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State of Utah

Department of Commerce Division of Public Utilities

FRANCINE GIANI CHRIS PARKER
Executive Director Director, Division of Public Utilities

Preliminary Recommendation

To: Utah Public Service Commission

From: Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

David Williams, Utility Analyst

Date: January 7, 2019

Re: **Request for Scheduling Conference** in the Matter of: Application of Rocky Mountain Power for Approval of Solicitation Process for Solar Photovoltaic and Thermal Resources, Docket No. 18-035-47

Request: Order Scheduling Conference

The Division of Public Utilities (“Division”) requests that the Public Service Commission of Utah (“Commission”) set a date for a Scheduling Conference in the above-referenced docket through which the Division and others may discuss an order extending comment dates.

Background

On December 28, 2018, Rocky Mountain Power (“RMP” or “Company”) filed its application (“Application”) pursuant to Utah Code Section 54-17-801 et seq. seeking approval of the solicitation process for its 2019 Renewable Resource Utah Request for Proposals (“RFP”) initiating this docket. On December 31, the Commission issued a Notice of Filing and Comment Period establishing Wednesday, January 30, 2019 as the due date for initial comments, and Thursday, February 14, 2019 as the due date for reply comments.

Discussion

Utah Administrative Code R746-450 (“Rule”) establishes the process for the Commission’s review of the application. RMP proposes acquiring renewable resources for specific customers, including Salt Lake City and Park City, looking to meet sustainability goals. Therefore, RMP asserts that its RFP will be a “Specific Customer Solicitation” as the term is defined by R746-450-1.

Under Rule R746-450-3(2)(a)(ii), the timeline for a Specific Customer Solicitation is as follows:

Interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments, and, unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will issue an order within 60 days of the application.

Accordingly, in its Application, RMP has proposed the following timeline (only first two items of timeline shown):¹

RFP Submitted to UT Public Service Commission for review	12/28/18 Friday
RFP issued to market	2/28/19 Thursday

February 28 would be 60 days after the Application date, fitting in with the default 60-day Commission approval period in Rule R746-450-3(2)(a)(ii). However, that rule also allows a longer timeline if “the Commission determines that another process or additional time is warranted and is in the public interest...”

After a preliminary review of the Application, the Division believes that it will, and other parties may, require more time than until January 30 to completely review the Application. The Division believes that additional time is warranted and in the public interest for the following reasons (list is not meant to be comprehensive):

¹ Rocky Mountain Power, *Application for Approval of Solicitation Process*, submitted December 28, 2018. Docket No. 18-035-47, p. 7.

- Rule R-746-450-2(3) provides that applications under the Rule are exempt from the requirements of Parts 1 through 5 of the Energy Resource Procurement Act. This means that no Independent Evaluator under Utah Code Section 54-17-203 will be assigned. In the absence of such an evaluator, particularly when this is the first application under this statute, the Division believes that additional time for comments is required to ensure the process results in prudent acquisitions.
- Although the RFP is a Specific Customer Solicitation, as opposed to an All Customers Solicitation, any acquisitions will impact non-participating customers as well, and will impact the Company's resource mix going forward.
- In its Application, the Company acknowledges that there could be a perceived conflict of interest because it may "procure the resources that are ultimately selected." This issue and the Company's proposed method for dealing with it deserve scrutiny.
- The Division expects multiple parties to comment on this Application, including the parties involved in the rulemaking docket.
- The interconnection requirements and other Application requirements may necessitate data requests and/or technical review by the Division or other parties.

Because of the complexity of the issues, the likelihood of comments from multiple parties, and the possibility of data requests and technical review, the Division requests that the Commission set a Scheduling Conference as soon as is practicable in this docket.

cc: Michele Beck, Office of Consumer Services
Jana Saba, Rocky Mountain Power
Jacob A. McDermott, Rocky Mountain Power