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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Investigation of the Costs and Benefits of PacifiCorp's Net Metering Program	Docket No. 14-035-114 <b>MOTION FOR EMERGENCY WAIVER OF LEVELS 1, 2 AND 3 INTERCONNECTION REVIEW PROCESSING TIMEFRAMES</b>
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Pursuant to Utah Admin. Code R746-312-3(2), R746-100-3(J), and R746-100-15, Rocky Mountain Power, a division of PacifiCorp (“Company” or “Rocky Mountain Power”), hereby requests and moves the Commission for an expedited order temporarily relieving the Company of the obligation to comply with the timeframes required by R746-312-8 through R746-312-10 for the processing of Levels 1, 2 and 3 Interconnection Review applications (the “Applications”) received on and after December 5, 2016. The specific processing timeframes for which the Company seeks a temporary waiver are as follows:

1. R746-312-8(2);
2. R746-312-8(4);
3. R746-312-8(5);
4. R746-312-9(2);
5. R746-312-9(3);
6. R746-312-9(4); and
7. R746-312-10(2).

As the Commission is aware, pursuant to Utah Code Annotated § 54-15-105.1 (the “Net Metering Statute”) and as required by the Order issued by the Commission in this docket on November 10, 2015, the Company filed, on November 9, 2016, its Compliance Filing and Request to Complete All Analyses Required Under the Net Metering Statute for the Evaluation of the Net Metering Program (“Compliance Filing”) in this matter. As part of the Compliance Filing the Company included a proposal for new rates for residential customer generators in order to minimize the cost shifting shown in the filing. In conjunction with the Compliance Filing, the Company filed Advice No. 16-13 requesting (i) proposed tariff changes that close Schedule 135 to new service and implement a new Schedule 135A on a temporary basis, and (ii) related modifications to its standard net metering contracts (collectively, the “Tariff Filing”). Schedule 135A differs from the currently effective Schedule 135 only in that it provides express notice to future net metering customers that the Commission may make changes to net metering rates to which they would be subject. The Company proposed an effective date of December 10, 2016, for the Tariff Filing. The Company’s Compliance Filing proposes to apply its proposed new residential rates for customer generators to customers who submit an Application for net metering on and after December 10, 2016.

In response to these filings, the Company has seen an unprecedented increase in the number of Applications received by the Company as customers and solar companies made a concerted effort to submit Applications prior to December 10, 2016. Indeed, during the four week period of November 10th to December 9th, the Company received 4,622 Applications. Of these, 55 percent were submitted during the week of December 5, 2016. In comparison, the Company received an average of approximately 1,000 Applications per month earlier in the year.

The substantial increase in Applications during this short timeframe hinders the Company's ability to satisfy the processing timeframes imposed by the Interconnection Rules. Using Level 1 interconnection rules as an example, R746-312.8(2)(a) requires the Company to "date and time stamp each interconnection request *on the day it was received by the utility.*" (Emphasis added). Further, R746-312.8(2)(b) mandates that, "[w]ithin three business days after receipt" of receiving an Application, "the public utility shall acknowledge to the interconnection customer receipt of the interconnection request." (Emphasis added). Also, R746-312.8(2)(c) states that "[w]ithin 10 business days after receipt, the public utility shall evaluate the interconnection request and notify the interconnection customer whether the interconnection request is complete." (Emphasis added). If the request is incomplete, "the public utility must provide a list detailing all information that must be provided to complete the application." R746-312.8(2)(c)(i). "*Within 10 days of receipt* of this notification, the interconnection customer must submit the missing information to the public utility or request an extension of time to provide such information." R746-312.8(2)(c)(ii) (Emphasis added).

In addition, R746-312.8(2)(d) provides that "[w]ithin 15 business days after issuing a notification of completeness, the public utility shall verify, using screens set forth in Section R746-312-7, whether or not the proposed generating facility can be interconnected safely and reliably" and notify the customer whether the Application has been approved or disapproved.

