

Sage Grouse Energy Project, LLC
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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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)	
In the Matter of: The Utah Public)	Docket No. 15-2582-01
Service Commission Exercising)	
Jurisdiction Over Schedule 38 and, as)	ERRATA Sage Grouse Energy
Adopted, PacifiCorp’s OATT Part IV.)	Project, LLC’s Request for Agency
)	Action
)	
)	

On May 29, 2015, Sage Grouse Energy Project, LLC (“Sage Grouse”) filed *Sage Grouse Energy Project, LLC’s Request for Agency Action* (the “Request”) seeking the Commission to require PacifiCorp to comply with the requirements of Schedule 38 by exercising jurisdiction over PacifiCorp’s Open Access Transmission Tariff as it is adopted by Schedule 38. In an attempt to assist the Commission issue a clear, helpful, and accurate order, Sage Grouse has continued reviewing the electrical docket for relevant orders that may touch on the subject matter. Although not material, Sage Grouse has subsequently identified additional Commission orders that may help clarify the issue before the Commission.

In the Request, Sage Grouse stated:

On February 24, 2003, the Utah Public Service Commission (the “Commission”) approved P.S.C.U. No. 44 Electric Service Schedule No. 38 as modified in PacifiCorp’s December 13, 2002 reply comments. *See* February 24, 2003 Order 3. Although PacifiCorp has published various revisions to Schedule 38, the

Commission has never “expressly” altered its February 24, 2003 to formally implement these changes.

Request 2.

Sage Grouse maintains that PacifiCorp filed various revisions to Schedule 38 that do not correspond to a Commission order. Nevertheless, Sage Grouse has discovered that orders “expressly” altering Schedule 38 do, in fact, exist.

As explained in Sage Grouse’s Request, on February 24, 2003, the Utah Public Service Commission ordered approved P.S.C.U. No. 44 Electric Service Schedule No. 38 as modified in PacifiCorp’s December 13, 2002 reply comments. Several years later, on October 31, 2005, the Commission ordered PacifiCorp to:

work with parties to develop a proposed revision to formal dispute resolution procedures. Also the revision should include language informing QFs of the bidding process requirements for QFs 100 megawatts or greater and seek terms of ten years or more. [The Commission] further direct[s] the Company to create on its web site (with reference to this site shown on Schedule No. 38) a transparent check list or table which incorporates the decisions in this order and allows QF developers to view the process for determining indicative pricing.

Commission October 31, 2005 Order.¹

On December 5, 2012, and after PacifiCorp submitted a revised Schedule 38, “the Commission notified [PacifiCorp] . . . that available informal and formal dispute resolution procedures . . . were absent and direct[ed] [PacifiCorp] to work with parties to develop a proposed change to Schedule 38 incorporating such language.” *See* Commission March 21, 2013 Order 2-3. The Commission then ordered:

1. The modified language addressing QFs, which are greater than 100 megawatts and seeking a contract term of ten years or more, is approved as filed in the Application;
2. The Company shall file, by April 15, 2013, Schedule 38 modifications addressing dispute resolution procedures consistent with the decision contained herein;

¹ <http://www.psc.state.ut.us/utilities/electric/00%20thru%2010/05orders/Oct/0303514RO.pdf>

3. The Company shall develop, and notify the Commission of its location, a checklist or table to be posted on its website which incorporates the decisions in the 2005 Order and allows QF developers to view the process for determining indicative pricing by April 15, 2013.
4. The Company shall file, by April 15, 2013, a revision to Schedule 38, Section II.B to include references to the Commission-approved electrical interconnection rules and Company forms and agreements pertaining to distribution interconnection, as discussed herein.

Commission March 21, 2013 Order 8-9.²

On April 15, 2013, PacifiCorp issued a revised Schedule No. 38, Sheet No. 38.7.³

On June 10, 2013, the Commission approved this revision.⁴

With this history better clarified, Sage Grouse notes that it is all immaterial because it appears that the Commission did not 1) request changes to the operative language and 2) the changed language still requires the Commission to exercise jurisdiction over PacifiCorp's compliance with its OATT, as adopted by Schedule 38.

Version 44 of Schedule 38 stated:

The Company *will* follow the procedures for generation interconnection described in Part IV of the Company's Open Access Transmission Tariff (Tariff) on file with the Federal Regulatory Commission. A copy of the Tariff is available on-line at <http://www.oasis.pacificorp.com>.

P.S.C.U. No. 44 Schedule 38 Part II(B) (emphasis added).

In comparison, version 49 of Schedule 38 states:

For interconnections impacting the Company's Transmission System, the Company *will* process the interconnection application through PacifiCorp Transmission Services *following* the procedures for studying the generation interconnection described in the Company's Open Access Transmission Tariff, PacifiCorp FERC Electric Tariff, Fifth Revised Volume No. 11 Pro Forma Open Access Transmission Tariff (OATT) on file with the Federal Regulatory Commission. A copy of the OATT is available on-line at <http://www.oasis.pacificorp.com>.

² <http://www.psc.state.ut.us/utilities/electric/13orders/Mar/242842%2012035101ootm.pdf>

³ <http://www.psc.state.ut.us/utilities/electric/elecindx/2012/12035101indx.html>

⁴ <http://www.psc.state.ut.us/utilities/electric/elecindx/2012/12035101indx.html>

For interconnections impacting the Company's Distribution System only, the Company will process the interconnection application through the Manager of QF Contracts at the address shown in Section II.A. Applications for interconnection at the distribution level will be processed in accordance with Utah Admin. Code R746-312 Electrical Interconnection using the Company's Commission-approved interconnection forms and agreements, which are provided electronically at the following address: <http://www.pacificorp.com/tran/ts/gip/qf.html>

P.S.C.U. No. 49 Schedule 38 Part II(B) First Revision of Sheet No. 38.7 (emphasis added).

Sage Grouse notes that it is not aware of a Commission order requesting changes to the first paragraph. Indeed, the prior orders that Sage Grouse has identified specifically refer to the second paragraph. Sage Grouse would appreciate clarification if such a change was, indeed, ordered.

Even so, for purposes of Sage Grouse's jurisdictional arguments, the changes are immaterial. Version 49 still includes language requiring PacifiCorp, as a requirement of Schedule 38, to follow PacifiCorp's OATT. Thus, the Commission should have exercised jurisdiction over PacifiCorp's compliance with its OATT and reviewed complaints against QF owners' lack of Site Control before approving any PPAs. Sage Grouse prays that the Commission now explicitly exercise authority over PacifiCorp's compliance with *all* of Schedule 38.

Accordingly, Sage Grouse maintains all other arguments in its Requests, including those seeking clarification of Mr. Jordan White's affiliations with PacifiCorp. Sage Grouse, therefore, revises only its first and second Requests for Action to ask that the Commission issue an order that states:

- (1) As of July 9, 2013, the operative version of Schedule 38 required PacifiCorp to follow its OATT and apply those procedures for studying the generation interconnection, which included PacifiCorp's OATT's Site Control requirements.

(2) The Commission had and continues to have jurisdiction over PacifiCorp's OATT as adopted by Schedule 38.

Sage Grouse acknowledges Ellis-Hall's and Mr. Dodge's statements supporting Sage Grouse's Request. While it initially appears that those statements include independent grounds to grant Sage Grouse's Request, Sage Grouse will reserve further comment until its reply.

Respectfully Submitted,

/s/ Michelle McDaniels

Michelle McDaniels

Manager of Sage Grouse Energy Project, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2015, an original and ten (10) true and correct copies of the foregoing ***ERRATA Sage Grouse Energy Project, LLC's Request for Agency Action*** were hand-delivered to:

Gary L. Widerburg
Commission Secretary
Public Service Commission of Utah
Heber M. Wells Building, Fourth Floor
160 East 300 South
Salt Lake City, UT 84111

and true and correct copies were electronically mailed to the addresses below:

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and a true and correct copy was mailed via United States Postal Service to:

Stephen & Bonnie Meyer, Trustee
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Blanding, Utah 84511

/s/ Michelle McDaniels

Michelle McDaniels

Manager of Sage Grouse Energy Project, LLC