

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power for Approval of Solicitation Process for 2022 All Source Request for Proposals	<u>DOCKET NO. 21-035-52</u> <u>ORDER GRANTING MOTION FOR</u> <u>WAIVER</u>
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ISSUED: October 4, 2021

On August 31, 2021, Rocky Mountain Power (RMP) filed a Notice of Solicitation Process (“Notice”) and Motion for Deviation from 60-Day Notice Rule (“Motion”) with the Public Service Commission (PSC). The Notice explains RMP’s intention to seek approval of a solicitation process under Utah Code Ann. § 54-17-201, *et seq.* Administrative rule ordinarily requires a soliciting utility to file such a notice no later than 60 days prior to the filing of a proposed solicitation process “to enable the [PSC] to promptly hire an Independent Evaluator.” Utah Admin. Code R746-420-1(3)(a). RMP asks the PSC to waive the 60-day requirement and allow it to file on October 20, 2021, 50 days after RMP filed the Notice.

RMP explains a deviation from the rule is appropriate and necessary to ensure selected bidders are able to enter PacifiCorp Transmission’s annual cluster study by May 16, 2022. If the PSC requires the full 60 days advance notice, RMP argues, “successful bidders will not have been evaluated and selected in time to participate in the 2022 cluster study,” which could limit the pool of potential alternatives and result in a “less robust” solicitation process.

No party has opposed the Motion.

The PSC may grant a request to deviate from a rule provided the movant has shown strict compliance would impose a hardship that outweighs the benefits of the rule. Utah Admin. Code R746-1-109. Here, the 60-day notice requirement exists primarily for the convenience of the PSC, *i.e.* to provide the PSC sufficient time to retain an Independent Evaluator. Having reviewed

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the Motion, the PSC finds it can reasonably accommodate the request to accelerate the period for retaining an Independent Evaluator. Based on RMP's representations, the PSC further finds that doing so will enable a more robust solicitation process, which is in the public interest and outweighs the benefit of strict adherence to the 60-day requirement.

The Motion is granted.

DATED at Salt Lake City, Utah, October 4, 2021.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#320582

CERTIFICATE OF SERVICE

I CERTIFY that on October 4, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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