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Division of Public Utilities

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## ACTION REQUEST RESPONSE

**To:** Public Service Commission

**From:** Division of Public Utilities  
Chris Parker, Director  
Artie Powell, Manager  
Joni Zenger, Technical Consultant  
Sam Liu, Utility Analyst  
Abdinasir Abdulle, Technical Consultant

**Date:** August 30, 2013

**Re:** **No Action, Docket No. 13-035-129**, Rocky Mountain Power-Renewable Resource in 2014

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### RECOMMENDATION (No Action Required)

The Division of Public Utilities (“Division”) recommends that the Public Service Commission (“Commission”) take no action. In its review of the Company’s filing and of Utah Code §54-17-502, the Division determined that the Company’s solar resource is proceeding outside of the solicitation process as indicated by §502(6).

### ISSUE

On July 31, 2013, Rocky Mountain Power (“Company”) filed a courtesy notice to the Commission indicating that the Company reasonably expects to acquire a small solar project pursuant to ORS 757.370, the Oregon Photovoltaic Capacity Standard, which would come into service during 2014. On August 8, 2013, the Commission issued an Action Request to the Division to review the filing for compliance with Utah Code Ann.

§54-17-502 and to make recommendations. This memorandum represents the Division's response to the Commission's Action Request.

## **DISCUSSION**

On July 31, 2013, Rocky Mountain Power ("Company") filed a courtesy notice to the Commission indicating that the Company reasonably expects to acquire a small solar project pursuant to ORS 757.370, the Oregon Photovoltaic Capacity Standard, which would come into service during 2014. In this filing the Company stated that this 2014 solar project would be a situs only renewable resource, rather than a system-wide renewable resource.

The Division reviewed Utah's statutes, specifically Utah Code Ann. §54-17-502, to determine if the Company's solar acquisition is in compliance with Utah's statute and if any further action needs to be taken. Section 54-17-502 sets forth a solicitation process under which the Company may participate and the Commission shall retain a consultant. Subsection §502(2)(e) requires the Company to file a notice with the Commission indicating, among other things, its intent to acquire a renewable energy resource. When the Commission receives the Company's notice, the Commission shall promptly retain a consultant as required by 502(3)(a). However, §502(6) states in relevant part that "[n]othing in this section precludes an affected electrical utility from constructing or acquiring any renewable energy source project outside the solicitation process..." The Company has provided a courtesy notice of its intent to proceed under Oregon laws for a solar project that is situs only. Therefore, with respect to §54-17-502, in the Division's opinion, the Company will operate outside the solicitation process and it will not be necessary to hire an independent evaluator.

The Division will ensure that, when the Company seeks cost recovery for the solar project, the costs are situs assigned to Oregon customers and the Utah ratepayers will not

be directly impacted by the acquisition. Therefore, the Division finds that no further action is required by the Commission.

## **CONCLUSION**

After reviewing the Company's courtesy notice to the Commission regarding its 2014 acquisition of a small solar project to be located in Oregon, as well as Utah Code Ann. §54-17-502, the Division concludes that the solar resource acquisition will operate outside the Utah solicitation process, and it will not be necessary to hire an independent evaluator. The Division recommends that no further action is required by the Commission.

CC: Dave Taylor, RMP  
Michele Beck, OCS