

October 24, 2017

From: 1.21 GW LLC
c/o Clenera, LLC
800 W. Main St.
Suite 900
Boise, ID 83702

To: Public Service Commission of Utah
Herber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Secretary

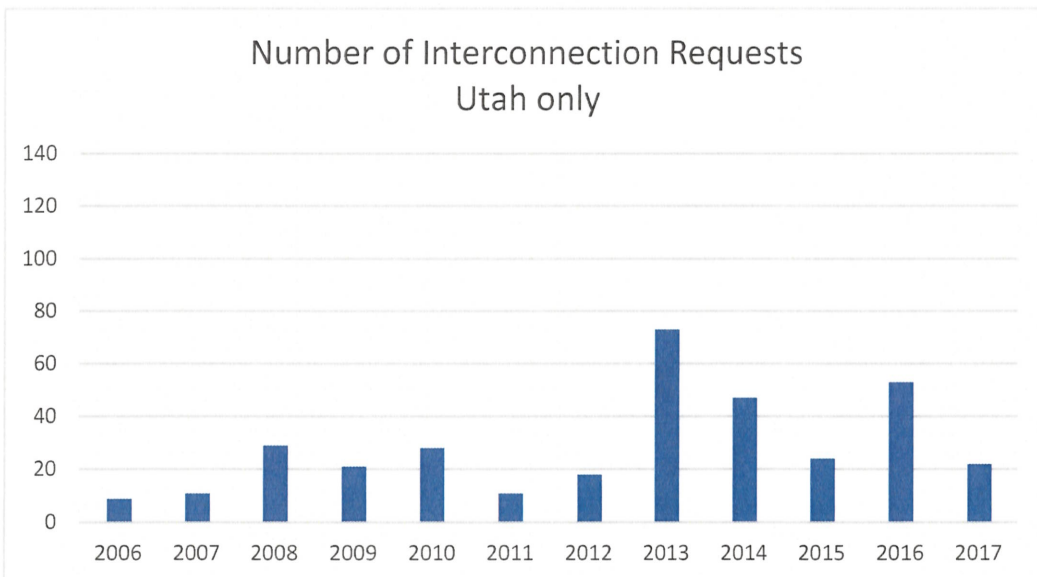
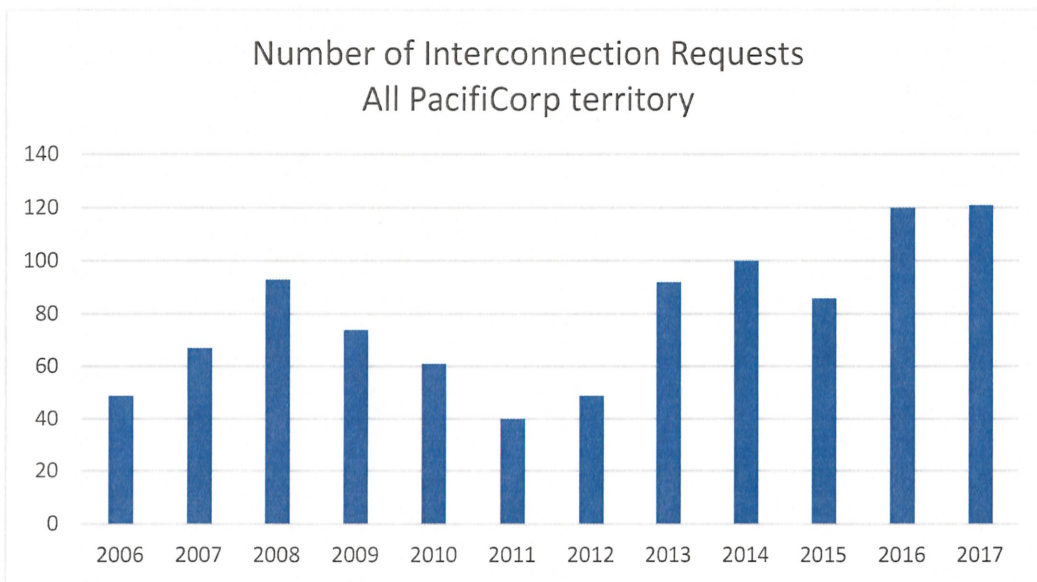
RE: UT PSC Docket # 17-035-52. Clēnera Response to PacifiCorp Motion to Dismiss

