

Ryan Evans, President
Utah Solar Energy Association
5406 W. 11000 N.
Suite 103 PMB#514
Highland, UT 84003-8942
Telephone: (801)363-6363
Email: revans@utsolar.org

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Proposed Rulemaking Concerning Utah Code Ann. § 54-17-807, Solar Photovoltaic or Thermal Solar Energy Facilities, Enacted May 8, 2018	Docket No. 18-R450-01
--	-----------------------

**Initial Comments by the Utah Solar Energy Association Regarding Proposed
Rules to Implement to Utah Code Ann. § 54-17-807**

BACKGROUND

Pursuant to the Notice of Proposed Rulemaking and Request for Comments issued by the Utah Public Service Commission (“Commission”) in Docket No. 18- R450-01, the Utah Solar Energy Association (“Solar Association”) submits these comments to the Commission to aid the Commission in promulgating rules that will facilitate and govern the process established in Utah Code Ann. §54-17-807 (“Section 807”).

The Solar Association was an active participant in the negotiations with Rocky Mountain Power (“Company”) and other parties regarding the language presented in H.B.

261. From the outset, the Solar Association did not have an objection to the Company being able to develop and own solar photovoltaic or thermal solar energy projects, but the Solar Association did have strong concerns about the initial bill language not containing suitable protections for ratepayers, private sector solar developers, and the competition the latter brings to the electric market. After several amendments, the Solar Association eventually withdrew our opposition to H.B. 261 feeling that the bill and the spirit of the bill were clear in requiring a competitive solicitation process and that the Company should not be given any advantages versus third parties.

INITIAL COMMENTS

1. Utah currently ranks eighth in the nation for total solar capacity. Much of that success comes from private sector developers selling solar energy via power purchase agreements to utilities. It is imperative that a new system by which a qualified utility can develop and own their own solar generation facilities compliment this success, not limit it or impede it in anyway.

2. The Solar Association respectfully requests that the Commission create a level playing field in which the Company and other solar developers all have fair and equal opportunity to compete to construct and own solar resources “including with respect to interconnection and transmission requirements imposed on bidders by the solicitation within the control of the commission and the qualified utility, excluding federally regulated transmission function, and will otherwise serve the public interest.” Examples of policies that would foster a level playing field include, but are not limited to:

- a. Rules that allow the Company and other developers to bid and, importantly, have an expectation that every bid will be given equal consideration as to its merits and its benefits to ratepayers. In at least one other state where there was not a robust, competitive process, utility owned/developed projects were approved at far higher costs than what the market could deliver. Rules that allow third party developers of solar resources to compete unimpeded in the marketplace will provide the Commission with improved market data and help ensure bids selected are truly in the public interest now and in the future.
- b. Use of an independent, third party evaluator to oversee the solicitation process to ensure an objective opinion regarding the solicitation design, to proactively encourage bids from private sector developers, and to receive the bids from all parties. An independent evaluator would promote confidence in the solicitation process and help to ensure the best bid is truly selected. Additionally, an independent evaluator would eliminate a situation where one of the bidders (the Company) would have access to all of the bids and bid information of private developers and be able to use submitted information in future bids of their own.
- c. Rules regarding the “six month window” (established in HB 261) after a competitive market price for a solar energy resource has been identified, should allow only truly similar projects. Similar should reflect, at a minimum, size of a system, the system components, location, interconnection requirements and relative contract terms.
- d. Rules should allow for a long enough response time to any RFP so that developers have adequate time to submit competitive bids and disallow too short

of a period by which third party developers would be precluded from participating. Short response times to any RFP would unfairly advantage the Company as potential projects are brought forward.

SUMMARY

The Solar Association respectfully encourages the Commission to adopt clear rules that follow the spirit of H.B. 261 as it was passed- an opportunity to increase Utah's solar energy capacity via a process that allows a qualified utility to develop and own solar resources. "Increase" is the key word as our state has already proven to be a national leader in solar energy development and we should not discourage third party developers from investing in Utah.

Policies that prevent unfair advantages for the Company over third parties, and create a truly fair and transparent process, are favorable because they ensure the protection of ratepayers from any potential inflated resource pricing. If an equal and competitive process is developed, it will encourage the development of resources at competitive rates that are truly in the public interest.

Dated this 29th day of June 2018.

Respectfully Submitted,



Ryan Evans
President
Utah Solar Energy Association

CERTIFICATE OF SERVICE
DOCKET NO. 18-R450-01

I certify that on June 29, 2018, a true and correct copy of the foregoing was served by email to the following:

Rocky Mountain Power

Jeff Richards	Robert.Richards@pacificorp.com
Jana Saba	jana.saba@pacificorp.com
Yvonne Hogle	yvonne.hogle@pacificorp.com

Division of Public Utilities

Chris Parker	chrisparker@utah.gov
Patricia Schmid	pschmid@agutah.gov
Justin Jetter	jjetter@agutah.gov
Artie Powell	wpowell@utah.gov

Office of Consumer Services

Michele Beck	mbeck@utah.gov
Cheryl Murray	cmurray@utah.gov
Robert Moore	rmoore@agutah.gov