

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for Approval of a Significant Energy Resource Decision and Voluntary Request for Approval of Resource Decision	<u>DOCKET NO. 17-035-40</u> <u>ORDER ON REVIEW</u>
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ISSUED: August 7, 2018

On July 19, 2018, the Division of Public Utilities and the Office of Consumer Services (the “Moving Parties”) filed a Joint Petition for Review or Clarification (“Petition for Review”). The Petition for Review requests the Public Service Commission (“PSC”) clarify its June 22, 2018 order in this docket (“Underlying Order”) to expressly state PacifiCorp dba Rocky Mountain Power (“PacifiCorp”) will bear certain risks associated with the qualification of certain projects (“Combined Projects”)¹ for specified production tax credits (“PTCs”).² In so requesting, the Moving Parties refer to testimony in the record wherein PacifiCorp made representations it would voluntarily assume these risks and approvingly quote the following language the PSC recently used in issuing an order in another docket (the “Wind Repowering Order”):

We therefore conclude that PacifiCorp must honor its commitment that PacifiCorp will bear the risks related to any portion of the Repowering Project that does not qualify for the maximum PTCs available unless the failure to qualify for PTCs is a result of either: 1) a change in law; or 2) an event that is beyond the reasonable control of PacifiCorp and the entities with whom PacifiCorp has contracted for services including contractors, vendors, and suppliers.

(Voluntary Request of Rocky Mountain Power for Approval of Resource Decision to Repower Wind Facilities, Docket No. 17-035-39, Report and Order issued May 25, 2018 at 22.)

¹ “Combined Projects” in this Order on Review refers to the same projects for which the term is used in the Underlying Order.

² “PTCs” in this Order on Review has the same meaning it is given in the Underlying Order.

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On August 3, 2018, PacifiCorp filed a response to the Petition for Review. Although PacifiCorp believes the Underlying Order already, if implicitly, accomplishes the purpose of the clarifying language the Moving Parties are seeking, PacifiCorp does not object to such a clarification provided it is limited to and in the form of the language the Moving Parties quoted from the Wind Repowering Order.

Because no party objects to the clarifying language and, more importantly, the clarifying language is wholly consistent with the PSC's directives in the Underlying Order, the PSC clarifies its Underlying Order by expressly concluding and ordering as follows: PacifiCorp must honor its commitment that PacifiCorp will bear the risks related to any portion of the Combined Projects that do not qualify for the maximum PTCs available unless the failure to qualify for PTCs is a result of either: 1) a change in law; or 2) an event that is beyond the reasonable control of PacifiCorp and the entities with whom PacifiCorp has contracted for services including contractors, vendors, and suppliers.

In all other respects, the Underlying Order remains unmodified, in full force and effect.

DATED at Salt Lake City, Utah, August 7, 2018.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#303830

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Notice of Opportunity for Agency Review or Rehearing

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 with the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on August 7, 2018, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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