

Gary A. Dodge (0897)
Phillip J. Russell (10445)
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666
Email: gdodge@hjdllaw.com
prussell@hjdllaw.com

Counsel for Utah Association of Energy Users

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE APPLICATION
OF ROCKY MOUNTAIN POWER FOR
APPROVAL OF A SIGNIFICANT ENERGY
RESOURCE DECISION AND VOLUNTARY
REQUEST FOR APPROVAL OF
RESOURCE DECISION

Docket No. 17-035-40

**UAE’S JOINDER IN UIEC’S MOTION TO STAY PROCEEDINGS
AND OFFICE’S RESPONSE IN SUPPORT**

Intervenor Utah Association of Energy Users (UAE) hereby joins in the Utah Industrial Energy Consumers’ (UIEC) Motion to Stay Proceedings filed in this docket on September 22, 2017, and in the Response to the Utah Industrial Energy Consumers’ Motion to Stay Proceedings filed by the Office of Consumer Services (Office) herein on October 6, 2017. UAE joins, but will not repeat herein, the arguments made by UIEC and the Office in their filings. In addition, UAE provides below a portion of the comments filed by UAE in the RFP approval docket

explaining the impropriety of PacifiCorp’s attempt to force the specific pre-approval procedures required by Utah’s Energy Resource Procurement Act¹ (Act) into the context of the supposed time-limited opportunity claimed by PacifiCorp:

The Act contemplated the possibility of time-limited opportunities of this sort that are not responsive to needs identified in the long-range planning process. Part 5 of the Act gives PacifiCorp the option to seek Commission waivers of the solicitation and/or resource approval processes and requirements if a utility has identified “a time-limited commercial or technical opportunity that provides value to the customers.”² A utility that successfully obtains a waiver of the Parts 2 and 3 solicitation and procurement processes may proceed to acquire the identified resources, but will not receive pre-approval or any presumption of prudence as to the acquisition.³ Had PacifiCorp requested such waivers, the Commission could have solicited input on and made determinations as to whether the alleged time-limited opportunities are sufficiently compelling to warrant the requested waivers. PacifiCorp could then have determined whether to pursue those opportunities, subject to later prudence review.

PacifiCorp’s proposal in this docket is inconsistent with the intended course for a time-limited opportunity. PacifiCorp is attempting to cram a square peg into a round hold in a rushed effort to secure pre-approval of resources without evaluation of other competitive options. The proposed solicitation process is inconsistent with the intent and requirements of Parts 2 and 3 of the Act and should not be approved.

Docket 17-035-23, Initial Comments of the Utah Association of Energy Users on Rocky Mountain Power’s Proposed Solicitation Process, at 5 (August 4, 2017).

UAE joins in and supports the arguments made by UIEC and the Office and respectfully submits that a stay of these proceedings is warranted and necessary for the reasons specified therein and herein.

¹ Utah Code §§ 54-17-101, et seq.

² *Id.*, § 54-17-501(1)(b).

³ *Id.*, § 54-17-501(10).

DATED this 9th day of October 2017.

HATCH, JAMES & DODGE



/s/ _____

Gary A. Dodge
Attorneys for UAE

Certificate of Service
Docket No. 17-035-40

I hereby certify that a true and correct copy of the foregoing was served by email this day 9th day of October 2017 on the following:

ROCKY MOUNTAIN POWER

| | |
|---------------|---------------------------------|
| Jeff Richards | robert.richards@pacificcorp.com |
| Yvonne Hogle | yvonne.hogle@pacificcorp.com |
| Bob Lively | bob.lively@pacificcorp.com |

DIVISION OF PUBLIC UTILITIES

| | |
|-----------------|----------------------|
| Patricia Schmid | pschmid@agutah.gov |
| Justin Jetter | jjetter@agutah.gov |
| Chris Parker | chrisparker@utah.gov |
| William Powell | wpowell@utah.gov |

OFFICE OF CONSUMER SERVICES

| | |
|---------------|------------------------|
| Steven Snarr | stevensnarr@agutah.gov |
| Robert Moore | rmoore@agutah.gov |
| Michele Beck | mbeck@utah.gov |
| Cheryl Murray | cmurray@utah.gov |

NUCOR STEEL

| | |
|-------------------|-------------------------|
| Peter J. Mattheis | pjm@smxblaw.com |
| Eric J. Lacey | ejl@smxblaw.com |
| Jeremy R. Cook | jcook@cohnekinghorn.com |

INTERWEST ENERGY ALLIANCE

| | |
|---------------------|----------------------------|
| Mitch M. Longson | mlongson@mc2b.com |
| Lisa Tormoen Hickey | lisahickey@newlawgroup.com |

UTAH CLEAN ENERGY

| | |
|--------------|----------------------------|
| Sophie Hayes | sophie@utahcleanenergy.org |
| Kate Bowman | kate@utahcleanenergy.org |

WESTERN RESOURCE ADVOCATES

| | |
|---------------------|---------------------------------------|
| Jennifer E. Gardner | jennifer.gardner@westernresources.org |
| Nancy Kelly | nkelly@westernresources.org |
| Penny Anderson | penny.anderson@westernresources.org |

UTAH INDUSTRIAL ENERGY CONSUMERS

| | |
|---------------|----------------------------|
| William Evans | bevans@parsonsbehle.com |
| Vicki Baldwin | vbaldwiin@parsonsbehle.com |
| Chad Baker | cbaker@parsonsbehle.com |



/s/ _____