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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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| In the Matter of the Application of Rocky Mountain Power's for Approval of a Significant Energy Resource Decision and Voluntary Request for Approval of a Resource Decision | Docket No. 17-035-40<br><br><b>Petition to Intervene of Utah Industrial Energy Consumers</b> |
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The "Utah Industrial Energy Consumers"<sup>1</sup> (or "UIEC") believe that Rocky Mountain Power's ("RMP") request for Utah Public Service Commission ("Commission") approval of a new wind and transmission project in Docket No. 17-035-40 ("Docket") presents issues not presently ripe for decision because these issues depend on resolution of matters currently pending in other Commission dockets and before commissions in other states. More specifically, the Commission has expressed concerns regarding RMP's application for approval of its solicitation process for wind resources in Docket No. 17-035-23;<sup>2</sup> the Oregon Public Utility

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1 For purposes of this Petition to Intervene, the UIEC is a reference, for convenience only, of Kennecott Utah Copper LLC, Tesoro Refining & Marketing Company LLC, LafargeHolcim Ltd., and Post Consumer Brands, LLC, the Petitioners in Docket No. 17-035-40.

2 The Commission noted the insufficiency of the record in Docket No. 17-035-23 to permit the Commission to discharge its statutory obligations, among others, to determine that the RFP is in the

Commission Staff recommended denying PacifiCorp's request for new wind resources in a companion request for proposal before the Oregon Public Utility Commission;<sup>3</sup> Oregon Public Utility Commission Staff does not presently support the new wind and transmission project as part of Pacific Power's integrated resource plan;<sup>4</sup> the Commission process for accepting comments on the action plan incorporating the new wind and transmission is ongoing, and the Commission has not acknowledged the integrated resource plan;<sup>5</sup> and Utah leadership challenged RMP's request to invest billions of dollars in Wyoming, asking Governor Herbert to encourage RMP to refocus such investment in Utah.<sup>6</sup>

The Commission has set a schedule in this Docket without considering the dependency of this Docket with the issues pending in other proceedings such as those mentioned above. Continuing the current schedule and advancing this Docket without resolving the request for

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public interest and "whether the RFP will most likely result in the acquisition, production, and delivery of electricity at the lowest reasonable cost to the retail customers[.]" In the Matter of the Application of Rocky Mountain Power for Approval of Solicitation Process for Wind Resources, Utah P.S.C., Docket No. 17-035-23 (Order and Notice of Scheduling Conference Aug. 22, 2017).

3 In the Matter of PacifiCorp, dba Pacific Power, Request for Proposals of an Independent Evaluator to Oversee the Request for Proposal Process, Or. P.U.C., Docket No. UM 1845 (Public Utility Commission of Oregon Staff Report Aug. 28, 2017), *available at*, <http://edocs.puc.state.or.us/efdocs/HAU/um1845hau173528.pdf> (last visited Aug. 30, 2017). The Oregon Public Utility Commission appears set to grant limited approval of the RFP conditioned, among other things, on the future acknowledgement of the IRP such that if the IRP is not acknowledged, the RFP will become moot.

4 In the Matter of PacifiCorp, dba Pacific Power's 217 Integrated Resource Plan, Or. P.U.C., Docket No. LC 67 (Staff's Comments in Response to Energy Vision 2020 Update 6, Aug. 24, 2017), *available at*, <http://edocs.puc.state.or.us/efdocs/HAC/lc67hac132056.pdf> (last visited Aug. 30, 2017).

5 *See* Order and Notice of Scheduling Conference, *supra* 2; In the Matter of PacifiCorp's 2017 Integrated Resource Plan, Utah P.S.C. Docket No. 17-035-16.

6 Jasen Lee, *Elected officials want Rocky Mountain Power to invest more in rural Utah*, Deseret News, Aug. 26, 2017. Attached as Exhibit A and *available at*, <http://www.deseretnews.com/article/865687578/Elected-officials-want-Rocky-Mountain-Power-to-invest-more-in-rural-Utah.html?ito=792> (last visited Sept. 1, 2017).

proposal and integrated resource plan concerns in the other dockets would frustrate prompt and efficient administration of these issues and potentially create unnecessary, burdensome, and complex allocation issues under the Multistate Jurisdiction Procedure.<sup>7</sup> The UIEC respectfully requests intervention to seek a stay in this Docket, to challenge RMP's request for deviating from legal requirements for new energy resources and rate recovery mechanisms, and to otherwise protect the collective UIEC interests as they may arise.

Accordingly, the UIEC file this Petition,<sup>8</sup> consistent with Utah Code § 63G-4-207 and Utah Administrative Code Rule R746-1-108, for leave to intervene in this in Docket and request that the Commission issue an order allowing UIEC to participate fully in this matter.

In support of its Petition to Intervene, the UIEC state as follows:

1. On 30 June 2017, RMP filed a request for approval of a resource decision to construct or procure new wind resources and transmission facilities in Wyoming.
2. Each of the petitioners referred to as the UIEC are industrial consumers and customers of RMP.
3. Petitioners have a direct, immediate, and substantial interest in this proceeding because the rate they pay for electric service may be affected by a Commission decision on

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<sup>7</sup> See e.g., In the Matter of PacifiCorp, dba Pacific Power, 2017 Integrated Resource Plan, Or. P.S.C. Docket No. LC 67, (Opening Comments of the Industrial Customers of Northwest Utilities 6, June 23, 2017), available at <http://edocs.puc.state.or.us/efdocs/HAC/lc67hac152645.pdf> (last visited Aug 30, 2017).

<sup>8</sup> By filing this petition and seeking leave to identify the procedural and legal shortfalls of RMP's request in this Docket, the UIEC is not opposing the development of renewable resources. The UIEC generally supports the appropriate development of renewable resources, but for the reasons mentioned in this Petition and that will be raised in this Docket, UIEC does not support RMP's request.

RMP's Application for Approval of a Significant Energy Resource Decision and Voluntary Request for Approval of a Resource Decision.

4. The petitioners have joined together to intervene in this Docket to have their common interests represented. Their interests will not be adequately represented by any other party to this proceeding.

5. If the UIEC are granted leave to intervene in this proceeding, they request that service of all pleadings, notices, and other filings in this docket be made to:

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6. The UIEC intervention in this docket will not materially impair the interests of justice and the orderly and prompt conduct of this proceeding.

7. The UIEC have not yet determined the specific positions, level of their participation, or the precise nature of the relief the UIEC will seek, though they will likely at the very least address the effect of the MSP, RFP, and statutory hurdles. UIEC seek to intervene to protect their interests and request that the Commission grant the UIEC intervention as their interests may appear.

WHEREFORE, the UIEC request that the Commission enter an Order granting the consumers referred to as the UIEC permission to intervene in this docket and to participate to the full extent allowed by the law.

DATED this 1st day of September 2017

/s/ Chad Baker

WILLIAM J. EVANS

VICKI M. BALDWIN

CHAD C. BAKER

PARSONS BEHLE & LATIMER

Attorneys for UIEC, an Intervention Group

**CERTIFICATE OF SERVICE**

(Docket No. 17-035-40)

I hereby certify that on this 1st day of September 2017, I caused to be e-mailed, a true and correct copy of the foregoing PETITION TO INTERVENE OF UTAH INDUSTRIAL ENERGY CONSUMERS to:

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/s/ Joy Prout

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