

# Community Renewable Energy Agency Board Meeting Agenda

Public Notice is hereby given that the Community Renewable Energy Agency Board will assemble in a public meeting on May 6<sup>th</sup>, 2024, at the Millcreek City Hall located at 1330 East Chambers Avenue (3205 South), 84106 Millcreek UT, commencing at 1:00 p.m. The Board will convene in an electronic meeting. Board members may participate from remote locations. Board members will be connected to the electronic meeting by GoToMeeting, Zoom or telephonic communications. The anchor location will be Millcreek City Hall. Members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means at <https://global.gotomeeting.com/join/890138285>.

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## REGULAR MEETING of the Board:

### 1. Welcome, Introduction and Preliminary Matters

- 1.1 Purpose and overview of meeting
- 1.2 Current participation percentages included in Board packet

### 2. Business Matters

- 2.1 Approval of April 1, 2024 Board Meeting Minutes
- 2.2 Treasurer Report (year-to-date contributions and expenses)
- 2.3 Discussion regarding potential pathway for additional communities to join the Community Renewable Energy Agency
- 2.4 Reports from committees (Communications, Low-Income Plan, Program Design)
- 2.5 Public Comments

*Audience members may bring any item to the Board's attention. Comments are subject to the Public Comment Policy and Procedure set forth below.*

- 2.6 Discussion and consideration of Resolution 24-04 Resolution of the Board Authorizing Proposed Program Solicitation Documents to be Provided to Rocky Mountain Power for Filing with the Utah Public Service Commission
- 2.7 Board member comments
- 2.8 Closed Session (if needed): the Board may convene in a closed session to discuss items as provided by Utah Code Ann. §52-4-205

### 3. Adjournment

In accordance with the Americans with Disabilities Act, the Board will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting [adainfo@millcreek.us](mailto:adainfo@millcreek.us) at least 48 hours in advance of the meeting.

Public Comment Policy and Procedure: The purpose of public comment is to allow citizens to address items on the agenda. Citizens requesting to address the Board may be asked to complete a written comment form and present it to the Millcreek City Recorder. In general, the Chair will allow an individual two minutes to address the Board. At the conclusion of the citizen comment time, the Chair may direct staff or Board members to assist the citizen on the issue presented; direct the citizen to the proper entity; or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The Chair may

place the item on the agenda under citizen comments; direct staff or Board members to assist the citizen; direct the citizen to the entity; or take no action.

THE UNDERSIGNED HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

Millcreek City Hall

Utah Public Notice Website  
<http://pmn.utah.gov>

DATE: 5/2/24

Emily Quinton

Alex Wendt

Note agenda items may be moved in order, sequence, and time to meet the needs of the Board.