(Emphasis added). Further, R746-312.8(2)(e) mandates that, “[e]ither along with *or within five business days after* notifying the interconnection customer that the interconnection request has been approved,” the Company is required to provide the prospective interconnection customer with the “procedures, requirements and associated forms, including any required standard form interconnection agreement, for final authorization of the interconnection, as determined by the public utility.” (Emphasis added). Most significantly, R746-312.8(2)(g) states that, “[i]f a *public utility does not notify a Level 1 interconnection customer in writing or by electronic mail whether the interconnection request is approved or denied within 25 days after the receipt of an application, the interconnection request shall be deemed approved.*” (Emphasis added).

Finally, R746-312.8(4) requires the Company, “[w]ithin *10 business days of receipt of all required documentation . . .*” to “conduct any company-required inspection or witness test, set the new meter, if required, approve the interconnection, and provide written notification to the interconnection customer of the final interconnection authorization/approval indicating that the generating facility is authorized/approved for parallel operation.” (Emphasis added). If the Company fails to do this within 10 business days, “*the witness test is deemed waived.*” *Id.* (Emphasis added). Similarly, R746-312.8(5) mandates that, where a witness test is conducted and not approved, “the interconnection customer must be granted a period of 30 business days to resolve any deficiencies.” Levels 2 and 3 interconnection rules have fewer but similar requirements. The Company anticipates that most of the applications being received are related to Levels 1 and 2 interconnections; however, the large volume of applications has made it challenging to distinguish by Level at this point.

While the Company has been able to acknowledge most, if not all, of the Applications received thus far, consistent with the three business day timeline required by R746-312-8(2)(b), it does not have the resources to process the subsequent deadlines set forth in the applicable rules

according to these timeframes.<sup>1</sup> In addition, the Company has been working diligently to comply with the deadlines for Applications received prior to December 5, 2016. Notably, some of the deadlines in the interconnection rules apply to the applicants and the timeline required for them to correct deficiencies in their Applications. Therefore, this temporary waiver request may be beneficial to customers who applied for net metering service in order to meet the proposed December 10, 2016 cut-off date but do not yet have their financing completed, or other information necessary to finalize their interconnection request.

In any event, if immediate action is not taken by the Commission to address this situation, a substantial number of Applications will be deemed approved under the interconnections rules in R746-312, regardless of whether those Applications are complete, regardless of whether the proposed generation facility at issue in each Application could be interconnected safely or reliably, and regardless of whether other appropriate technical, mechanical and systematic requirements have been satisfied to allow proper interconnection. Thus, compliance with the interconnection rules referenced above in R746-312 would impose an undue hardship on the Company that outweighs the benefits of that rule. Indeed, if an order is not entered immediately to address this situation, the principal purposes of R746-312 – i.e. to provide timely, safe and proper interconnection of private generation facilities – would be undermined.

For these reasons, the Company requests an expedited Order from the Commission temporarily waiving Rocky Mountain Power's obligation to comply with the processing

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<sup>1</sup> Notably, however, the Company has brought on additional contract resources and developed more streamlined procedures to respond to the growing number of Applications it has been receiving this year. Even with these resources and efficiencies, the Company cannot adequately accommodate this potentially short-term influx of new Applications in a timely manner.

timeframes required by the following provisions of R746-312.8 for Applications received on and after December 5, 2016:

- a. R746-312-8(2);
- b. R746-312-8(4);
- c. R746-312-8(5);
- d. R746-312-9(2);
- e. R746-312-9(3);
- f. R746-312-9(4); and
- g. R746-312-10(2).

The Company further proposes to file with the Commission, on December 23, 2016, a proposed plan identifying the actual number of Applications that are backlogged for processing, the rate at which they continue to be filed after the Tariff Advice Filing was suspended, and the Company's plan and proposal for time frames to process those Applications.

Accordingly, the Company respectfully requests this Commission to immediately enter an Order suspending the Company's obligation to comply with the processing timeframes identified above, Order the Company to file a Report and Recommendation on December 23, 2016 identifying its actual backlog of Applications and a proposal for processing the same, at which time the Commission can enter a subsequent order in its discretion either re-instating or modifying the timetables as the Commission deems appropriate.

DATED December 13, 2016.

RESPECTFULLY SUBMITTED,

ROCKY MOUNTAIN POWER



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## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **MOTION FOR EMERGENCY WAIVER OF LEVELS 1, 2 AND 3 INTERCONNECTION REVIEW PROCESSING TIMEFRAMES** was served by email this 13th of December, 2016, on the following:

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