

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of an Investigation Regarding)
Third-Party Arrangements for Renewable) DOCKET NO. 09-999-12
Energy Generation) NOTICE OF INVESTIGATION AND
) PROCEDURAL ORDER
)

ISSUED: October 12, 2009

By The Commission:

Pursuant to Utah Code Ann. §§ 54-4-2, and Utah Administrative Code §§ R746-100, et seq., the Public Service Commission of Utah (“Commission”) on its own motion establishes this docket to investigate whether, and the extent to which, certain third-party arrangements for renewable energy generation are subject to the Commission’s jurisdiction. This investigation may ultimately lead to recommendations to the legislature.

We hereby request comments or legal briefs from interested parties by **November 16, 2009**. Comments or legal briefs should identify the characteristics or components of specific third-party arrangements and address any relevant issues raised by such third-party arrangements. For example, such possible issues as the following could be addressed:

- (a) Whether the third-party is a public utility under Utah law;
- (b) Whether the third party is a public utility under Utah law when arrangements are entered into primarily as a financing mechanism for distributed renewable energy generation systems whereby a third party owns the renewable generation equipment, which is installed on a utility customer’s premises, there is a long-term contract with the customer to supply a portion of that customer’s electricity use, and payments are based on kilowatt-hours;

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(c) Whether the third party is a public utility under Utah law when (i) there is a single relationship between the third-party owner of the generation and a customer or (ii) there are multiple customers taking power from the same third party;

(d) Whether the third party is a public utility under Utah law when arrangements involve the leasing of distributed generation equipment from non-utility lessors to lessees that are also retail customers of utilities.

We hereby also set a technical conference to discuss the specific terms and conditions surrounding third-party financing arrangements and other issues as necessary on **Monday, November 23, 2009, at 1:30 p.m.- 4:00 p.m., Fourth Floor Hearing Room, Room 401**, Heber M. Wells State Office building, 160 East 300 South, Salt Lake City, Utah. Any person wishing to participate in the technical conference by telephone should notify Julie Orchard, Commission Secretary, at (801) 530-6716 at least three days prior to the technical conference.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify Julie Orchard, Commission Secretary, at 160 East 300 South, Salt Lake City, Utah, 84111, (801) 530-6716, at least three working days prior to the meeting.

A real time broadcast of the audio portion of this technical conference will be available through the Commission's web site at the following link:

<http://www.psc.utah.gov/utilities/misc/miscindx/0999912indx.html>

Audio files will also be available at the website after the technical conference is completed.

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DATED at Salt Lake City, Utah, this 12th day of October, 2009.

/s/ Julie Orchard
Commission Secretary
G#63927