



State of Utah  
Department of Commerce  
Division of Public Utilities

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## Action Request Response

**To:** Utah Public Service Commission

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Brenda Salter, Utility Technical Consultant Supervisor

Jeff Einfeldt, Utility Technical Consultant

**Date:** January 18, 2022

**Re:** **Docket No. 17-035-72**, In the matter of the Electric Service Agreement between Rocky Mountain Power and NUCOR Corporation, courtesy notice of intent to file a new contract.

### Recommendation (Acknowledge)

The Division of Public Utilities (“Division”) recommends the Public Service Commission of Utah (“Commission”) acknowledge Rocky Mountain Power’s Courtesy Notice of Intent to File New Contract (“Courtesy Notice”) for Approval of Electric Service Agreement (“New ESA Contract”) between PacifiCorp (“Utility”) and Nucor Corporation (“Nucor”). The Courtesy Notice is dated December 17, 2021.

### Issue

On December 17, 2021, Rocky Mountain Power (“RMP” or “Utility”) filed the Courtesy Notice with the Commission notifying of its intent to file the New ESA Contract between the Utility and Nucor. The Courtesy Notice contained an executed attachment extending the current contract expiration date from December 31, 2021 to February 28, 2022.

The Commission issued an Action Request to the Division dated December 17, 2021 to review for compliance and make recommendations. This memorandum represents the Division's response to the Commission's action request.

## **Analysis**

RMP represented in its notice that negotiations of a new contract between the parties is continuing and a new ESA Contract between the parties is expected to be presented for Commission approval by February 28, 2022. If the parties are not able to agree to all the terms of a new contract, RMP will file an application with the Commission to resolve outstanding issues between the parties.

RMP's Courtesy Notice includes as Attachment A, an Amendment to Extend Term of Electric Service Agreement Between PacifiCorp and Nucor Corporation ("Extension"). The Extension was executed by the parties as of December 29, 2021. The Utility represented to the Division that the Utility is at risk of any financial costs associated with the contract extension, rather than general rate payers.

## **Conclusion**

The Division recommends the Commission acknowledge Rocky Mountain Power's Courtesy Notice and the ESA Contract Extension negotiated between the parties.

cc: Michele Beck, Office of Consumer Services  
Jana Saba, PacifiCorp  
Emily Wegener, PacifiCorp  
Craig Eller, PacifiCorp  
Chris Hendricksen, Nucor Corporation  
Jeremy Cook, Cohn/Kinghorn, Attorney for Nucor