

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for
Approval of Power Purchase Agreement
between PacifiCorp and Monticello Wind
Farm, LLC

DOCKET NO. 17-035-68
SCHEDULING ORDER AND
NOTICE OF HEARING

ISSUED: January 5, 2018

On December 20, 2017, PacifiCorp dba Rocky Mountain Power (“RMP”) filed its Application for Approval of Power Purchase Agreement between PacifiCorp and Monticello Wind Farm, LLC (“Application”). The Public Service Commission (“PSC”) held a Scheduling Conference on January 3, 2018 to obtain input from the parties with respect to a schedule for the Application’s adjudication.

Counsel for RMP, the Division of Public Utilities (“DPU”) and the Office of Consumer Services (“OCS”) attended the conference and participated. Two representatives from Monticello Wind Farm, LLC and/or its affiliate Ellis-Hall Consultants (collectively, “Monticello”) were also present. Though Monticello has not yet intervened in the proceedings, it is the counterparty to the power purchase agreement (“PPA”) underlying the Application.

During the scheduling conference, the participants were given an opportunity to meet and confer in an effort to reach a stipulated schedule. The attempt was not successful.

The DPU and OCS propose the following: (i) the parties be allowed to conduct approximately 90 days of discovery before filing motions on the merits of the Application to be due on April 3, 2018; (ii) direct written testimony be due July 3, 2018, allowing the parties time to develop their testimony subsequent to the PSC’s ruling on any motions filed in April; (iii) written rebuttal testimony be due July 31, 2018; (iv) surrebuttal testimony be due August 15, 2018; and (v) a hearing be set for early September or late August 2018. The DPU and OCS also

ask for an early intervention deadline to allow parties a reasonable opportunity to seek discovery from intervenors. Finally, the DPU and OCS note that post-hearing briefing will likely be sought, though they do not believe the scheduling order need establish a deadline for such briefing prior to hearing.

RMP did not object to the DPU and OCS's proposed schedule.

Monticello asserted the proposed schedule was too protracted and represented that such a lengthy schedule threatened the viability of its project. Monticello noted the project calls for commercial operation in December 2020. During the Scheduling Conference, Monticello represented an order approving the PPA by "mid-summer" 2018 would be adequate. Other than the commercial operation date, no specific project milestone was identified that required expedited adjudication during the Scheduling Conference. Subsequent to the Scheduling Conference, the PSC's presiding officer received an email from Monticello (which is posted to the PSC's website in this docket) requesting an "expedited hearing process/scheduling order" and representing "drop dead" milestone dates for the project exist that "come due" as early as June 2018. These milestones are not specifically identified in the email, and the PSC cannot identify them from the documents on file with the PSC, including the proposed PPA. The email also attached documents from prior dockets wherein PPAs were adjudicated and asks the instant Application be heard in a comparable amount of time.

The PSC appreciates Monticello's interest in an expeditious adjudication.

Contemporaneously, the PSC notes the Application seeks approval of a PPA establishing prices that RMP calculated using the "proxy method," which was discontinued more than four years

ago.¹ The DPU and OCS should have an opportunity to evaluate whether the PPA is consistent with applicable law and the public interest and to conduct reasonable discovery in furtherance of that inquiry.

Because the participants could not agree on a schedule, the PSC has endeavored to set a schedule that accommodates and recognizes these competing interests. The schedule for the adjudication of this docket is as follows:

SCHEDULE

ITEM	DEADLINE/DATE/TIME/LOCATION
Deadline to File Petition to Intervene	Friday, January 12, 2018
Deadline to File Objection to Petition to Intervene	Friday, January 19, 2018
Dispositive Motions Due	Friday, March 9, 2018
Response to Dispositive Motions Due	Monday, March 26, 2018
Replies in Support of Dispositive Motions Due	Thursday, April 5, 2018
Written Direct Testimony Due	Thursday, April 26, 2018
Written Rebuttal Testimony Due	Thursday, May 24, 2018
Written Surrebuttal Testimony Due	Thursday, June 7, 2018
Hearing	Monday, June 18, 2018, at 9:00 a.m., Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

¹ The Application represents the proxy method was used in accordance with *Ellis-Hall Consultants v. Public Service Commission of Utah*, 2016 UT 34 (2016).

DISCOVERY

Parties shall respond to discovery requests within 14 calendar days. Parties shall serve discovery requests and responses on applicable parties by electronic mail. In the event a document produced in response to a discovery request cannot reasonably be transmitted by electronic mail, the party disclosing the document shall provide an electronic copy of the document on CD (or, if an electronic copy is not available, a paper copy).

NOTICE OF HEARING

The PSC's designated Presiding Officer will conduct a hearing in this docket on **Monday, June 18, 2018, beginning at 9:00 a.m.** The hearing will be held in the **Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** All parties must have their witnesses in attendance and prepared to testify.

Individuals wishing to participate in the hearing by telephone must contact the PSC two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824) to receive a bridge number and participant passcode. Participants attending by telephone should then call the bridge number five minutes before the hearing, entering the passcode followed by the # sign to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

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DATED at Salt Lake City, Utah, January 5, 2018.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#298838

CERTIFICATE OF SERVICE

I CERTIFY that on January 5, 2018, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Data Request Response Center (datarequest@pacificorp.com)
(utahdockets@pacificorp.com)
PacifiCorp

Jana Saba (jana.saba@pacificorp.com)
Daniel Solander (daniel.solander@pacificorp.com)
Rocky Mountain Power

Kimberly Ceruti (kimberly.ceruti@ehc-usa.com)
Ellis-Hall Consultants

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Steven Snarr (stevensnarr@agutah.gov)
Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)
Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant