- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power to Amend its Certificated Service Area	DOCKET NO. 25-035-35 ORDER

ISSUED: August 21, 2025

SYNOPSIS

The Public Service Commission (PSC) approves the application of Rocky Mountain Power ("RMP") to amend its Certificate of Public Convenience and Necessity (CPCN).

PROCEDURAL HISTORY

On May 22, 2025, RMP filed an application ("Application") seeking to amend its CPCN. In the Application, RMP "anticipates and represents that this matter is expected to be unopposed and uncontested" and, therefore, requests informal adjudication pursuant to Utah Admin. Code R746-110-1.[1] Additionally, the Application represents good cause exists, under Utah Admin. Code R746-110-2, for the PSC to enter a final order on the Application.[2]

The Division of Public Utilities (DPU) filed comments on June 18, 2025, concurring that the docket meets the criteria for informal adjudication and recommending the PSC approve the Application.

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[1] Application at 3.

[2] Under Utah Admin. Code R746-110, the PSC may, in informal adjudications, enter a final order without a hearing, but the order will be in "tentative form not to be effective for a minimum of 20 days after its issuance," allowing any person to file a protest during the tentative period, which may result in the order being suspended pending further proceedings. Utah Admin. Code R746-110-2. However, where an applicant establishes good cause exists, the PSC may waive the 20-day tentative period and immediately issue a final order.

APPLICATION

RMP states the PSC granted its CPCN No. 2059 on October 1, 1981.[3] In the Application, RMP requests to reduce its service territory by 2,205 acres, consistent with Hildale City's annexation of the territory (the "Hildale City territory").[4] The Hildale City territory contains irrigation customers that RMP currently serves.

RMP represents that Hildale City officials approached Garkane Energy Cooperative, Inc. ("Garkane") and requested that Garkane serve all customers in Hildale City. RMP represents that, consequently, it entered into an Asset Purchase Agreement[5] with Garkane pursuant to which RMP sold, to Garkane, its distribution assets from which it was serving customers in the Hildale City territory.[6] RMP also states Garkane does not oppose RMP's request to amend its service area[7] and that amending the CPCN is in the public interest.[8]

[3] *In the Matter of the Application of CP National Corporation and Utah Power and Light Company for the sale and purchase of public utility electric business of CP National for service in Washington, Iron, and Kane Counties*, Case Nos. 80-023-01 and 80-035-02, Order issued October 1, 1981.
[4] Exhibit C of the Application describes the proposed service area that excludes the newly annexed area of Hildale City.
[5] Exhibit D of the Application is the Asset Purchase Agreement between Garkane and RMP that includes the Bill of Sale dated September 10, 2024.
[6] Application at 2.
[7] Garkane submitted a corresponding application to amend its service area to include Hildale City's annexed area. *See Application of Garkane Energy Cooperative, Inc. to Amend its Certificated Service Area*, Docket No. 25-028-04.
[8] Application at 2.

DPU COMMENTS

DPU's review of the Application concluded that "the purchased asset value is de minimis"[9] and the "transaction [was] executed in good faith."[10] DPU also states that half of the newly annexed parcel was in Garkane's service territory, and the other half was in RMP's service territory. Additionally, DPU states it expects there will be no opposition to the Application and therefore agrees this docket should be adjudicated informally.

DISCUSSION, FINDINGS, AND CONCLUSION

RMP and Garkane entered into an Asset Purchase Agreement that transferred the distribution infrastructure that RMP utilized to service customers in the Hildale City territory to Garkane. RMP now requests to amend CPCN 2059 to exclude the Hildale City territory from its currently approved CPCN 2059 and, simultaneously, Garkane requests to amend its own CPCN to incorporate the same territory. The PSC finds, after reviewing the Application, its exhibits, and the DPU's recommendation, the request is reasonable and in the public interest.

RMP attests the Application is unopposed and requests informal adjudication. DPU, additionally, concurs informal adjudication is appropriate. Finally, no stakeholder has indicated to the PSC that opposition exists. Given the nature of the request, Garkane's corresponding application in Docket No. 25-028-04, and the

[9] DPU Comments at 2.
[10] *Id.*

absence of opposition, the PSC finds the Application can reasonably be expected to be unopposed and uncontested. Therefore, the PSC adjudicates this docket informally.

With respect to RMP's request the PSC issue a final order pursuant to Utah Admin. Code R746-110-2, RMP simply represents "good cause" exists but does not identify what grounds exist to justify waiving the otherwise applicable 20-day tentative period. Therefore, the PSC declines to do so. Interested parties will have 20 days from the date of this Order to oppose it. If the PSC does not receive a protest to the Order within 20 days, this Order is final without further action from the PSC.

Finally, though the value of the assets RMP transferred to Garkane is relatively small, a question exists as to whether the transaction complied with Utah Code § 54-4-30, which generally requires obtaining leave from the PSC prior to acquiring the infrastructure of a public utility engaged in the same line of business. We conclude this question does not preclude the PSC from granting the Application, but the PSC expects Garkane and RMP to comply with all applicable law prior to making such transfers in the future.

ORDER

Based on the foregoing findings and conclusions, the Application is granted. Any person may file a protest to this Order within 20 days. If the PSC finds the protest to be meritorious, the PSC will suspend this Order pending further proceedings. Otherwise, this Order shall be deemed final without further action by the PSC.

DATED at Salt Lake City, Utah, August 21, 2025.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#341122

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

EXHIBIT A

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power to Amend its Certificated Service Area	DOCKET NO. 25-035-35 CERTIFICATE 2059A

ISSUED: August 21, 2025

The Public Service Commission of Utah, pursuant to Utah Code Ann. § 54-4-25, amends a Certificate of Public Convenience and Necessity authorizing Rocky Mountain Power to exclude the following parcel "Sec. 35, T43S, R11W, S.L.B.M.; thence North to the Northeast corner of Sec. 26, T43S, R11W; thence East to the Northeast corner of Sec. 25, T43S, R11W."[11] All other aspects of this CPCN remain unchanged.

DATED at Salt Lake City, Utah, August 21, 2025.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary

[11] See DPU Comments Exhibit H at 1.

CERTIFICATE OF SERVICE

I CERTIFY that on August 21, 2025, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Data Request Response Center (datareq@pacificorp.com), (utahdockets@pacificorp.com)
PacifiCorp

Max Backlund (max.backlund@pacificorp.com)
John Hutchings (john.hutchings@pacificorp.com)
Jana Saba (jana.saba@pacificorp.com)
Rocky Mountain Power

Phillip J. Russell (prussell@jdrslaw.com)
JAMES DODGE RUSSELL & STEPHENS, P.C.
Attorney for Garkane Energy Cooperative, Inc.

Patricia Schmid (pschmid@agutah.gov)
Patrick Grecu (pgrecu@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Alyson Anderson (akanderson@utah.gov)
Cameron Irmas (cirmas@utah.gov)
Jennifer Ntiamoah (jntiamoah@utah.gov)
Bela Vastag (bvastag@utah.gov)
Alex Ware (aware@utah.gov)
(ocs@utah.gov)
Office of Consumer Services

/s/ Melissa R. Paschal
Lead Paralegal