

March 14, 2022

VIA ELECTRONIC MAIL

Utah Public Service Commission
160 E 300 S #4,
Salt Lake City, UT 84111
psc@utah.gov

RE: Docket No: 21-035-52, Application of Rocky Mountain Power for Approval of a Solicitation Process for 2022 All Source Request for Proposals

Dear Commission Chair LeVar, Commissioner Clark, and Commissioner Allen,

Laborers Local 295 represents hundreds of construction workers across the state of Utah. Our offices are located at 2261 So. Redwood Rd., Suite D, Salt Lake City, Utah 84119. Our comments on PacifiCorp's 2022 All Source Request for Proposals ("RFP") are meant to be responsive to Utah Code §54-17-201, §54-17-202, and Utah Admin. Code 746-420. Specifically, we urge the Commission to determine that local employment growth and quality job creation resulting from this solicitation are relevant public interest factors that should be considered consistent with Utah Admin. Code 746-420-3. In addition, because PacifiCorp is a regional utility covering six states, and this draft RFP is subject to review by regulators in those states, we urge the Commission to include labor requirements imposed by other states in this RFP to create a level playing field for Utah workers, better enable comparisons of diverse projects to each other, and maximize public benefits to the local and state economies.¹

Local Employment Growth & Quality Job Creation

PacifiCorp's RFP is not responsive to the unique needs of Utah, and fails to proactively address ways the Utah economy can take advantage of bids sited in the state. Renewable power generation and transmission line projects represent an opportunity for economic development and job opportunities for Utah residents who live in rural areas. Unfortunately, PacifiCorp's current draft RFP does not prioritize the hiring of Utah residents nor supply the Commission with sufficient data to track this information.

Substantial solar job creation is possible in Utah's rural communities, however the Commission lacks the ability to track whether the jobs will go to Utah residents. The 2022 All-Source RFP

¹ §54-17-202(a) states that "If an affected electrical utility is subject to regulation in more than one state regarding the acquisition, construction, or cost recovery of a significant energy resource, in making the rules required by Subsection (1), the commission may consider the impact of the multistate regulation including requirements imposed by other states as to: (a) the solicitation process."

will guide the company's procurement of clean energy resources responsive to the 2021 Integrated Resource Plan ("IRP"). The final draft before the Oregon Public Utilities Commission in Docket UM 2193 gives bids located in California, Oregon, and Washington preference by earning points in the non-price scorecard for projects that provide certain economic, employment, and workforce benefits to communities in those states.² The RFP, however, lacks any Utah-specific scoring criteria which could enhance benefits to the state or local economies, or affected workers on projects. Like other states, Utah could propose certain criteria in the RFP draft that reflects our unique needs and priorities, and doesn't leave Utah's workers behind.

The consideration of local employment and quality jobs benefits are even more important because renewable power construction jobs are inferior to the fossil fuel jobs they are replacing. For example, current solar farm laborer jobs in Utah are advertised at \$18/hour with a \$75 per diem, or roughly \$36,000/year.³ In Utah according to the Bureau of Labor Statistics, the mean salary of a power plant operator is between \$80,000 and \$85,000.⁴ Moreover, fossil fuel-powered plants require more permanent, local employees to operate and maintain the facility while the vast majority of new jobs created by wind and solar projects occur during the construction phase. Therefore, special attention should be paid to the number and quality of construction jobs created. Moreover, because wind and solar developers outsource construction activities to contractors, the Commission must take a deeper look at how these contracts are bid, and how the workforce is procured. Where PacifiCorp does address employment impacts related to the energy transition, those actions are limited to its directly employed power plant staff, and excludes long-term construction workers employed by PacifiCorp contractors.