Clenera, LLC ("**Clēnera**"), in its capacity as manager of 1.21 GW LLC ("**Developer**"), has reviewed the Motion to Dismiss filed on October 23, 2017 by PacifiCorp, d.b.a. Rocky Mountain Power ("**PacifiCorp**" or the "**Company**") in the above referenced docket.

1. PacifiCorp's Motion to Dismiss was submitted after the Division of Public Utilities ("**DPU**") submitted their recommendation to the Commission that the delay experienced by Clēnera in the interconnection process is a delay by PacifiCorp and therefore they support a day for day extension of the Schedule 38 timelines. Based on PacifiCorp's previous communication by email and reinforced on phone calls and in meetings with Clēnera, PacifiCorp clearly supported the extension based on the Company's delay and the guidelines under Schedule 38. PacifiCorp gives no reason for their last-minute change in position. It might be inferred that the Company has been disingenuous in their communication and all the while intended to delay or dismiss these projects for reasons only known to PacifiCorp. We believe that the Company holds a position of authority and trust as provided by regulation and law, and as such should be held to a high standard. It does not seem appropriate for the Company to mislead generators, the public, or regulators with respect to its actions and intentions. Such behavior results in significant economic harm to stakeholders, including rate payers, and erodes the trust and principles of fair dealing underpinning the successful operation of a regulated utility. We respectfully request that the Commission discourage this behavior, real or

perceived, by denying PacifiCorp's Motion to Dismiss and taking such actions as were recommended by the DPU after due inquiry into the matter.

2. As a basis for their Motion, PacifiCorp claims that the interconnection process has been delayed due to a large number of requests submitted, not its own action or inaction. The company asserts that delays are due to a rise in applications but does not provide any supporting data. A simple analysis of the publicly available information on interconnection applications available on PacifiCorp's OASIS tells a very different story. Below are two figures showing the number of applications submitted historically to PacifiCorp in all states and in Utah specifically.



Contrary to PacifiCorp's claims, the number of applications in Utah has followed a downward trend in recent years, dropping from 73 in 2013 to 53 in 2016, and 22 so far in 2017. During the same timeframe the number of total applications for all states has increased from 92 in 2013 to approximately 120 in both 2016 and 2017, hardly a massive increase and representing only a 32% rise. Now, four years into a rising period of total applications and a falling period for Utah applications, PacifiCorp has extended study timelines far beyond the 32% increase seen across all states since 2013 to something greater than 1,000% of the tariff requirements (from 45 days as per the tariff requirements to greater than 500 days). It is very difficult to imagine what kind of diligent management effort would result in these types of delays other than an effort to slow the process and starve the related Company teams of resources necessary to accomplish the Company's obligations under the Tariff. The Company's rationale for dismissing the motion is factually incorrect and most likely reflects a broader effort to slow and cease efforts by generators to interconnect through PacifiCorp. We respectfully request that the Commission discourage this kind of deleterious behavior by denying PacifiCorp's Motion to Dismiss and taking such actions as were recommended by the DPU after due inquiry into the matter.

