

February 22, 2022

***VIA ELECTRONIC FILING***

Public Service Commission of Utah  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84114

Attention: Gary Widerburg  
Commission Administrator

**Re: Docket No. 21-035-54**  
**In the Matter of the Application of Rocky Mountain Power for a Certificate of Public Convenience and Necessity for the Gateway South Transmission Project**  
*Settlement Stipulation*

Pursuant to Utah Code Ann. § 54-7-1 and the Rules of the Public Service Commission of Utah (“Commission”), Rocky Mountain Power (“Company”) hereby submits for filing a Settlement Stipulation (“Stipulation”) entered into between the Company, the Division of Public Utilities and Interwest Energy Alliance (“Settling Parties”).

All parties who have intervened in this docket were invited to participate in settlement discussions and communications. The Office of Consumer Services (“OCS”), Utah Association of Energy Users (“UAE”), and Western Resource Advocates (“WRA”) are parties to this docket, but they are not Settling Parties. OCS, UAE, and WRA have informed the Settling Parties that they do not oppose this Stipulation.

The Settling Parties respectfully request that the Commission vacate the remainder of the procedural schedule established in the Scheduling Order and Notice of Hearing issued October 26, 2021. The Company requests the Commission establish a new hearing date.

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,



Joelle Steward  
Senior Vice President, Regulation

cc: Service List Docket No. 21-035-54

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE )  
APPLICATION OF ROCKY MOUNTAIN ) Docket No. 21-035-54  
POWER FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND )  
NECESSITY FOR THE GATEWAY )  
SOUTH TRANSMISSION PROJECT )

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**SETTLEMENT STIPULATION**

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This Settlement Stipulation (“Stipulation”) is entered into in Docket No. 21-035-54 by and among the parties whose signatures appear on the signature pages hereof (collectively referred to herein as the “Parties” and individually as a “Party”).

1. The Parties joining this Stipulation are as follows: PacifiCorp, d/b/a Rocky Mountain Power (the “Company”), the Utah Division of Public Utilities (“DPU”) and Interwest Energy Alliance (“Interwest”). Utah Association of Energy Users (“UAE”), Western Resource Advocates (“WRA”), and the Office of Consumer Services do not oppose the Stipulation.

**BACKGROUND**

2. On October 7, 2021, the Company filed an application (“Application”) with the Public Service Commission of Utah (“Commission”) requesting an order granting a certificate of public convenience and necessity (“CPCN”) to construct the 416-mile Gateway South 500-kilovolt transmission line (the “Project”). Approximately one-third of the line, or 183 miles, is in Utah, with the balance located in Colorado and Wyoming.

3. On October 19, 2021, the Commission held a virtual scheduling conference setting a procedural schedule. A hearing on this matter is scheduled for April 26 and 27, 2022.

4. On October 19, 2021, Interwest filed a Petition to Intervene.

5. On October 27, 2021, UAE filed a Petition to Intervene.
6. On November 5, 2021, WRA filed a Petition for Leave to Intervene.
7. On November 10, 2021, the Commission issued an order granting intervention to Interwest.
8. On November 17, 2021, the Commission issued an order granting intervention to UAE.
9. On December 1, 2021, the Commission issued an order granting intervention to WRA.
10. On January 25, 2022, P. Jay Caspary filed direct testimony on behalf of Interwest, which strongly recommended approval of the CPCN; David Williams filed direct testimony for DPU, which recommended approval of the CPCN; and Justin Bieber filed direct testimony on behalf of UAE, which did not oppose approval of the CPCN.

#### **SETTLEMENT TERMS**

11. The Parties now recommend that the Commission approve the Stipulation and all of its terms and conditions as set forth herein and as agreed upon by the Parties.
12. The Parties agree that the approval of the CPCN is limited to a determination of the public convenience and necessity of the Project and that prudence, cost allocation, and rate recovery are not within the scope of the application. Prudence, cost allocation, and rate recovery will be addressed through a future regulatory process at the appropriate time. Additionally, the Parties agree that other issues, unrelated to the public need justifying the project, were raised in the testimony submitted in this proceeding and will also be addressed in future proceedings.
13. The Parties agree that the present or future public convenience and necessity does or will require construction of the Project and accordingly request the Commission issue an order approving the Application for the CPCN.

14. If a hearing is necessary to approve this stipulation, the Parties ask that the Commission set a hearing as soon as possible and, if no hearing can be scheduled earlier than the hearing already scheduled in this docket for April 26 and 27, 2022, the Commission hold that hearing for approval of this stipulation. If a hearing is held, the Company and DPU each will make one or more witnesses available to explain and offer further support for this Stipulation. As applied to DPU, the explanation and support shall be consistent with its statutory authority and responsibility. The Parties also request that the Commission vacate the remainder of the procedural schedule.

### **GENERAL TERMS AND CONDITIONS**

15. Utah Code Ann. §54-7-1 authorizes the Commission to approve a settlement so long as the settlement is just and reasonable in result. The Parties agree that this Stipulation is just and reasonable and in the public interest.

16. All negotiations related to this Stipulation are confidential, and no Party shall be bound by any position asserted in negotiations. Except as expressly provided in this Stipulation, neither the execution of this Stipulation nor any Order adopting it shall be deemed to constitute an admission or acknowledgment by any Party of the validity or invalidity of any principle or practice of regulatory accounting or ratemaking; nor shall they be construed to constitute the basis of an estoppel or waiver by any Party; nor shall they be introduced or used as evidence for any other purpose in a future proceeding by any Party except in a proceeding to enforce this Stipulation.