Recommendations:

1) The Commission should require PacifiCorp to submit quarterly local hiring reports to the Utah Commission on the winning bids of this RFP. This would be consistent with reporting PacifiCorp is required to do in Washington per the Washington Utilities Commission's March 11, 2022 order approving PacifiCorp's RFP in that state.⁵

2) We also recommend the Utah Public Service Commission require PacifiCorp track whether the Company is making efforts to hire displaced fossil fuel construction workers, and to track the health and safety incidents of construction contractors building projects responsive to this RFP.

² <https://edocs.puc.state.or.us/efdocs/HAH/um2193hah155625.pdf>, p. 48.

³ <https://g.co/kgs/fCgo22>

⁴ <https://www.bls.gov/oes/current/oes518013.htm#st>

⁵ Docket UE-210979, Order 02, Service Date March 11, 2022, Washington Utilities & Transportation Commission, see: <https://apiproxy.utc.wa.gov/cases/GetDocument?docID=128&year=2021&docketNumber=210979>.

Local 295 believes that PacifiCorp's current compliance driven approach of only addressing labor, equity, and just transition standards in states that mandate such action legislatively (thus the reference to projects located in those states) is a huge missed opportunity, and fails to be responsive to the needs of Utah stakeholders. Other utilities have voluntarily adopted stronger standards in their RFPs even when not statutorily required to do so.⁶

Sincerely,

/s/ Thomas B. Davidson

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⁶ Appendix A provides a sample of quality labor standards included in other utilities' Requests for Proposals.

Appendix: Language from Utility Requests for Proposals for Electric Resource Additions

Utility or IPP	Labor Language	Power Source
Puget Sound Energy	PSE prefers projects that utilize a Project Labor Agreement or Community Workforce Agreement for major construction activities associated with the construction of the project. Respondents shall make commercially reasonable efforts to ensure that such Project Labor Agreement or Community Workforce Agreement is eligible to be certified by the Washington Department of Labor and Industries under the standards of the Washington State Clean Energy Transformation Act (RCW 19.405).	2021 All Source RFP ⁱ
Xcel Minnesota	The Company seeks an RFP Project that utilizes labor covered by a collective bargaining agreement for its construction and ongoing operation and maintenance and requires the bidders to provide pricing in the Bidder Form 4 that assumes the use of such labor.	2021 Minnesota Sherco Solar RFP ⁱⁱ
NV Energy	3.2.6.6 Work Site Agreement Plan A pro forma work site agreement (“WSA”) is attached as Attachment N to this RFP. This form may be modified based on the applicable unions and their associated master agreements. The form of WSA, as modified, or an executed WSA, is to be inserted in the applicable exhibit of the agreement being proposed. Bidders who take exception to the terms of the WSA agreement must provide a mark-up of the agreement, including Bidder’s proposed language. In addition, a statement of acceptance of the agreement as written, or explanation of each exception must be provided within the proposal. Please note that the WSA agreement is between Bidder and the union(s), not Bidder’s contractor. Bidders that advance to the initial shortlist shall commence discussions with the unions immediately following notice of shortlisting. Bidders that advance to the final shortlist are required to provide weekly updates on the status of their WSA negotiations with the union(s). Bidders must provide an executed WSA, with Nevada union(s), prior to or at the time of execution of the RFP agreement. Bidder	Fall 2020 Renewable Energy Bid Protocol ⁱⁱⁱ

