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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of Power Purchase Agreement between Rocky Mountain Power and Glen Canyon Solar A, LLC	Docket No. 17-035-26
In the Matter of the Application of Rocky Mountain Power for Approval of Power Purchase Agreement between Rocky Mountain Power and Glen Canyon Solar B, LLC	Docket No. 17-035-28

**MOTION FOR STAY OF ACTION AS TO
POWER PURCHASE AGREEMENTS**

In light of the Commission’s Consolidated Order in Docket Nos. 17-035-26, 17-035-28, and 17-035-36 dated December 22, 2017, Glen Canyon Solar A, LLC and Glen Canyon Solar B, LLC (collectively, “Glen Canyon Solar”) hereby ask the Commission not to approve the Power Purchase Agreements presented in Dockets 17-035-26 and 28 (“PPAs”) at this time, and to stay or delay any further action with respect to those PPAs

until after the Federal Energy Regulatory Commission (“FERC”) has had an opportunity to resolve relevant issues of federal law raised in Docket 17-035-36 but not resolved in the Commission’s Consolidated Order.

In support of this Motion, Glen Canyon Solar respectfully submits that either approval or disapproval of the PPAs at this point in time would be premature and prejudicial. The PPAs were entered into in good faith by Glen Canyon Solar based upon the firm belief that PURPA requires PacifiCorp to utilize its available transmission capacity and otherwise take reasonable available steps to accommodate the use and delivery of QF power. Indeed, as acknowledged in the Consolidated Order, Glen Canyon Solar ultimately sized its QF projects to precisely match PacifiCorp’s available transmission capacity¹ based upon that firm belief, which Glen Canyon continues to hold.

Glen Canyon Solar recognizes that the Commission did not accept its arguments or positions in Docket 17-035-36. However, the Order concludes that many of the relevant disputes are not within the Commission’s jurisdiction, but are rather for FERC to resolve.² Glen Canyon Solar respectfully submits that, before further action is taken with respect to the PPAs, FERC should be given the opportunity to resolve those issues.

Glen Canyon Solar does not wish to have the PPAs approved at this point because, absent a positive resolution of the PURPA issues upon which execution of the PPAs was predicated, it is not feasible for Glen Canyon Solar to proceed with construction or interconnection of these QF projects. Glen Canyon Solar also opposes disapproval of the PPAs; disapproval would be premature and prejudicial, given the unresolved nature of critical federal law questions. Thus, Glen Canyon Solar respectfully

¹ See Consolidated Order at 15.

² E.g., *id.* at 14-18, 22-23, 27-29.

submits that further Commission action with respect to the PPAs should be stayed or delayed while Glen Canyon Solar asks FERC to resolve the federal PURPA questions and issues that remain outstanding. Only after those issues have been resolved will the Commission be in a position to make informed decisions about the PPAs.

Glen Canyon Solar recognizes that certain aspects of the PPAs—such as the commercial operation date—may require adjustment regardless of the outcome of its FERC filing. Glen Canyon Solar is not asking for any such issues to be resolved at this time. Glen Canyon Solar will not be able to determine the precise nature of any further legal remedies or relief that may be appropriate, or the forum in which any such appropriate remedies or relief should be pursued, until after FERC has addressed the outstanding federal/PURPA issues. At that point, Glen Canyon Solar proposes to make a filing with the Commission informing it of the FERC decision and whether Glen Canyon Solar will then seek any further action by the Commission with respect to the PPAs.

Glen Canyon Solar respectfully asks the Commission not to approve the PPAs at this time, and to delay or stay any further action with respect to the PPAs until after FERC has resolved Glen Canyon Solar's intended FERC filing.

DATED this 9th day of January 2018.

HATCH, JAMES & DODGE



Gary A. Dodge
Phillip J. Russell
*Attorneys for Glen Canyon Solar A, LLC &
Glen Canyon Solar B, LLC*

CERTIFICATE OF SERVICE
Docket No. 17-035-26; 17-035-28

I hereby certify that a true and correct copy of the foregoing was served by email this 9th day of January 2018 on the following:

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