

- 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	<u>DOCKET NO. 17-035-68</u>
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	<u>DOCKET NO. 18-035-26</u> <u>ORDER STAYING DOCKET, VACATING SCHEDULING CONFERENCE, AND NOTICE REGARDING MOTION TO TOLL INTERCONNECTION SECURITY POSTING</u>

ISSUED: July 9, 2018

On June 26, 2018, the Public Service Commission (“PSC”) issued a Notice of Docket and Scheduling Conference in Docket No. 18-035-26 (“Notice”), opening that docket for the purpose of adjudicating Monticello Wind Farm, LLC’s (“MWF”) assertion that a legally enforceable obligation (“LEO”) existed as of June 25, 2013 with respect to its proposal to sell electricity to PacifiCorp as a qualifying facility under applicable law. The Notice referred to the PSC’s Order Denying Petition for Reconsideration and Rehearing (“Order”), issued the same date, in Docket No. 17-035-68 wherein the PSC denied MWF’s Petition for Reconsideration and Rehearing (“Petition for Reconsideration”) in Docket No. 17-035-68 and explained it would open Docket No. 18-035-26 for the purpose of adjudicating MWF’s assertion that a LEO exists.

On July 5, 2018, MWF filed a Request to Terminate Docket 18-035-26 (“Request”), requesting the PSC terminate Docket No. 18-035-26, explaining it intends to seek judicial review of the PSC’s decision in Docket No. 17-035-68 and that it does not wish to proceed before the PSC in Docket No. 18-035-26 on the LEO issue. As explained in the PSC’s Order, the PSC opened Docket No. 18-035-26 and treated the allegations in MWF’s Petition for Reconsideration

as a request for agency action “for purposes of administrative efficiency and to make the process less cumbersome and less expensive for MWF.” In light of MWF’s request the PSC not adjudicate the LEO issue and given that no other party has alleged a LEO exists or asked the PSC to adjudicate the matter, the PSC stays Docket No. 18-035-26. The PSC will take no further action on the matter at this time until and unless a party requests otherwise. Consequently, the PSC also vacates and cancels the scheduling conference previously noticed for July 11, 2018 at 1:00 p.m. in Docket No. 18-035-26.

Finally, the PSC notes MWF filed a Motion to Toll Interconnection Security Posting Pending Final Order on PURPA Contracting (“Motion”) on June 25, 2018 in Docket No. 17-035-68. PSC rules allow parties 15 days to respond to a motion and 10 days to file a reply. Utah Admin. Code R746-1-301. Responses are, therefore, due on July 10, 2018 and replies on July 20, 2018. The Motion is not captioned as one requiring expedited consideration and does not request expedited consideration in the caption or in the body of the Motion. Having reviewed it, the PSC observes MWF included a footnote stating “[i]f the [PSC] determines that responses to this Motion will aid in its decision-making or contribute to the record, [MWF] respectfully requests a deviation ... to shorten the standard timeframe for responses.” The footnote did not suggest what period would be sufficiently abbreviated. The Motion represents it seeks the tolling of a July 15, 2018 deadline for the posting of security. Of course, the PSC will allow other parties an opportunity to respond and, as the deadline under the rule is near, it will not be shortened.

The PSC interprets MWF’s request in the footnote as a representation that it is willing to waive an opportunity to file a reply in support of the Motion to facilitate its more expeditious

DOCKET NOS. 17-035-68 and 18-035-26

- 3 -

consideration. Therefore, unless MWF files notice with the PSC on or before July 12, 2018, the PSC will consider and decide the Motion without waiting for MWF to file a reply.

DATED at Salt Lake City, Utah, July 9, 2018.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#303407

CERTIFICATE OF SERVICE

I CERTIFY that on July 9, 2018, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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