

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Rocky Mountain Power for Approval of the Power Purchase Agreement between PacifiCorp and Pavant Solar, LLC )  
DOCKET NO. 14-035-46 )  
ORDER APPROVING APPLICATION )  
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ISSUED: July, 18, 2014

**SYNOPSIS**

The Commission approves the Power Purchase Agreement between PacifiCorp and Pavant Solar, LLC.

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**PROCEDURAL HISTORY AND BACKGROUND**

On April 17, 2014, PacifiCorp, dba Rocky Mountain Power (“PacifiCorp”), filed with the Public Service Commission of Utah (“Commission”) an application for approval of a power purchase agreement between PacifiCorp and Pavant Solar, LLC (“Pavant”) (“Application”). The power purchase agreement provides for the sale of electric energy and capacity to PacifiCorp to be generated by Pavant from a solar-powered electric generation facility (“Facility”) located in Millard County, Utah for a period of 20 years.

PacifiCorp filed a replacement power purchase agreement to correct certain errors to the originally filed version on April 24, 2014, and filed revisions to the replacement power purchase agreement on June 5, 2014, and July 10, 2014. The replacement power purchase agreement and the subsequent revisions are collectively referred to as the “PPA.”

On April 30, 2014, the Commission held a scheduling conference and thereafter issued a scheduling order on May 1, 2014, outlining a schedule for this docket. Pursuant to the

scheduling order, the Division of Public Utilities (“Division”) and the Office of Consumer Services (“Office”) filed comments on the Application on June 10, 2014.

On July 8, 2014, the Commission’s designated Presiding Officer held a hearing to consider the Application. At the hearing, PacifiCorp, the Division, and the Office provided testimony supporting Commission approval of the PPA. No party provided testimony in opposition to approval of the PPA.

### **DISCUSSION, FINDINGS AND CONCLUSIONS**

#### **I. Parties’ Positions**

##### **A. Applicant**

In the Application, PacifiCorp represents it is a “purchasing utility” pursuant to Utah Code Ann. (“UCA”) § 54-12-2, and as such is obligated to purchase power from Qualifying Facilities (“QFs”) under PURPA, UCA § 54-12-1, *et seq.*, and Commission orders. According to PacifiCorp, Pavant represents it is a QF under PURPA. PacifiCorp’s Application further indicates the purchase prices set forth in the PPA were calculated using the methodology approved by the Commission in Docket No. 12-035-100<sup>1</sup> and that all interconnection requirements will be met and the Facility will be fully integrated with PacifiCorp’s system.

##### **B. The Division**

The Division recommends the Commission approve the PPA as being just and reasonable and in the public interest. Based on its review, the Division indicates the pricing set

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<sup>1</sup> See *In the Matter of the Application of Rocky Mountain Power for Approval of Changes to Renewable Avoided Cost Methodology for Qualifying Facilities Projects Larger than Three Megawatts*, Docket No. 12-035-100 (Order on Phase II Issues; August 16, 2013).

forth in Exhibit 5.1 of the PPA appears to be consistent with the Commission's previous orders. Specifically, the Division states PacifiCorp appears to have correctly applied the Proxy/PDDRR method approved by the Commission along with the 84 percent capacity contribution the Commission approved in Docket No. 12-035-100 on an interim basis.<sup>2</sup> Additionally, the Division represents Pavant has demonstrated it is capable of working within project milestones recommended by the Division.

**C. The Office**

Based on review of the PPA, including the issuance of discovery requests and a conference call with PacifiCorp and the Division, the Office states the PPA is in compliance with Commission orders and therefore recommends approval of the PPA.

**II. Findings and Conclusions**

Based on our review of the Application, the PPA, the comments filed in this docket, the testimony provided at the hearing, and hearing no opposition to the Application, we find the prices, terms and conditions of the PPA are consistent with applicable state laws, relevant Commission orders, and Rocky Mountain Power Electric Service Schedule 38. Therefore, we conclude the PPA is just and reasonable and in the public interest.

**ORDER**

Pursuant to the foregoing discussion, findings and conclusions, we order:

1. The replacement Power Purchase Agreement between PacifiCorp and Pavant filed with the Commission in this docket on April 24, 2014, as amended by the filings

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<sup>2</sup> *Id.*

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made by PacifiCorp with the Commission in this docket on June 5, 2014, and July 10, 2014, is approved.

DATED at Salt Lake City, Utah, this 18<sup>th</sup> day of July, 2014.

/s/ Jordan A. White  
Presiding Officer

Approved and confirmed this 18 day of July, 2014, as the Order of the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
DW#258478

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 this written 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 the 18<sup>th</sup> day of July, 2014, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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

Dave Taylor ([dave.taylor@pacificorp.com](mailto:dave.taylor@pacificorp.com))  
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Administrative Assistant