

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for
Approval of Solicitation Process for Wind
Resources

DOCKET NO. 17-035-23

ORDER GRANTING
INTERVENTION

ISSUED: September 27, 2017

Background

On September 13, 2017, pursuant to the Scheduling Order issued on August 29, 2017, sPower filed rebuttal testimony along with a petition for leave to intervene in this docket. On September 14, 2017, PacifiCorp, doing business as Rocky Mountain Power (PacifiCorp), filed an opposition to sPower's petition and testimony and requested the PSC issue an expedited ruling. Given the short timeframe before the hearing scheduled in this docket, we issued a Notice stating we intended to hear and address sPower's and PacifiCorp's positions at the beginning of the hearing scheduled for September 19, 2017.

At the September 19, 2017 hearing, counsel for sPower and PacifiCorp presented their respective arguments and the Division of Public Utilities indicated its position that intervention should be granted to sPower. We then ruled from the bench granting sPower's petition to intervene, adding that an order memorializing our decision would be forthcoming once the order addressing the pending application in the docket issued. On September 22, 2017, the PSC issued its order in this docket.¹ We now memorialize our order on the issue of intervention.

¹ See Order Approving RFP with Suggested Modification, issued September 22, 2017 (Docket No. 17-035-23), available at: <https://pscdocs.utah.gov/electric/17docs/1703523/2969071703523oarfpwsm9-22-2017.pdf>.

Findings and Conclusions

Having received written and oral arguments of sPower and PacifiCorp, and there being no other objection filed in this docket apart from PacifiCorp's, we find the requirements for intervention are met. Specifically, under the Utah Administrative Procedures Act, Utah Code Ann. § 63G-4-207, we find sPower has established the requisite legal interest.² While PacifiCorp argues sPower's status as a potential bidder in urging denial of intervention, we have already granted intervention without objection to Interwest Energy Alliance whose asserted interest is that its members are potential bidders.³ Further, we find granting intervention will neither materially impair the interests of justice nor the prompt conduct of this proceeding.⁴ At hearing, counsel for sPower agreed sPower would not use its status as a party to seek confidential or proprietary information that could provide a competitive advantage in the bidding process.⁵ We grant intervention subject to that condition; sPower may not receive any confidential or proprietary information in this docket, including the Independent Evaluator (IE) reports to the PSC as the bidding process moves forward,⁶ without approval in advance from the PSC.

² See Utah Code Ann. § 63G-4-207(2)(a).

³ See Order Granting Intervention, issued August 24, 2017 (Docket No. 17-035-23), available at: <https://pscdocs.utah.gov/electric/17docs/1703523/2961621703523ogiiea8-24-2017.pdf>.

⁴ See Utah Code Ann. § 63G-4-207(2)(b).

⁵ See September 19, 2017 Hearing Transcript at 39, lines 17-20, available at: <https://pscdocs.utah.gov/electric/17docs/1703523/296960RepTransSept19,20179-22-2017.pdf>. See also *id.* at 44, lines 11-23 (granting intervention with certain limitations).

⁶ See *id.* at 44, lines 18-20.

Order

For the reasons expressed above, we grant sPower's petition to intervene subject to the condition articulated in this order. sPower's representatives participating in this docket must adhere to the Utah Standards of Professionalism and Civility, adopted by order of the Utah Supreme Court on October 16, 2003. (These standards may be reviewed at:

<https://www.utcourts.gov/courts/sup/civility.htm>.)

DATED at Salt Lake City, Utah, September 27, 2017.

/s/ Melanie A. Reif
Presiding Officer

Approved and Confirmed as the Order of the PSC September 27, 2017.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#296986

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the PSC within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on September 27, 2017, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

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