Utility or IPP	Labor Language	Power Source
	must be a signatory on the WSA. If Bidder elects to contract with an EPC, the EPC will be required to comply with the terms of the WSA.	
Indiana Michigan Power (AEP)	A Building and Construction Trades Unions approved project labor agreement (Project Labor Agreement) must be initiated prior to commencement of physical work activities and utilized for the construction of the Project.	2020 Solar and Wind RFQ for 150 MW ^{iv}
Appalachian Power	3.6.7. Construction Labor: APCo has a preference that Bidders use union labor with an affiliation to the Building and Construction Trade Unions for the site preparation and construction of the Project.	2021 300 MW ^{ac} of Solar and or Wind Energy Resources ^v
Appalachian Power	3.7.4. A project labor agreement must be utilized for the construction of the Project (see Exhibit F of the Form REPA – “National Maintenance Agreement”).	200MW of Solar, 2019 ^{vi}
NYSERDA	As referenced here, a PLA refers generally to a single collective bargaining agreement (including a prehire agreement) covering both contractors in the construction industry working on a Project and a bona fide building and construction trade labor organization representing the craft workers on that Project. Because of the benefits to the timeliness of project completion, Section 18.11 of the Agreement requires any Project selected for award to negotiate for a PLA. Proposers also will receive higher Project Viability scores by providing documentation of a PLA or an MOU to execute a PLA, or a firm commitment to enter into a PLA that covers construction of infrastructure necessary to generate and deliver the energy and Tier 4 RECs to Zone J. Proposers of Projects located outside Zone J should also explain whether the developer of the New Transmission, on which the overall timeliness of the Project depends, intends to enter a PLA and whether that intention has been memorialized in any agreement or MOU.”	Purchase of New York Tier 4 Eligible Renewable Energy Certificates (RECs) Request for Proposals (RFP) No. T4RFP21-1 RFP Release Date: January 13, 2021 ^{vii}

ⁱ Puget Sound Energy, “2021 All-Source RFP for Renewable and Peak Capacity Resources,” June 8, 2021, https://www.pse.com/-/media/PDFs/001-Energy-Supply/003-Acquiring-Energy/000_main_All-Source-RFP_6821.pdf?sc_lang=en&hash=0B6E401A537958A33C4D3D45FCF3B694.

ⁱⁱ Northern States Power Company-Minnesota, “2021 Sherco Solar Resource Solicitation Request for Proposals,” January 4, 2021, <https://www.xcelenergy.com/staticfiles/xcel-responsive/Company/Rates%20&%20Regulations/Regulatory%20Filings/Sherco-Solar-RFP-Document.pdf>.

ⁱⁱⁱ NV Energy, “Bid Protocol Fall 2020 Renewable Energy Request for Proposals, October 27, 2020, https://www.nvenergy.com/publish/content/dam/nvenergy/brochures_arch/about-nvenergy/doing-business-with-us/energy-supply-rfps/2020-fall-renewable-energy-request-for-proposals/2020-fall-re-rfp-protocol.pdf.

^{iv} American Electric Power Service Corporation as agent for Indiana Michigan Power Company, “Request for Proposals - PPA from Qualified Bidders Totaling up to 150 MWac of nameplate rated Solar Energy Resources and/or Wind Energy Resources, November 5, 2020, https://www.indianamichiganpower.com/lib/docs/business/b2b/rfp/im/2020SolarWind/IM_Wind_Solar_RFP_110520_Final_PPA.pdf.

^v American Electric Power Service Corporation as agent for Appalachian Power Company, “Request for Proposals - PSA from Qualified Bidders Totaling up to 300 MWac of nameplate rated Solar Energy Resources and/or Wind Energy Resources,” February 15, 2021, https://www.appalachianpower.com/lib/docs/business/b2b/rfp/APCO/2021WindSolar/2021_AP_CO_PSA_RFP_02152021_2.0.pdf.

^{vi} American Electric Power Service Corporation as agent for Appalachian Power Company, “Request for Proposals from Qualified Bidders Totaling up to 200 MWac of nameplate rated Solar Energy Resources,” November 15, 2018.

^{vii} New York State Energy Research and Development Authority (NYSERDA), “Purchase of New York Tier 4 Eligible Renewable Energy Certificates (RECs) Request for Proposals (RFP) No. T4RFP21-1, January 13, 2021, <https://portal.nyserdera.ny.gov/servlet/servlet.FileDownload?file=00Pt000000RfWV4EAN>.

CERTIFICATE OF SERVICE

I CERTIFY that on March 14, 2022, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

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Laborers' Local 295, Business Manager/Secretary
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