

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Acknowledgment of PacifiCorp's Integrated Resource Plan.	) ) ) ) ) ) )	<u>DOCKET NO. 09-2035-01</u>  <u>ORDER AND NOTICE OF</u> <u>SCHEDULING CONFERENCE</u>
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ISSUED: April 7, 2009

By the Commission:

This Docket was initiated on March 19, 2009, when Rocky Mountain Power, acting for PacifiCorp ("Company"), notified the Public Service Commission of Utah ("Commission") that the Company planned to file its next Integrated Resource Plan ("IRP") on May 29, 2009. The Commission issued an Action Request to the Utah Division of Public Utilities ("Division"), regarding this change in the expected filing date. The Division responded to the Action Request on March 25, 2009, and the Utah Committee of Consumer Services ("Committee") also filed comments on the proposed filing date and other issues on March 31, 2009.

**BACKGROUND**

Beginning with a letter dated June 11, 2008, accompanying the Company's 2007 IRP update filed in Docket No. 07-2035-01,<sup>1</sup> the Company requested that its next IRP be filed

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<sup>1</sup>Docket No. 07-2035-01, "In the Matter of the PacifiCorp 2006 Integrated Resource Plan."

March 31, 2009, and that the filing date for future IRPs be permanently changed to March 31 of each odd-numbered year.

On February 13, 2009, the Company provided a partial Draft 2008 IRP to participants in the IRP public process and indicated the remaining information would be provided during the week of February 23, 2009. The Company further requested comments from interested participants by March 12, 2009.

Due to changed circumstances, on March 6, 2009, PacifiCorp informed interested participants of a revised 2008 IRP schedule as follows: March 20, 2009, revised Draft 2008 IRP completed; March 31, 2009, IRP filed with the Washington Commission and IRP distributed for public review; April 15, 2009, public comments due to the Company; and April 30, 2009, IRP filed with other state Commissions. On March 11, 2009, the Company hosted a teleconference to discuss this proposed schedule with interested participants.

On March 19, 2009, a teleconference of Utah participants in the IRP process and Company representatives was held to discuss the Company's schedule as proposed on March 11, 2009, and for Utah participants to provide input to the Company on this schedule. Also on March 19, 2009, the Company filed a letter with the Commission indicating it will file the 2008 IRP on May 29, 2009. The Company specified the following two circumstances led to the change in schedule: first, the need for additional time to finalize its 2008 IRP and second, to provide sufficient time for parties to review the Draft 2008 IRP prior to its filing with the Commission.

## **COMMENTS OF THE PARTIES**

Both the Division and the Committee oppose the proposed filing date and explain it is yet another delay to the expected IRP schedule. As this iteration of the IRP has progressed, the Utah parties had developed expectations of an earlier filing date based on the IRP guidelines and previous Company statements at various stages in the process. Specifically, both the Division and Committee note the date has progressively slipped from an anticipated March 31, 2009 filing date, to the currently proposed May 29, 2009, date.

In its March 25, 2009, memo the Division concludes the Company's March 19, 2009, proposed schedule is unreasonable because the information contained in the IRP would be significantly outdated by the time an acknowledgment order could be issued. Further, the Division also opposes the proposal that the future filing dates (for the IRP and IRP Updates) should be March 31. The Division explains that a January 1 filing date would provide the information it needed in a more timely manner. The Division requests the Commission order the Company to file its current IRP in Utah on April 6, 2009, as the Company had already stated it would be circulating a draft version of the IRP among the states by that date. The Division also requests the Commission hold a scheduling conference which would determine a schedule for the parties to provide comments on the IRP to the Commission. The Division suggests that at a minimum parties be allowed 30 days to provide comments.

In its comments on the proposed filing date the Committee supports an IRP filing date in Utah of April 8, 2009, for similar reasons as the Division supports April 6, 2009. The Committee states that while it generally concurs with the Division's analysis and concerns, it believes the Division's recommendation of a 30 day comment period provides insufficient time

to conduct meaningful analysis, therefore the Committee recommends the Commission provide between 60 and 90 days for comments and analysis. The Committee also enumerates its concerns regarding the effects the on-going delays in receiving the IRP information have had, and could have, on current and future dockets.

On April 2, 2009, the Company filed reply comments with the Commission opposing the recommendations of the Division and Committee. Specifically, the Company is concerned the draft of the 2008 IRP it will circulate to IRP participants, will be incomplete, will not have gone through senior management approval and will not benefit from parties' comments. The Company is concerned the status of "final" 2008 IRP acknowledgment is not clear and may be administratively burdensome and result in further delay. Additionally, the Company is concerned the process recommended by the Division and Committee would effectively mean abandoning a significant portion of the Company's efforts to align the IRP and its business plan.

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

We concur with the concerns expressed by both the Division and the Committee regarding the importance of receiving IRP information in a timely manner. We further concur that starting a formal review of the IRP sooner rather than later will provide useful information to regulators and interested parties, on a going forward basis, as the Company formulates plans to address the significant resource deficits projected in the future. Therefore we adopt the Division's and Committee's recommendation regarding the filing date for this IRP and order the Company to file its April 2008 Draft IRP in Utah on the date the Company plans to circulate this document to other states, which we understand is April 8, 2009. We acknowledge the

Company's concerns and will work toward a process to address the Company's issues and the additional information that will need to be filed for final acknowledgment. We will convene a scheduling conference on Tuesday, April 14, 2009, to determine a schedule and process for comments to the Commission and other issues raised by the parties.

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. PacifiCorp shall file its April 2008 Draft Integrated Resource Plan in Utah on April 8, 2009.

2. Notice is hereby given that a Scheduling Conference in the above entitled matter will be conducted by the Public Service Commission of Utah on **Tuesday, April 14, 2009, either at 10:30 a.m., or directly following the Scheduling Conference in Docket No. 09-035-15, in the Fourth Floor Room 401,** Heber M. Wells State Office building, 160 East 300 South, Salt Lake City, Utah.

Individuals wishing to participate by telephone should contact the Public Service Commission two days in advance by calling (801) 530-6716 or call toll-free 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission five minutes prior to the conference to ensure participation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during any

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proceeding should notify Julie Orchard, Commission Secretary, at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, this 7<sup>th</sup> day of April, 2009.

/s/ Ted Boyer, Cha

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#61518