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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power to Establish Export Credits for Customer Generated Electricity	DOCKET NO. 17-035-61 Phase 2 Utah Solar Energy Association’s Motion for Immediate Relief from Implementation Date in Commission’s October 30, 2020 Order Terminating Transition Program, Motion to Deviate
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Relief Requested

In accordance with Utah Administrative Code Rule R746-1-301, the Utah Solar Energy Association (“USEA”) moves the Public Service Commission of Utah for immediate relief from the October 30, 2020 implementation date the Commission established in its Order in this Docket of the same date terminating the Transition Program. USEA requests that the Commission defer implementation of the Order to January 1, 2021 to resolve inequities immediate termination of the Transition Program has created.¹

¹ In its proposal in this Docket, Rocky Mountain Power recommended its new tariff, Schedule 137, take effect January 1, 2021. See the Direct Testimony of Joelle Steward, February 3, 2020, Line 186. Under RMP’s proposal, the Transition Program would not have terminated until January 1, 2021.

USEA moves the Commission to deviate from Utah Admin. Code Rule R746-1-301 pursuant to Utah Admin. Rule R746-1-109 and expedite the response period from 15 days to five days in order to relieve the damage the Commission's flash cut termination of the Transition Program has caused solar customers and the rooftop solar industry. The hardship the Commission's Order has caused is far greater than any burden expediting the response period under the rule will cause. USEA therefore requests that the Commission address these issues on an expedited, emergency basis to prevent any further damage to the rooftop solar industry and its customers. This is an emergency motion for immediate relief and not a petition for review or rehearing. USEA reserves the right to file an application for rehearing or review under Utah Code Ann. § 54-7-15 within the 30-day period provided in that statute.

Facts and Argument

Implementation Date

In the Stipulation in Docket No. 14-035-114, the parties agreed the Transition Program (Schedule 136) established in the Stipulation would end when customers reached the residential cap of 170 MW and the commercial cap of 70 MW, or when the Commission issued its final order in this Docket, whichever occurred earlier.² The Commission issued its order in this Docket October 30, 2020 and immediately terminated the Transition Program.³

At the time parties entered the Stipulation three years ago, they did not foresee how disruptive and destructive a flash cut termination of the Transition Program would be to the rooftop solar industry and solar customers. Nor did parties intend to create a time gap in which customers could not move forward with an interconnection application under schedule 136 or 137. There were customers who were awaiting information to complete their applications who have been

² Stipulation, ¶¶ 15, 22.

³ Order, p. 22, ¶ 7.

prevented from filing because of the Commission's flash cut implementation date. For example, some customers were waiting for an engineering review because their systems exceeded 10 kW. Others had finalized their application and paid their fee, but their solar provider had not filed the application online before the Commission issued its Order. Service under Schedule 136 has terminated the Tariff Sheet for schedule 137 has not been approved. Further, there is no timeline for RMP to file an updated Tariff Sheet for Schedule 137 that complies with the Commission's Order. Under these circumstances, solar companies cannot design proposals for customers to evaluate or forecast savings for prospective customers.

The flash cut termination combined with having no new tariff in place has cast a pall across the industry. Other than customers who completed their application for the Transition Program, the rooftop solar industry in Utah is dead currently. The provision in the Stipulation terminating the Transition Program on the date of the Commission's Order was a mistake. USEA respectfully seeks relief from the Commission and requests an extension of the Transition Program to January 1, 2021.

Utah Code Ann. § 54-7-14.5 empowers the Commission to "...rescind, alter, or amend any order or decision" it issues after giving the affected utility notice and an opportunity to be heard. This section becomes relevant when a Commission order has unintended consequences against the public interest. That has happened in this Docket because of the Commission's October 30, 2020 Order. The flash cut termination of the Transition Program has significantly harmed the rooftop solar industry and numerous solar customers from which the industry seeks immediate relief. Amending the Commission's Order to reset the termination date to January 1, 2021 would alleviate some of the harm caused by the flash cut termination of the Transition Program.

USEA requests that the Commission deviate from Utah Admin. Code Rule R746-1-301 to expedite the response period parties have from 15 days to five days to address the inequitable and unintended effects of the Order. Commission Rule R746-1-109 enables parties to seek deviation from any Commission rule if the hardship caused by applying the rule is greater than the benefit of following the rule. The Commission's October 30, 2020 Order terminating the Transition Program stopped the rooftop solar industry and disrupted the application process for numerous solar customers who can no longer complete their applications. USEA is prepared to waive its ten-day reply period under the rule and reply to any response in two days. The longer the Commission's implementation date remains in effect, the greater the damage to the industry. USEA, the industry, and solar customers need swift relief to redress these inequities and harm.

Conclusion

USEA seeks relief from some of the immediate negative effects of the Commission's Order by requesting an extension of the Order's implementation date and the Transition Program from October 30, 2020 to January 1, 2021. That will cure some of the inequities the Order caused and smooth the transition to the Commission's final Export Credit Rate. USEA moves the Commission to reduce the response period under R746-1-301 to five days to alleviate and more swiftly address the damage the flash cut termination of the Transition Program has caused.

Respectfully submitted November 6, 2020.

s/Ryan Evans
Ryan Evans, President
USEA

s/Stephen F. Mecham
Stephen F. Mecham
USEA Counsel on this Motion

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2020, a true and correct copy of USEA's Motion for Immediate Relief from Implementation Date in Commission's October 30, 2020 Order Terminating Transition Program and Motion to Deviate in Phase 2 of Docket No. 17-035-61 was served by email on the following Parties:

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