

- 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
ORDER DENYING PETITION FOR
RECONSIDERATION AND REHEARING

ISSUED: June 26, 2018

The Public Service Commission (“PSC”) denies Monticello Wind Farm, LLC’s (“MWF”) Petition for Reconsideration and Rehearing of Commission Order Issued May 7, 2018 (“Petition”), filed June 6, 2018.

In its May 7, 2018 Order (the “Order”), the PSC denied PacifiCorp dba Rocky Mountain Power’s (“RMP”) Application for Approval of Power Purchase Agreement between PacifiCorp and Monticello Wind Farm, LLC (“Application”). The PSC found the power purchase agreement (“PPA”) did not contain rates reflective of RMP’s avoided costs consistent with Schedule 38 and that RMP has not shown it is obliged under federal or state law to purchase electricity from MWF at the rates enumerated in the PPA.

For all of the reasons enumerated in the Order, we affirm our conclusion that the PPA for which PacifiCorp sought approval in the Application failed to comply with Schedule 38 and employed outdated avoided cost pricing that is not reflective of RMP’s obligation to purchase power from qualifying facilities under applicable law. We deny the Petition.

In our Order, we reserved judgment with respect to MWF’s allegations, which it raised in response to motions for summary judgment, that a legally enforceable obligation existed prior to August 16, 2013 that entitles MWF to pricing in effect at the time the legally enforceable obligation arose. (Order at 5.) We note the Petition asks, as an alternative request for relief, the

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PSC to find and conclude MWF “established a legally enforceable obligation on or about June 25, 2013.” (Petition at 23.) While our Order suggested MWF file a separate request for agency action if it wished the PSC to adjudicate the existence of a legally enforceable obligation, for purposes of administrative efficiency and to make the process less cumbersome and less expensive for MWF, we will treat MWF’s Petition as a request for the PSC to adjudicate whether a legally enforceable obligation existed as of June 25, 2013. We are opening a new docket concurrently with the issuance of this Order for that purpose, *Request of Monticello Wind Farm, LLC for Findings and Conclusions Regarding the Existence of a Legally Enforceable Obligation as Regards PacifiCorp dba Rocky Mountain Power*, Docket No. 18-035-26.

DATED at Salt Lake City, Utah, June 26, 2018.

/s/ Michael J. Hammer
Presiding Officer

Approved and Confirmed June 26, 2018, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#303065

CERTIFICATE OF SERVICE

I CERTIFY that on June 26, 2018, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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