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September 14, 2017

VIA ELECTRONIC FILING

Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Secretary

RE: Docket No. 17-035-23 – In the Matter of the Application of Rocky Mountain Power for Approval of Solicitation Process for Wind Resources

Rocky Mountain Power hereby submits for electronic filing its Opposition to 1) Petition to Intervene of sPower and 2) Prefiled Rebuttal Testimony of Hans Isern and Motion for Expedited Treatment in the matter referenced above.

Rocky Mountain Power respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): datarequest@pacificorp.com
Bob.lively@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
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Informal inquiries may be directed to Bob Lively at (801) 220-4052.

Sincerely,

Jeffrey K. Larsen
Vice President, Regulation

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Yvonne R. Hogle (7550)
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Attorneys for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the Application of Rocky Mountain)	Docket No. 17-035-23
Power for Approval of Solicitation Process for Wind)	
Resources)	

**OPPOSITION TO 1) PETITION TO INTERVENE OF sPOWER AND 2) PREFILED
REBUTTAL TESTIMONY OF HANS ISERN AND MOTION FOR EXPEDITED
TREATMENT**

Rocky Mountain Power (the “Company”) hereby submits this Opposition to 1) Petition to Intervene of sPower and 2) Prefiled Rebuttal Testimony of Hans Isern.

I. Background

On September 13, 2017, sPower filed a Petition to Intervene and the Prefiled Rebuttal Testimony of Hans Isern. sPower asserts that it is an independent power producer headquartered in Salt Lake City and owns and operates over 150 sustainable energy projects totaling over 1 gigawatt of operating assets, among other things. sPower further asserts that its legal rights and interests will be substantially affected by this proceeding and that it will not be adequately represented by any other party. sPower indicates that it seeks relief regarding “modifications to the

2017R RFP to broaden its eligibility requirements to include wind resources outside of Wyoming and other resource types like solar, lessen the interconnection study burden, lengthen the available Power Purchase Agreement tenor options contained in the 2017R RFP, remove the RFP’s litigation criteria for bidding eligibility, and remove unfettered PacifiCorp discretion.”¹ sPower asserts that the interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing it to intervene. For the reasons set forth below, the Company opposes sPower’s Petition and Prefiled Rebuttal Testimony of Hans Isern.

A. sPower Cannot Show Intervention is Proper Under Utah Code Ann. § 63G-4-207 or Any Other Statute

sPower’s assertion that its legal rights and interests will be substantially affected by this proceeding alone does not warrant intervention. Utah Code Ann. § 63G-4-207 requires a person that wishes to intervene in a formal adjudicative proceeding with an agency to *demonstrate* that its legal rights or interests “may be substantially affected by the formal adjudicative proceeding, and that the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention.” (Emphasis added).

In this proceeding, the Company seeks approval of a solicitation process to procure wind renewable resources capable of interconnecting to, and delivering energy and capacity across, its Wyoming transmission system. sPower is clear that its reasons for seeking intervention include, without limitation, to protect its interests as an independent power producer.² This proceeding is not and should not be for potential bidders to advocate for their individual bid positions or to ensure the most favorable criteria and scope for the projects they intend to bid into the solicitation process. The protections sought by potential bidders like sPower is being accomplished through the

¹ Petition to Intervene of sPower, pp. 2-3 (September 13, 2017).

² *Id.*, p. 2.

extensive review of the Company's proposed 2017 renewable request for proposals (2017R RFP) by intervenors or other participants who, unlike sPower, do not have a commercial interest in the outcome of the proceeding. For example, as a participant, the independent evaluator's (IE) role and overall objective in this process "is to ensure the solicitation process could reasonably be expected to be undertaken in a fair, consistent and unbiased manner and results in the selection of the best resource option(s) for customers in terms of price and risk. As a component of the first phase of the solicitation process (RFP Design Phase, i.e. review of the draft RFP and related documents) the objective of the IE is to ensure the RFP will lead to a fair, equitable and transparent process."³ Also, intervenors that represent energy users and customers have made recommendations that are consistent with sPower's objectives. Specifically, they recommend broadening the scope of the 2017R RFP to include all resource types⁴ and other production tax credits-eligible projects that can serve company loads and that are not restricted to connection to the Company's transmission system in Wyoming.⁵