17. The Parties agree that no part of this Stipulation will in any manner be argued or considered as precedential in any future case except with regard to issues expressly called-out and forever resolved by this Stipulation. This Stipulation does not resolve and does not provide any inferences regarding, and the Parties are free to take any position with respect to any issues not specifically called-out and settled herein.

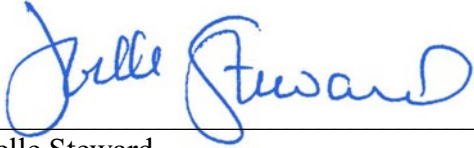
18. The Parties agree that if any person challenges the approval of this Stipulation or requests rehearing or reconsideration of any order of the Commission approving this Stipulation, each Party will use reasonable efforts to support the terms and conditions of this Stipulation. As applied to DPU, the phrase “use reasonable efforts” means that it shall do so in a manner consistent with its statutory authority and responsibility. In the event any person seeks judicial review of a Commission order approving this Stipulation, no Party shall take a position in that judicial review proceeding in opposition to the Stipulation.

19. Except with regard to the obligations of the Parties under the four immediately preceding paragraphs of this Stipulation, this Stipulation shall not be final and binding on the Parties until it has been approved without material change or condition by the Commission.

20. This Stipulation is an integrated whole, and any Party may withdraw from it if it is not approved without material change or condition by the Commission or if the Commission’s approval is rejected or materially conditioned by a reviewing court. If the Commission rejects any part of this Stipulation or imposes any material change or condition on approval of this Stipulation or if the Commission’s approval of this Stipulation is rejected or materially conditioned by a reviewing court, the Parties agree to meet and discuss the applicable Commission or court order within five business days of its issuance and to attempt in good faith to determine if they are willing to modify the Stipulation consistent with the order. No Party shall withdraw from the Stipulation prior to complying with the foregoing sentence. If any Party withdraws from the Stipulation, any Party retains the right to seek additional procedures before the Commission, including presentation of testimony and cross-examination of witnesses, with respect to issues resolved by the Stipulation, and no party shall be bound or prejudiced by the terms and conditions of the Stipulation.

21. This Stipulation may be executed by individual Parties through two or more separate, conformed copies, the aggregate of which will be considered as an integrated instrument.


DATED this 22<sup>nd</sup> day of February, 2022.

<p>ROCKY MOUNTAIN POWER</p>  <hr/> <p>Joelle Steward Senior Vice President, Regulation and Customer/Community Solutions Rocky Mountain Power 1407 W. North Temple, Suite 330 Salt Lake City, UT 84116</p>	<p>UTAH DIVISION OF PUBLIC UTILITIES</p> <hr/> <p>Chris Parker Director Utah Division of Public Utilities 160 East 300 South, 4<sup>th</sup> Floor Salt Lake City, UT 84111</p>
<p>INTERWEST ENERGY ALLIANCE</p> <hr/> <p>Chris Leger Staff Attorney 400 Gold Ave. SW, Suite 700 Albuquerque, NM 87102</p>	

shall withdraw from the Stipulation prior to complying with the foregoing sentence. If any Party withdraws from the Stipulation, any Party retains the right to seek additional procedures before the Commission, including presentation of testimony and cross-examination of witnesses, with respect to issues resolved by the Stipulation, and no party shall be bound or prejudiced by the terms and conditions of the Stipulation.

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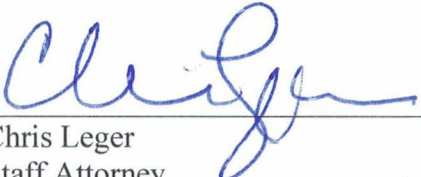
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

<p>ROCKY MOUNTAIN POWER</p> <hr/> <p>Joelle Steward          Senior Vice President, Regulation and          Customer/Community Solutions          Rocky Mountain Power          1407 W. North Temple, Suite 330          Salt Lake City, UT 84116</p>	<p>UTAH DIVISION OF PUBLIC UTILITIES</p>  <hr/> <p>Chris Parker          Director          Utah Division of Public Utilities          160 East 300 South, 4<sup>th</sup> Floor          Salt Lake City, UT 84111</p>
<p>INTERWEST ENERGY ALLIANCE</p> <hr/> <p>Chris Leger          Staff Attorney          400 Gold Ave. SW, Suite 700          Albuquerque, NM 87102</p>	

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21. This Stipulation may be executed by individual Parties through two or more separate, conformed copies, the aggregate of which will be considered as an integrated instrument.

DATED this 18<sup>th</sup> day of February, 2022.

<p>ROCKY MOUNTAIN POWER</p> <hr/> <p>Joelle Steward Senior Vice President, Regulation and Customer/Community Solutions Rocky Mountain Power 1407 W. North Temple, Suite 330 Salt Lake City, UT 84116</p>	<p>UTAH DIVISION OF PUBLIC UTILITIES</p> <hr/> <p>Chris Parker Director Utah Division of Public Utilities 160 East 300 South, 4<sup>th</sup> Floor Salt Lake City, UT 84111</p>
<p>INTERWEST ENERGY ALLIANCE</p>  <hr/> <p>Chris Leger Staff Attorney 400 Gold Ave. SW, Suite 700 Albuquerque, NM 87102</p>	



## **CERTIFICATE OF SERVICE**

Docket No. 21-035-54

I hereby certify that on January 22, 2022, a true and correct copy of the foregoing was served by electronic mail to the following:

### **PacifiCorp**

Data Request Response Center

([datareq@pacificorp.com](mailto:datareq@pacificorp.com))

([utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com))

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Mary Penfield  
Adviser, Regulation