

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Rocky Mountain Power for Approval of the Power Purchase Agreement between PacifiCorp and Glen Canyon Solar A, LLC	<u>DOCKET NO. 17-035-26</u>
In the Matter of the Application of Rocky Mountain Power for Approval of the Power Purchase Agreement between PacifiCorp and Glen Canyon Solar B, LLC	<u>DOCKET NO. 17-035-28</u>
In the Matter of Glen Canyon Solar A, LLC and Glen Canyon Solar B, LLC's Request for Agency Action to Adjudicate Rights and Obligations under PURPA, Schedule 38 and Power Purchase Agreements with Rocky Mountain Power	<u>DOCKET NO. 17-035-36</u>  <u>CONSOLIDATED NOTICE OF DECISION AND NOTICE OF DEADLINE TO FILE STIPULATION OR MOTION TO STAY ORDER IN DOCKET NOS. 17-035-26 AND 17-035-28</u>

ISSUED: October 31, 2017

On October 5 and 6, 2017, the Public Service Commission ("PSC") held a consolidated hearing on the merits for the above-referenced dockets. Specifically, the PSC heard evidence and argument on the following: (1) the merits of Glen Canyon Solar A, LLC and Glen Canyon Solar B, LLC's (collectively, "Glen Canyon") Request for Agency Action ("Request") filed in Docket No. 17-035-36; (2) the merits of PacifiCorp dba Rocky Mountain Power's ("RMP") applications for approval of two power purchase agreements ("PPAs") with Glen Canyon filed in Docket Nos. 17-035-26 and 17-035-28, respectively; (3) RMP's pending Motion to Dismiss the Request ("RMP's MTD") filed in Docket No. 17-035-36; and (4) Glen Canyon's pending Motion for Preliminary Injunction ("Glen Canyon's MPI") filed in Docket No. 17-035-36.

Near the conclusion of the hearing and in response to a question from the PSC, RMP's counsel represented that, to the extent the PSC were inclined to grant Glen Canyon's Request and thereby influence studies that are presently underway with respect to interconnection and/or transmission service<sup>1</sup> for Glen Canyon's projects, RMP would likely need notice of the PSC's decision by the end of October 2017 in order to influence the outcome of the current studies.

The briefing and filed testimony in these dockets were relatively voluminous, and the PSC received the written transcript from the two-day hearing on October 18, 2017. The PSC is endeavoring to prepare a written order(s) that fairly and adequately addresses the parties' respective arguments and requests for relief. The PSC will issue such an order(s) as soon as is practicable.

Nevertheless, the PSC acknowledges the parties are operating under time-sensitive conditions and may benefit from receiving notice now of the PSC's disposition in these dockets. In acknowledgment of these concerns and as a courtesy, the PSC issues this Consolidated Notice of Decision.

Accordingly, the PSC gives notice of its decision as follows.

(1) With respect to Glen Canyon's Request, Glen Canyon's MPI and RMP's

MTD filed in Docket No. 17-035-36, the PSC has decided: (1) Glen Canyon's

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<sup>1</sup> Counsel referred to the "current" study without specifying whether she intended to reference studies associated with interconnection service, studies associated with transmission service or both.

- Request will be denied;<sup>2</sup> (2) Glen Canyon’s MPI will be denied; and (3) having resolved the Request after a full evidentiary hearing, RMP’s MTD will be denied as moot.
- (2) With respect to RMP’s applications for approval of its PPAs filed in Docket Nos. 17-035-26 and 17-035-28, the PSC has decided: (1) the prices, terms and conditions of the PPAs are consistent with applicable state laws, relevant PSC orders and Schedule 38; (2) the PPAs will be approved by order unless the parties stipulate to stay the issuance of an order or a party files a meritorious motion to stay the order;<sup>3</sup> and (3) the PSC will refrain from issuing an order in Docket Nos. 17-035-26 and 17-035-28 through Tuesday, November 14, 2017 to allow the parties an opportunity to file a stipulation or motion to stay such issuance.

This Consolidated Notice is not an order and is not final agency action. It is not intended and should not be construed to trigger any right to review under Utah Code Ann. § 63G-4-301, *et*

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<sup>2</sup> Although Glen Canyon’s articulation of its requested relief has evolved during this proceeding, the PSC understands the primary relief Glen Canyon seeks is an order from the PSC directing RMP to make representations to PacifiCorp Transmission, or to take other action as necessary, to ensure PacifiCorp Transmission makes certain, specified assumptions with respect to RMP’s transmission and redispatch rights in preparing studies related to interconnection service and transmission service for Glen Canyon’s projects. We give notice here we will not issue such an order for reasons we will explain in a forthcoming order.

<sup>3</sup> Near the conclusion of the hearing, Glen Canyon’s counsel requested the PSC “leave [the PPA dockets] open for approval” until issues relating to interconnection costs have been resolved. It is unclear to the PSC precisely how Glen Canyon’s counsel envisions these two dockets proceeding. Similarly, the DPU’s counsel expressed some interest in a “stay” or “conditional approval” of the PPAs. RMP’s position on the issue is not discernible from the transcript.

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*seq.* or § 63G-4-401, *et seq.* or the time limitations associated with requesting such review.

Depending upon whether a stay is granted with respect to Docket Nos. 17-035-26 and 17-035-28, either a consolidated order or a series of orders will follow that fully address the relief sought in each docket and the PSC's bases for granting or denying such relief.

DATED at Salt Lake City, Utah, October 31, 2017.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan White, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary

DW#297693

CERTIFICATE OF SERVICE

I CERTIFY that on October 31, 2017, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

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Administrative Assistant