

To: The Public Service Commission of Utah
From: The Office of Consumer Services
Michele Beck, Director
Béla Vastag, Utility Technical Consultant
Date: September 19, 2025
Subject: Docket No. 25-035-52 – OCS Comments
Utah Clean Energy's Request for Expedited Investigatory Docket and Agency Action

INTRODUCTION

On August 29, 2025, Utah Clean Energy ("UCE") filed a request with the Utah Public Service Commission ("PSC") to open an investigatory docket and therein to direct PacifiCorp (or "the Company") to start an expedited resource procurement process (an RFP). On September 10, 2025, the PSC issued a Notice of Filing and Comment Period that set a deadline of September 19, 2025 for parties to file comments on UCE's Request. The PSC's Notice asked parties to address what, if any, additional process is required in this docket. Accordingly, the Utah Office of Consumer Services ("OCS") submits the following comments.

SUMMARY OF UTAH CLEAN ENERGY'S REQUEST

The 119th U.S. Congress recently passed H.R.1, known as the One Big Beautiful Bill Act ("OBBBA"), which became law on July 4, 2025. The Act terminates production tax credits ("PTC") and investment tax credits ("ITC") for new wind and solar projects unless they are: 1) placed into service by December 31, 2027 or 2) begin construction by July 4, 2026.¹ Internal Revenue Service ("IRS") Notice 2025-42 issued on August 15, 2025 provides additional guidance on specific details such as safe harbor, physical work test

¹ This is a pivotal change from what was assumed in developing PacifiCorp's 2025 IRP because at that time the Inflation Reduction Act or IRA enabled the Company to model PTCs and ITCs as being available for the full 21-year study period of the 2025 IRP. See PacifiCorp 2025 IRP, page 182, "Key Changes Since the 2023 IRP".



and continuity requirements.² Table 1 of UCE's filing provides an overview of the requirements from IRS Notice 2025-42.

In its filing, UCE requests that the PSC require PacifiCorp to act swiftly to acquire new wind and solar resources that qualify for PTCs and ITCs before they expire as mandated by OBBBA. Acquiring resources that qualify for these tax credits can significantly reduce the costs of new resources for the Company and for ratepayers. As an example, Table 2 of UCE's Request shows that ratepayers could save \$150 million for just one 100 MW solar project by capturing these tax credits before they expire.

UCE points out that PacifiCorp's 2025 IRP identifies substantial near-term need for new wind and solar sources and that the Company should accelerate its procurement of these needed resources before the tax credits expire. Indeed, the 2025 IRP preferred portfolio shows over 2,200 MW of new wind and over 3,000 MW of new solar being needed by the end of 2029.³ In addition, the 2025 IRP Summer Load and Resource Balance shows that about 800 MW of annual market purchases are required in 2026 and 2027. Furthermore, the West side of the system shows the most need for resources as up to 1,400 MW of power is transferred from the East side to the West side of PacifiCorp's system each year from 2026 through 2029.⁴

OCS COMMENTS ON ADDITIONAL PROCESS IN THIS DOCKET

First, the OCS notes its appreciation for UCE bringing this issue before the PSC and giving other parties the opportunity to comment on it in a public proceeding. The OCS agrees with UCE that PacifiCorp should take swift action in determining how it can take advantage of the expiring tax credits for these resources and in quantifying the benefits that could be captured for ratepayers in doing so.

UCE has requested that the PSC bring parties together into an investigatory docket to work jointly with PacifiCorp to determine the best approach to capture the benefits of the expiring PTCs and ITCs for ratepayers. However, considering the current and upcoming regulatory workload, the OCS does not believe that parties have adequate resources to participate in the process that UCE has proposed. Instead, the OCS could see a more streamlined process where PacifiCorp identifies "shovel ready" projects⁵ that meet the needs identified in the IRP and then brings them to the PSC as time-limited opportunities requesting a waiver of Utah Energy Resource Procurement Act requirements under Utah Code § 54-17-501. To facilitate this process, the PSC could require the Company to provide regular status updates on its progress in identifying

² IRS Notice 2025-42 available at: <https://www.irs.gov/pub/irs-drop/n-25-42.pdf>

³ PacifiCorp 2025 IRP, Table 9.10, page 243.

⁴ PacifiCorp 2025 IRP, Table 9.13, page 246.

⁵ The OCS notes that PacifiCorp has issued an RFP for Washington resources on September 2, 2025 and is planning to issue another RFP for Oregon resources on September 23, 2025 (see [PacifiCorp RFPs](#)). The Oregon RFP will accept bids from both West side and East side resources (see [Oregon Docket UM 2383](#)).

these shovel ready projects. In the alternative, the PSC may want to consider facilitating a confidential process to assist in connecting the Company with any shovel ready projects that may be available.

CONCLUSION AND RECOMMENDATION

The OCS appreciates UCE's filing and creating this docket to highlight the urgency of not missing out on the expiring tax credits. The OCS believes that parties do not have the resources to participate in the investigatory docket process that UCE has proposed. As an alternative, the OCS recommends that PacifiCorp identify shovel ready projects and bring them before the PSC under the waiver provision of the Utah Energy Resource Procurement Act.

cc:

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