3. It is important to note that the economic impact on the company due to an increase in applications and study activity is born by the applicants. Study expenses are paid fully by the applicants. There is no economic excuse for delay in the study process, and no excuse at all beyond the few months that would be required to hire, train or outsource as necessary. PacifiCorp is fully responsible for the study process and management of its duties in respect to that process. While minor delays to the study times might be excusable as the Company adjusts to changes, processing times that are greater than 1,000% the established timeline are not defensible. The Company has had ample opportunity since 2013 to adjust their process, add resources, or outsource activities but has not made the necessary changes. In all cases the responsibility for these delays lies with PacifiCorp. Only the Company is in a position to hire, outsource, change processes or otherwise effectively manage their responsibilities to meet the requirements of the tariff. Their behavior in this respect has been irresponsible and has likely caused significant economic harm to all stakeholders, particularly generators relying on the tariff guidelines and the fair dealing of the Company. It is difficult to perfectly determine why the Company has elected not to act in good faith with respect to its duties but it appears that, given their changing position on this subject, the Company may intend

to delay and slow the study process by refusing to add resources or adjust the process to accommodate the flow of applications since 2013. We request that the Commission deny PacifiCorp's Motion to Dismiss and further ask that the Commission consider a separate inquiry be initiated with respect to PacifiCorp's business practices as it relates to completing studies in a timeline that reflects prudent industry standards. On a side note, neighboring utilities have successfully adjusted their staffing and processes to address far more significant application increases and engaged in stakeholder processes that are transparent and respectful of the various interests in the transaction. PacifiCorp has not.

4. In PacifiCorp's Motion to Dismiss the company criticizes Clēnera's development processes, making inaccurate statements and assumptions regarding what information and analysis Clēnera had available to inform risk evaluation and development decisions. Their comments are misplaced and, like other elements of the Motion to Dismiss, last-minute and inaccurate insertions into the dialogue. Clēnera is an experienced and successful utility-scale solar developer, who has already successfully navigated the PacifiCorp system on an 80MW AC project it built in Southern Utah in 2016 (not to mention many other projects outside of Utah). Clēnera is aware of the project development requirements and independently investigated the land and geography, interconnection infrastructure, solar resource, project schedule, economic model, and technical viability of the projects in advance of submitting any request for pricing or interconnection to PacifiCorp. More importantly, Clēnera has also been careful to follow the published process under Schedule 38 and abide by those guidelines. The DPU confirmed in their review of the facts and circumstances that Clēnera followed the Schedule 38 process. The Company's comments regarding the Clēnera development process are both inaccurate and immaterial. We respectfully request that the Commission look past the distraction intended by the Company regarding process and development decisions by quickly denying PacifiCorp's Motion to Dismiss and taking such actions as were recommended by the DPU after due inquiry into the matter.

PacifiCorp's Motion to Dismiss provides further reason for the Commission to implement the recommendations of the DPU. The contention that its delay is due to increased applications is not fact based and cannot be reasonably supported. The Company's criticisms of Clēnera are meant to distract from the real issues. Taken together, the messages imbedded in PacifiCorp's Motion to Dismiss reveal an effort to mislead, delay and distract. We suggest that the Commission conduct

additional inquiry into the Company's plans to address deficiencies in its staffing and management of the transmission study group and process, and hope that the Company will make efforts to be more transparent and truthful in its future communication.

Clēnera is highly encouraged by the work and recommendations of the DPU and the transparent process being followed by the Commission. The projects under development are expected to lower costs for ratepayers and provide clean energy benefits that improve the quality of life in Utah. As a company local to the intermountain west with a commitment to Utah we are each personally invested in these projects. We are also excited about the related job creation and are cooperating with economic development groups within the state to assist in using these projects to attract business and manufacturing from out of state that is looking for locations to invest where green-energy is available to power new operations. Ideally the Commission, local governments, PacifiCorp, Industry, and Clēnera can cooperate to make these projects a huge success for all and a working example showcasing Utah successes when the Solar Industry gathers to exhibit in Salt Lake City, Utah at the Solar Power International conference in 2019.

Based on these comments and evidence provided previously, Clēnera respectfully requests that the Commission accept the recommendation of the DPU and extend the Schedule 38 timeline consistent with the delays by PacifiCorp.

Respectfully submitted,



Jason Ellsworth, President
Clēnera, LLC, on behalf of
1.21 GW LLC