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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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| 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 Reply to Parties’ Responses to Motion for Immediate Relief from Implementation Date in Commission’s October 30, 2020 Order Terminating Transition Program |
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In accordance with Utah Admin. Code § R746-1-309(2), the Utah Solar Energy Association (“USEA”) submits this Reply.

Introduction

On November 6, 2020, USEA filed its Motion for Immediate Relief from Implementation Date in the Commission’s October 30, 2020 Order in this Docket (“Motion”) and a Motion to Deviate from the 15-day response period allowed parties to respond to that Motion provided in Utah Admin. Code § R746-1-309(1). The Commission granted USEA’s Motion to Deviate on November 9, 2020 and ordered parties to respond by Thursday, November 12, 2020.

On November 12, 2020, the Office of Consumer Services filed a Response indicating no objection to USEA's Motion as long as the interim caps in the Schedule 136 Transition Program remained in place. The Division of Public Utilities and Rocky Mountain Power submitted Responses opposing USEA's Motion on grounds that it violated the Stipulation USEA and other parties signed in Docket No. 14-035-114 ("Stipulation").

Argument

In its Motion, USEA acknowledged that Paragraph 15 of the Stipulation set the date of the Commission's Order for the export credit rate in this Docket ("Order") as one of two possible termination dates of the Transition Program in Schedule 136. USEA also understands that Paragraph 34 seeks to prevent parties to the Stipulation from initiating regulatory action challenging provisions of the Stipulation. USEA has not obfuscated these facts and does not intend to violate the Stipulation, but the Order implementing the Stipulation and initiating the new export credit rate has caused alarming, unanticipated harm USEA must try to address. The Motion seeks relief as part of this proceeding to smooth the transition from the Schedule 136 to Schedule 137 that USEA believes the parties to the Stipulation and the Commission intended.

The flash cut termination of the Transition Program in the Order left many prospective solar customers in the middle of the application process with no recourse after spending considerable time and resources. That was an unintended inequity caused by the Order. Despite its opposition, the Division acknowledged in its Response that there may be public policy reasons to allow these customers to be served under the Transition Program. That is a principal reason for USEA's request for relief.

The timing of the Order caused a second serious problem. Neither USEA nor likely any other party to the Stipulation considered the possibility of a gap between the effective dates of

Schedules 136 and 137 that would stop the solar industry dead in its tracks. Had USEA known that this could happen, it would have sought to change Paragraph 15, or failing that, not signed or supported the Stipulation.

Not until after USEA filed its Motion did Rocky Mountain Power submit its proposed draft of Schedule 137. The Commission then sent an Action Request to the Division to determine if the draft conforms with the Order, but the Division's response is not due until November 25, 2020. USEA is not recommending that the Commission expedite the review of the tariff. It is imperative that the tariff be correct, and USEA is trying to understand the tariff to determine whether it should challenge any of its provisions. Under Utah Admin. Code § R746-405-2 E.4.b., any party contemplating recommending that the Commission alter or reject a tariff must make that recommendation within 15 calendar days, or in this case November 25, 2020 when the Division's response to the Action Request is due. As noted above, what USEA is seeking in its Motion is temporary relief from the Commission to overcome harm to the industry and to customers that was caused by unexpected circumstances.

Rocky Mountain Power facetiously claims in its Response that solar providers can give prospective solar customers cost estimates and estimated returns based on the unapproved draft of the tariff, but that is not realistic. The industry cannot operate under these conditions. There is too much uncertainty. No customer will commit to buy a \$20,000 solar system based on estimates from a draft tariff.

Rocky Mountain Power and the Division both express concern in their Responses about a possible goldrush if the Commission extends the Transition Program until January 1, 2021, but USEA does not expect that. The cap for residential customers under Schedule 136 is 170 MW.

Customers have already subscribed to 133 MW or 78 percent of the cap.¹ There simply is not that much more available for residential customers to create a goldrush.

The commercial cap is 70 MW and commercial customers have only used 17 MW of that cap during the past three years. For their own reasons, commercial customers have been slower than residential customers to make the decision to install solar systems. Further, some commercial customers may find that Schedule 137 fits their needs more than Schedule 136 and will therefore not seek to use the megawatts remaining under the Schedule 136 cap. The concerns of Rocky Mountain Power and the Division therefore have little or no merit.

Conclusion

USEA understands the Stipulation and its implications. But it also understands that the Order has caused completely unexpected, unjust, and unreasonable results that have harmed the solar industry and prospective solar customers contrary to the public interest. Seeking correction of these unintended results on a temporary basis to smooth the implementation of the Order in this proceeding is not intended to violate the Stipulation. Not seeking to correct them would be dereliction of USEA's purpose and duty. USEA therefore requests that the Commission grant the relief USEA requested in its Motion and change the implementation date of the Order and extend the Transition Program to December 31, 2020, ending at midnight, January 1, 2021.

Respectfully submitted November 13, 2020.

s/Ryan Evans

Ryan Evans, President
USEA

s/Stephen F. Mecham

Stephen F. Mecham
USEA Counsel on this Motion

¹ <https://www.rockymountainpower.net/savings-energy-choices/customer-generation/megawatt-capacity.html>. These numbers provided on Rocky Mountain Power's website are six weeks old so they could be higher making a goldrush even more improbable.

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2020, a true and correct copy of USEA's Reply to Responses to Motion for Immediate Relief from Implementation Date in Commission's October 30, 2020 Order Terminating Transition Program in Phase 2 of Docket No. 17-035-61 was served by email on the following Parties:

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