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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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**IN THE MATTER OF THE REVIEW OF  
ELECTRIC SERVICE SCHEDULE NO.  
38, QUALIFYING FACILITIES  
PROCEDURES, AND OTHER RELATED  
PROCEDURAL ISSUES**

**Docket No. 14-035-140**

**DIVISION OF PUBLIC UTILITIES'  
RESPONSE TO ELLIS HALL  
CONSULTANTS, LLC'S MOTION TO  
STAY**

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Pursuant to Utah Code Ann. § 54-4a-1 and Utah Admin. Code r746-100 the Utah Division of Public Utilities (“Division”), hereby submits this Response to Ellis Hall Consultants, LLC (“EHC”) Motion to Stay. The Public Service Commission of Utah (“Commission”) should deny EHC’s Motion to Stay. Stay of the docket at this time would be disruptive and contrary to the public interest.

**INTRODUCTION**

Pursuant to the Order on Phase II Issues in Docket No. 12-035-100 RMP filed a capacity contribution study for wind and solar resources on October 9, 2014. On October 14, 2014 the

Division filed a Memorandum recommending a new docket be opened that would combine review of the capacity contribution study and other issues regarding Schedule No. 38. On October 27, 2014 the Commission issued a Notice of Status and Scheduling Conference where it opened this docket. At a scheduling conference on November 6, 2014 a schedule was set for this docket. Over the course of the proceeding months intervening parties were invited to meet on multiple occasions for technical conferences and discussions. The parties to the Settlement Stipulation submitted the Settlement Stipulation on May 5, 2015. The Commission issued its Order Approving the Settlement Agreement on June 9, 2015. On the same day as the Commission issued its Order Approving the Settlement Agreement EHC filed a Motion to Stay this docket.

#### DISCUSSION

The Motion to Stay should be denied. EHC has requested that the Commission stay this docket pending the outcome of EHC's affiliate company Sage Grouse's Request for Agency Action. The stay is requested on the basis that there is confusion regarding jurisdiction over the interconnection agreements. Jurisdiction over interconnection agreements has been addressed adequately in light of current FERC orders in the language presented in the Stipulation. A stay of the proceeding at this time would be disruptive to the primary goals of this proceeding – creating a new queue management process and determining capacity value of solar resources. Moreover the Commission has already issued its Order approving of the Settlement Stipulation.

The Settlement Stipulation recognizes and addresses the jurisdictional issue. As explained in the Comments of SunEdison LLC in Support of Settlement Agreement the language that has been proposed by the Settlement Stipulation adopts and incorporates into Schedule 38 PacifiCorp's established FERC OATT interconnection rights and requirements. The proposed

language in part III “Process for Filing a Complaint with the Commission on Contract Terms” further clarifies that the informal and formal dispute resolution processes are available by filing a complaint with the Commission.

It would not be in the public interest to delay implementation of capacity values or the new queue management. The Settlement Stipulation resulted from a lengthy process of negotiation and input from interested stakeholders. A broad group of interests were represented including multiple developers, clean energy supporters, consumer advocates, the Division and PacifiCorp. The outcome is a queue system that adequately addresses the ongoing problems with projects that for various reasons end up squatting in the queue and holding pricing without advancing. This has the result of depressing pricing for other projects that might otherwise proceed. Staying the proceeding would have the effect of perpetuating the problem that gave rise to this proceeding rather than advancing the public interest in accurate and fair avoided cost pricing.

It is similarly in the public interest to set new capacity values for solar resources now. There is no reasonable justification for staying the determination of appropriate capacity values based on transmission jurisdiction. The interconnection process has no direct impact on the capacity values of solar resources. Staying this proceeding would have the effect of leaving in place solar capacity values that are unsupported by the testimony of any party to this docket. That result would be contrary to the public interest of setting accurate avoided cost rates.

Finally this Motion for Stay has come very late in the process. EHC was on notice and has been included on service lists throughout the course of this proceeding. The FERC orders regarding jurisdiction over interconnection are not new. EHC intervened, but failed to participate in any meaningful way throughout the process. It did not participate in any of the discussions nor

did it file any testimony. EHC did not participate or raise any objections to the Settlement Stipulation during the hearing. If EHC were interested in meaningfully participating it could have raised this issue in a timely manner. Disrupting and delaying implementation of the Settlement Stipulation or updated capacity values based on this 11<sup>th</sup> hour request is not in the public interest.

#### CONCLUSION

The Commission has already ruled in favor of the Settlement Stipulation. Staying the proceeding would result in further harm by retaining inactive projects in the queue. The issue of jurisdiction has been addressed in the Settlement Stipulation to the extent necessary at this time. The capacity values are unrelated to the interconnection jurisdiction. And EHC's motion to stay at the last minute without having participated throughout the process is untimely. The Commission should deny EHC's Motion for Stay.

Submitted this 24<sup>th</sup> day June, 2015.

/s/ Justin C. Jetter

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