

EXHIBIT A

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IN THE UTAH COURT OF APPEALS

UTAH ASSOCIATION OF
ENERGY USERS,

Petitioner,

v.

PUBLIC SERVICE COMMISSION
OF UTAH,

Respondent.

**ROCKY MOUNTAIN POWER'S
RESPONSE TO PETITIONER'S
MOTION FOR ENLARGEMENT OF
TIME TO FILE BRIEF**

Case No. 20170967-CA

Pursuant to Rule 22(b) of the Utah Rules of Appellate Procedure, Respondent Rocky Mountain Power (“RMP” or the “Company”) responds to the Motion for Enlargement of Time filed by Petitioner Utah Association of Energy Users (“UAE”) on July 31, 2018.

INTRODUCTION

UAE filed a motion asking for a 30 day extension to the time to file its reply brief. On August 6, 2018, the Utah Court of Appeals granted UAE’s motion, notwithstanding that the 10 day response time set forth in Rule 22(b) had not yet run. RMP files this response recognizing that UAE’s motion has been granted.

NATURE OF CASE AND PROJECT STATUS

RMP recognizes that extensions are routinely given to the time in which to file briefs. Indeed, all parties in this case enjoyed extensions for the opening and response briefs previously filed. However, on June 22, 2018, the Utah Public Service Commission (the “Commission”) issued a decision approving acquisition of the transmission line and wind facility resources which were also the subject of the solicitation process this appeal is based on. As the Court will soon learn, this case involves RMP’s application for approval to construct wind farms and associated transmission facilities in Wyoming in time to realize soon-to-expire federal production tax credits, or “PTCs.” Under the Utah Energy Resource Procurement Act, a utility may petition the Commission to approve both the solicitation process and then the resource decision following that solicitation, which approvals provide that costs incurred by the utility as part of that acquisition and construction are included in the utilities’ base rates in the next general rate case. Utah Code Ann. § 54-17-303. Simply stated, the question brought forward on appeal is whether the Public Service Commission should have required RMP to solicit bids for solar generation in addition to wind generation notwithstanding the testimony by the Company and supported by the Commission-appointed Independent Examiner that PTCs, which are available only to certain wind resources, would soon expire, making a single resource solicitation the most advantageous to Utah energy customers in this context.

Because federal law requires certain construction activities and operational benchmarks to be timely achieved to realize the PTCs that will benefit all RMP customers, adherence to construction timelines is of utmost importance. Although the

Company did not object to extensions to the time for filing the opening or response briefs, those filings occurred *before* the Commission issued its resource decision approving construction of the wind and transmission facilities.

RMP does not dispute that UAE puts forth a full schedule of other case activities that warrant time and consideration from its counsel. Nor does it attempt to unduly pressure UAE to file a brief without sufficient time to make the arguments needed. Nevertheless, now that RMP has received an order approving its resource decisions, it must act swiftly to ensure that customers will enjoy the benefits of federal tax credits that were the purpose of this project. Indeed, because the Company is required to act prudently to realize cost savings for its customers, RMP feels compelled by the commission orders to proceed, notwithstanding the UAE's appeal.

Accordingly, RMP hereby gives the Court and parties notice that it is pursuing the development and construction of the subject wind farms and transmission facilities. Indeed, the Company anticipates entering into five construction related contracts before August 31, 2018 and a sixth contract in December 2018. Furthermore, from July through December of 2018 it anticipates spending \$90 million toward those projects. No party has sought a stay of the Commission's decisions approving the solicitation process nor the resource decision. Accordingly, to meet its obligations to its customers, RMP must proceed with development and construction.

CONCLUSION

By this response RMP gives notice to the Court and parties that it is proceeding with development and construction as it must to meet PTC expiration deadlines. RMP cannot allow its

acquiescence to UAE's request for additional time to be interpreted as a voluntary stay of its activities during the pendency of this appeal.

DATED this 10th day of August, 2018.

/s/ D. Matthew Moscon
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CERTIFICATE OF SERVICE

I certify that on August 10, 2018, I caused a copy of the foregoing **ROCKY MOUNTAIN POWER'S RESPONSE TO PETITIONER'S MOTION FOR ENLARGEMENT OF TIME TO FILE BRIEF** to be served via email on the following:

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