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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**APPLICATION OF ROCKY MOUNTAIN
POWER FOR APPROVAL OF
SOLICITATION PROCESS FOR 2022
ALL SOURCE REQUEST FOR
PROPOSALS**

Docket No. 21-035-52
**Utah Clean Energy’s Motion: to Deviate
from R746-1-108(2)(a) Pursuant to R746-1-
109, and for Leave to Intervene**

Pursuant to UTAH ADMIN. CODE R746-1-109, UTAH ADMIN. CODE R746-1-108(1), and UTAH CODE ANN. § 63G-4-207, Utah Clean Energy (“UCE”) respectfully moves the Public Service Commission of Utah (“PSC”) for an Order: granting movant leave to deviate from R746-1-108(2)(a), and granting movant leave to intervene on this docket. Pursuant to R746-1-109(2), movant attests that R746-1-108(2)(a) imposes a hardship that outweighs the benefit(s) of the rule. In support of their petition to intervene, UCE asserts that its legal rights and interests may be substantially affected by this proceeding and seeks to intervene for purposes of protecting its interests as they arise.

BACKGROUND

On January 26, 2022, PacifiCorp (DBA Rocky Mountain Power, or “RMP”) submitted an Application for Approval of Solicitation Process for the 2022 All Source Request for Proposals (“2022 AS RFP”) to this Commission.¹ The 2022 AS RFP sought to procure resources in line with the Utility’s 2021 Integrated Resource Plan (“IRP”) preferred portfolio, which identified a need for 1,345 megawatts (“MW”) of new renewable wind and solar resources, including 600 MW of new storage resources.² Pursuant to UTAH ADMIN. CODE R746-420-1(4), the Utility proposed a timeline and schedule for its 2022 AS RFP.³ Consistent with its 2021 IRP Action Plan, the Company proposed April 24, 2023 as the deadline for selecting its Final Shortlist (“FSL”), and sought bids to deliver capacity and storage to its system by December 31, 2027 and December 31, 2028.⁴ The PSC approved RMP’s Application and proposed schedule on April 22, 2022, finding, in part, that “RMP commenced the RFP sufficiently in advance of its projected resource need.”⁵

On July 25, 2023, PacifiCorp published a Notice to Interested Parties on its 2022 AS RFP website that it was delaying its FSL selection date to September 17, 2023.⁶ On September 15, 2023 RMP then filed a Notice of Update to Schedule in this docket informing the PSC that the Utility was again delaying its FSL and would not be announcing a final shortlist on September

¹ Docket No. 21-035-52, Rocky Mountain Power’s Application for Approval of Solicitation Process (Jan. 26, 2022) (hereinafter Application).

² *Id.*, at 1–2.

³ *Id.*

⁴ Docket No. 21-035-52, Order Approving 2022 All Source RFP (Apr. 22, 2022) (hereinafter Order).

⁵ *Id.* at 9 (“[R746-420-3(1)(v)] requires a solicitation process to be commenced with sufficient time to ‘permit and facilitate compliance with the [Energy Resource Procurement] Act and [the Rule], and a reasonable evaluation of resource options.’”).

⁶ PacifiCorp’s 2022 All-Source Request for Proposals, PACIFICORP, at https://www.pacificorp.com/content/dam/pcorp/documents/en/pacificorp/suppliers/rfps/pacificorps-2022-all-source-request-for-proposals/2022AS_RFP_Notice_July_25_2023.pdf (last visited Nov. 3, 2023).

17th, 2023.⁷ On September 29, 2023, PacifiCorp filed a Second Notice in this docket and announced that it would be indefinitely suspending its 2022 AS RFP but would provide periodic updates until either resuming or fully terminating the process.⁸ As of this date, PacifiCorp has not provided any additional information on the status of the 2022 AS RFP.

REQUEST FOR RELIEF

Pursuant to the February 25, 2022 Scheduling Order and Notice, the deadline for parties to intervene in this docket was March 16, 2022.⁹ Under UTAH ADMIN. CODE R746-1-108, any persons wishing to intervene in a proceeding must comply with the scheduling order issued in the docket.¹⁰ However, R746-1-109 permits parties to move the Commission to deviate from a specified rule by demonstrating that the rule imposes a hardship that outweighs the benefits of the rule.¹¹

Here, significant changes in the circumstances surrounding the 2022 AS RFP since the Commission approved the Utility's Application necessitate a deviation from the Scheduling Order on this docket. Since RMP has indefinitely suspended its 2022 AS RFP and has not yet provided stakeholders any updates on its status, approximately 1.345 MW of new renewable resources, including 600 MW of new storage resources, hang in the balance. As an advocate for renewable energy, energy efficiency, conservation, and a sustainable energy future, UCE's legal rights and interests may now be substantially affected by this proceeding. In light of the significant changes to the circumstances surrounding the 2022 AS RFP, disqualifying UCE from now intervening on

⁷ Docket No. 21-035-52, Rocky Mountain Power's Notice of Update to Schedule in 2022 All Source Request for Proposals.

⁸ Docket No. 21-035-52, Rocky Mountain Power's Second Notice of Update to Schedule in 2022 All Source Request for Proposals.

⁹ Docket No. 21-035-52, Scheduling Order and Notice of Technical Conference (Feb. 15, 2022).

¹⁰ UTAH ADMIN. CODE R746-1-108(2)(a) (2017).

¹¹ UTAH ADMIN. CODE R746-1-109 (2017).

this docket simply on the basis that the deadline for intervention has passed imposes a hardship on movant that outweighs the benefits of strict compliance with the scheduling order. UCE thus respectfully moves this Commission to permit a deviation from the scheduling order and grant movant leave to intervene in this docket.

In support of its petition to intervene, UCE states the following:

1. Utah Clean Energy is a state-based, non-profit, public interest organization working to create healthy, thriving communities empowered and sustained by clean energy. Our mission is to lead and accelerate the clean energy transformation with vision and expertise. Our work focuses on preventing wasted energy, facilitating clean energy, and creating a smart energy future. Through advocacy and education we seek to advance renewable energy and energy efficiency in Utah and the Western Region.
2. Utah Clean Energy has not fully determined specific positions it will take or the relief it will seek. Utah Clean Energy seeks to intervene for purposes of protecting its interests as they arise.
3. The interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing Utah Clean Energy to intervene.
4. Notices should be sent to the following:

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DOCKET NO. 21-035-52

WHEREFORE, Utah Clean Energy respectfully moves the Public Service Commission of Utah (“PSC”) for an Order: granting movant leave to deviate from R746-1-108(2)(a), and granting movant leave to intervene on this Docket.

DATED at Salt Lake City, Utah, Nov. 4, 2022.

Respectfully submitted,

/s/ Sarah Puzzo

Sarah Puzzo

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CERTIFICATE OF SERVICE

I certify that on November 7, 2023, I caused a true and correct copy of the foregoing to be filed with the Public Service Commission to the following in Utah Docket No. 21-035-52 as indicated below:

BY Electronic-Mail:

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