sPower has not provided any support justifying the propriety of its intervention in this proceeding, other than to protect its interests as a potential bidder by advocating for nothing more than commercially advantageous criteria for its individual projects. To the extent sPower is concerned about the scope and other terms of the solicitation process, the IE and intervenors are active participants and have advocated for modifications that are proposed by sPower such as PPA tenor, interconnection study burden, and removal of litigation criteria. sPower has failed to cite any other statute under which it qualifies for intervention⁶ and is clear that it seeks intervention to

³ Report of the Utah Independent Evaluator Regarding PacifiCorp's Draft Renewable Request for Proposals (2017R RFP), Docket No. 17-035-23 (August 11, 2017)

⁴ Reply Comments of Utah Association of Energy Users, p.2 (August 18, 2017).

⁵ Reply Comments of Office of Consumer Services, p. 2 (August 18, 2017).

⁶ The Energy Resource Procurement Act does not create a legal interest for potential bidders. It creates obligations for the utility, the Commission and the IE in the solicitation process.

protect its own interests as an independent power producer and potential bidder, the Commission must reject its petition to intervene.

B. Allowing Intervention Will Impair the Promptness of this Proceeding

As an independent power producer with projects in Utah, Wyoming and across North America, sPower has acknowledged that it intends to bid into the 2017R RFP. sPower's participation in this proceeding can only be viewed as an attempt to gain commercial advantage for its projects. This does not meet the statutory requirement for intervention and, in fact, could give sPower an unfair competitive advantage over other bidders. More importantly, granting intervention here could set bad precedent. Other bidders would also seek to intervene and turn this proceeding to one in which individual bidders would be in a position to greatly influence evaluation methods, scope screening criteria, and other requirements that may not be in the public interest.

By granting intervention in this proceeding based on its status as a potential bidder, sPower would also be able to serve discovery, file motions, make objections and interfere with an efficient and orderly process. Rocky Mountain Power would potentially be forced to respond to sPower's request for commercially sensitive confidential information by filing a motion for protective order to prevent sPower from gaining such access. sPower would use its status as a party to attempt to advance its own interests and gain commercial advantage. The foregoing is particularly troubling in this process that, although by statute should be finalized within 60 days from the filing date of the application to a Commission decision, has already been significantly extended. Thus, allowing intervention to sPower based on its status as an independent power producer will impair the promptness of this proceeding.

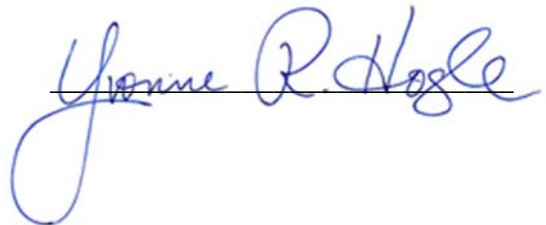
II. Conclusion

sPower has failed to demonstrate that it should be allowed to intervene under Utah Code Ann. § 63G-4-207, or that its intervention is proper under any other statute. In order to promote prompt and orderly proceedings and based on the foregoing, the Company respectfully requests that the Commission deny sPower's Petition and the Prefiled Rebuttal Testimony of Hans Isern. Due to the upcoming deadlines, the Company further requests that the Commission issue its decision on an expedited basis.

DATED this 14th day of September, 2017.

RESPECTFULLY SUBMITTED,

ROCKY MOUNTAIN POWER

A handwritten signature in blue ink, reading "Yvonne R. Hogle", written over a horizontal line.

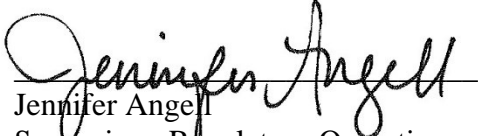
CERTIFICATE OF SERVICE

Docket No. 17-035-23

I hereby certify that on September 14, 2017, a true and correct copy of the foregoing was served by electronic mail to the following:

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