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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 Memorandum in Support of Motion for Immediate Relief from Implementation Date in Commission's October 30, 2020 Order Terminating Transition Program, Motion to Deviate
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In accordance with Utah Rules of Civil Procedure Rule 7(c)(1), the Utah Solar Energy Association submits this memorandum in support of the Association's Motion for Immediate Relief from Implementation Date Terminating Transition Program and Motion to Deviate.

Facts

On October 30, 2020, the Public Service Commission of Utah issued its Order in this Docket immediately terminating the Transition Program developed and approved in Docket No. 14-035-114. Many solar customers were in the process of completing their applications but have been prevented from doing so by the Commission's immediate termination of the Transition

Program. The Order closed down the rooftop solar industry and is causing significant harm to the industry and to customers.

In response, USEA filed a Motion for Immediate Relief from the October 30, 2020 Implementation Date by asking that the date be deferred to January 1, 2021 to enable customers and the industry to address the inequities and harm the Order caused. January 1, 2021 was the date Rocky Mountain Power proposed its new Schedule 137 take effect and the Transition Program end.¹

USEA also requested that the Commission deviate from the 15-day response period in Utah Admin. Code R746-1-301 for Rocky Mountain Power to respond to the Motion and shorten it to five days to reduce the harm occurring to the solar industry. The damage to the industry requires swift action by the Commission.

Argument

In regulating public utilities, the Commission has broad public interest authority. When a Commission order negatively affects an entire industry served by a public utility regulated by the Commission and harms the public interest, the Commission has authority to “rescind, alter, or amend” that order under Utah Code Ann. § 54-7-14.5 to address the harm. The Commission’s flash cut termination of the Transition Program has damaged the rooftop solar industry and many of its customers. Without relief, the affected customers cannot complete their pending applications and the rooftop solar industry can do no more in Utah.

Given these circumstances, USEA moved the Commission for immediate relief from the Commission Order by deferring the implementation date of the Order and the termination date of the Transition Program to January 1, 2021. That would enable the solar providers and the

¹ See the Direct Testimony of Joelle Steward, February 3, 2020, Line 186.

customers to complete their applications and mitigate the damage caused by the Order. It should also allow Rocky Mountain Power to finalize a tariff for Schedule 137. While there may still be issues for the Commission to review and rehear under Utah Code Ann. § 54-7-15, granting the relief USEA seeks with these motions will address the short-term inequities caused by the Order.

USEA also moved the Commission to deviate from the 15-day response period allowed under Utah Admin. Code Rule R746-1-301 and shorten that to five days for parties to respond to this motion. USEA is prepared to reply to any response in two days instead of the ten days allowed by the rule. Every day the Commission's Order and the October 30, 2020 implementation date remain in effect compounds the harm to customers and the industry. Shortening the response period and alleviating this harm far outweighs any burden shortening the period imposes on other parties. That is particularly true given that Rocky Mountain Power proposed the January 1, 2021 effective date in its proposal in this Docket.²

Conclusion

Granting USEA the relief it seeks through its motions is imperative to the industry and many of its customers. The Commission has a public interest in this matter to relieve this damage and the authority to grant USEA's motions. USEA urgently requests the Commission do so on the expedited basis recommended in its motions.

Respectfully submitted November 6, 2020.

s/Ryan Evans
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s/Stephen F. Mecham
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² See Fn. 1.