver, we expect PacifiCorp to use its best efforts to process interconnection applications in a reasonable time frame. The complaint process is available to any interconnection applicant who believes individual facts warrant further Public Service Commission action.

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In addition, PacifiCorp shall, no later than December 23, 2016, file in this docket a proposed plan identifying the actual number of interconnection applications that are backlogged for processing, the rate at which interconnection applications continue to be filed, and PacifiCorp's plan and proposal for timeframes to process all pending interconnection applications.

After PacifiCorp files the plan required under this Order, we will initiate a process to allow public comment on the waiver, including whether additional procedures are appropriate.

DATED at Salt Lake City, Utah, December 14, 2016.

/s/ Michael J. Hammer  
Presiding Officer

Approved and confirmed December 14, 2016 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
DW#290772

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on December 14, 2016, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Robert C. Lively ([bob.lively@pacificorp.com](mailto:bob.lively@pacificorp.com))  
Yvonne R. Hogle ([yvonne.hogle@pacificorp.com](mailto:yvonne.hogle@pacificorp.com))  
Daniel E. Solander ([daniel.solander@pacificorp.com](mailto:daniel.solander@pacificorp.com))  
Rocky Mountain Power

D. Matthew Moscon ([dmmoscon@stoel.com](mailto:dmmoscon@stoel.com))  
Attorney for Rocky Mountain Power

Data Request Response Center ([datarequest@pacificorp.com](mailto:datarequest@pacificorp.com))  
PacifiCorp

Bruce M. Plenk ([solarlawyeraz@gmail.com](mailto:solarlawyeraz@gmail.com))  
Thadeus B. Culley ([tculley@kfwlaw.com](mailto:tculley@kfwlaw.com))  
*Counsel for The Alliance for Solar Choice*

Michael D. Rossetti ([mike\\_rossetti@ucare.us.org](mailto:mike_rossetti@ucare.us.org))

Stanley T. Holmes ([stholmes3@xmission.com](mailto:stholmes3@xmission.com))

Casey Roberts ([casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org))  
Travis Ritchie ([travis.ritchie@sierraclub.org](mailto:travis.ritchie@sierraclub.org))  
Derek Nelson ([derek.nelson@sierraclub.org](mailto:derek.nelson@sierraclub.org))  
Sierra Club

Sophie Hayes ([sophie@utahcleanenergy.org](mailto:sophie@utahcleanenergy.org))  
Sarah Wright ([sarah@utahcleanenergy.org](mailto:sarah@utahcleanenergy.org))  
Kate Bowman ([kate@utahcleanenergy.org](mailto:kate@utahcleanenergy.org))  
Utah Clean Energy

Tyler Poulson ([tyler.poulson@slcgov.com](mailto:tyler.poulson@slcgov.com))  
Salt Lake City Corporation

Gary A. Dodge ([gdodge@hjdllaw.com](mailto:gdodge@hjdllaw.com))  
Hatch, James & Dodge

Kevin Higgins ([khiggins@energystrat.com](mailto:khiggins@energystrat.com))  
Neal Townsend ([ntownsend@energystrat.com](mailto:ntownsend@energystrat.com))  
Energy Strategies

Elias Bishop ([ebishop@utsolar.org](mailto:ebishop@utsolar.org))  
Chad Hofheins ([chad@synergypowerpv.com](mailto:chad@synergypowerpv.com))  
Utah Solar Energy Association

David L. Thomas ([dthomas@summitcounty.org](mailto:dthomas@summitcounty.org))  
Summit County Attorney

Stephen F. Mecham ([sfmecham@gmail.com](mailto:sfmecham@gmail.com))

Jerold G. Oldroyd ([oldroydj@ballardspahr.com](mailto:oldroydj@ballardspahr.com))  
Theresa A. Foxley ([foxleyt@ballardspahr.com](mailto:foxleyt@ballardspahr.com))  
Ballard Spahr LLP

Peter J. Mattheis ([pjm@bbrslaw.com](mailto:pjm@bbrslaw.com))  
Eric J. Lacey ([elacey@bbrslaw.com](mailto:elacey@bbrslaw.com))  
Brickfield, Burchette, Ritts & Stone, P.C.

Jeremy R. Cook ([jrc@pkhlawyers.com](mailto:jrc@pkhlawyers.com))  
Parsons Kinghorn Harris, P.C.

William J. Evans ([bevans@parsonsbehle.com](mailto:bevans@parsonsbehle.com))  
Vicki M. Baldwin ([vbaldwin@parsonsbehle.com](mailto:vbaldwin@parsonsbehle.com))  
Parsons Behle & Latimer

Roger Swenson ([roger.swenson@prodigy.net](mailto:roger.swenson@prodigy.net))  
E-Quant Consulting LLC

David Wooley ([dwooley@kfwlaw.com](mailto:dwooley@kfwlaw.com))  
Keyes, Fox & Wiedman LLP

Arthur F. Sandack, Esq. ([asandack@msn.com](mailto:asandack@msn.com))  
IBEW Local 57

Kurt J. Boehm, Esq. ([kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com))  
Jody Kyler Cohn, Esq. ([Jkylercohn@BKLawfirm.com](mailto:Jkylercohn@BKLawfirm.com))  
Boehm, Kurtz & Lowry



Brian W. Burnett, Esq. ([brianburnett@kmclaw.com](mailto:brianburnett@kmclaw.com))  
Kirton McConkie

Stephen J. Baron ([sbaron@jkenn.com](mailto:sbaron@jkenn.com))  
J. Kennedy & Associates

Sophie Hayes ([sophie@utahcleanenergy.org](mailto:sophie@utahcleanenergy.org))  
Utah Clean Energy

Capt Thomas A. Jernigan ([Thomas.Jernigan@us.af.mil](mailto:Thomas.Jernigan@us.af.mil))  
Mrs. Karen White ([Karen.White.13@us.af.mil](mailto:Karen.White.13@us.af.mil))  
USAF Utility Law Field Support Center

Meshach Y. Rhoades, Esq. ([rhoadesm@gtlaw.com](mailto:rhoadesm@gtlaw.com))  
Greenberg Traurig

Steve W. Chriss ([Stephen.Chriss@wal-mart.com](mailto:Stephen.Chriss@wal-mart.com))  
Wal-Mart Stores, Inc.

Anne Smart ([anne@allianceforsolarchoice.com](mailto:anne@allianceforsolarchoice.com))  
The Alliance for Solar Choice

Meshach Y. Rhoades, Esq. ([rhoadesm@gtlaw.com](mailto:rhoadesm@gtlaw.com))  
Greenberg Traurig

Christine Brinker ([cbrinker@swenergy.org](mailto:cbrinker@swenergy.org))  
Southwest Energy Efficiency Project

Michael Shay ([michael@healutah.org](mailto:michael@healutah.org))  
Heal Utah

Patricia Schmid ([pschmid@utah.gov](mailto:pschmid@utah.gov))  
Justin Jetter ([jjetter@utah.gov](mailto:jjetter@utah.gov))  
Rex Olsen ([rolsen@utah.gov](mailto:rolsen@utah.gov))  
Assistant Utah Attorneys General

Erika Tedder ([etedder@utah.gov](mailto:etedder@utah.gov))  
Division of Public Utilities

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By Hand-Delivery:

Office of Consumer Services  
160 East 300 South, 2<sup>nd</sup> Floor  
Salt Lake City, UT 84111

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Administrative Assistant