**This meeting will be live streamed via <https://millcreek.us/373/Meeting-Live-Stream>.**

# Participation Percentages

								Weighted Votes Occuring After July 31, 2022						
								Aggregate Total of Actual Phase 1 Initial, Phase 1 Anchor, and Phase 2 Initial Payments	Phase 2 Anchor Proportionate Shares, based on Max Anchor Payments	Phase 2 Remaining Balance Distributed Proportionally Among Anchors (Phase 2 Anchor Payment)	Total Phase 1 and 2 Payment Obligations as of Meeting Date Above	Participation Percentage for Weighted Votes After July 31 2022	Yes vote on Resolution XX-XX Weighted Vote?	Total Yes Percentage on Resolution XX-XX
1	7/1/2021		Grand County	2,109.37	3,110.81	2,109.37	3,110.81	\$ 6,364.78	1.49%	\$ 1,692.07	\$ 8,056.85	1.15%		0.00%
2	10/1/2021		Salt Lake County	11,570.26		11,570.26		\$ 23,140.52	0.00%	\$ -	\$ 23,140.52	3.31%		0.00%
3	7/1/2021		Summit County	10,759.97	15,868.33	10,759.97	15,868.33	\$ 32,466.94	7.61%	\$ 8,631.28	\$ 41,098.22	5.87%		0.00%
4	7/1/2021		Town of Alta	218.93		218.93		\$ 437.86	0.00%	\$ -	\$ 437.86	0.06%		0.00%
5			Bluffdale City	11,088.57		11,088.57		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
6	7/1/2021		Town of Castle Valley	106.74	157.42	106.74	157.42	\$ 322.08	0.08%	\$ 85.63	\$ 407.71	0.06%		0.00%
7	4/28/2022		Coalville City	562.99		562.99		\$ 1,125.98	0.00%	\$ -	\$ 1,125.98	0.16%		0.00%
8	7/1/2021		Cottonwood Heights	10,942.10		10,942.10		\$ 21,884.20	0.00%	\$ -	\$ 21,884.20	3.13%		0.00%
9	6/13/2022		Emigration Canyon Township	456.22		456.22		\$ 912.44	0.00%	\$ -	\$ 912.44	0.13%		0.00%
10	8/3/2021		Francis City	421.54		421.54		\$ 843.08	0.00%	\$ -	\$ 843.08	0.12%		0.00%
11	7/1/2021		City of Holladay	9,387.72		9,387.72		\$ 18,775.44	0.00%	\$ -	\$ 18,775.44	2.68%		0.00%
12			Kamas City	743.49		743.49		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
13	7/13/2021		Kearns	9,606.01		9,606.01		\$ 19,212.02	0.00%	\$ -	\$ 19,212.02	2.74%		0.00%
14	7/1/2021		Moab City	2,237.95	3,300.43	2,237.95	3,300.43	\$ 6,752.75	1.58%	\$ 1,795.21	\$ 8,547.96	1.22%		0.00%
15	7/1/2021		Millcreek	18,421.40	27,167.05	18,421.40	27,167.05	\$ 55,584.39	13.03%	\$ 14,777.00	\$ 70,361.39	10.05%		0.00%
16	4/28/2022		Oakley City	520		520		\$ 1,040.00	0.00%	\$ -	\$ 1,040.00	0.15%		0.00%
17	7/28/2021		Ogden City	35,737.26		35,737.26		\$ 71,474.52	0.00%	\$ -	\$ 71,474.52	10.21%		0.00%
18			City of Orem	31,019.52		31,019.52		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
19	7/13/2021		Park City	6,742.38	9,943.35	6,742.38	9,943.35	\$ 20,344.33	4.77%	\$ 5,408.50	\$ 25,752.83	3.68%		0.00%
20	7/1/2021		Salt Lake City	101,050.33	149,024.48	101,050.33	149,024.48	\$ 304,907.42	71.45%	\$ 81,059.05	\$ 385,966.47	55.14%		0.00%
21	7/1/2021		Town of Springdale	481.26		481.26		\$ 962.52	0.00%	\$ -	\$ 962.52	0.14%		0.00%
22			West Jordan City	37,916.77		37,916.77		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
23			West Valley City	47,899.22		47,899.22		\$ -	0.00%	\$ -	\$ -	0.00%		0.00%
	7/1/2021			350,000.00	208,571.87	350,000.00	208,571.87	586,551.27	100.00%	113,448.73	\$ 700,000.00	100%		0.00%

# Community Renewable Energy Agency Board Meeting Minutes

The Community Renewable Energy Agency Board met in a regular public meeting on **Monday, April 1, 2024**, at Millcreek City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106 and participated electronically via GoToMeeting.

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## **PRESENT:**

### **Board Members**

#### ***In person***

Angela Choberka, Vice Chair, *Ogden*

Drew Quinn, *Holladay*

Emily Quinton, *Summit County*

Christopher Thomas, *Salt Lake City*

#### ***Electronic***

Cheri Jackson, *Millcreek*

Randy Aton, *Springdale*

Pamela Gibson, *Castle Valley*

Chris Cawley, *Alta*

Luke Cartin, *Park City*

Jeremy Rubell, *Park City*

David Brems, *Emigration Canyon Township*

Alexi Lamm, *Moab*

Samantha DeSeelhorst, *Cottonwood Heights*

Joe Frazier, *Oakley*

Roger Armstrong, *Summit County*

Kyla Topham, *Springdale*

**In Person Attendees:** Kurt Hansen, *Millcreek*; Alex Wendt, *Millcreek*; Mayor Stevenson, *Midvale*; Council Member Zach Jacobs, *West Jordan*

**Electronic Attendees:** Bob Davis, *Division of Public Utilities*; Monica O'Malley, *Salt Lake City Staff*; Joan Entwistle, *Park City Resident*; Nic Wagner, *O<sub>2</sub> Utah*; Sam Owen, *Salt Lake City staff*; Angela Price, *Salt Lake City staff*; Lina Costa, *Holladay*; Kathryn Calderon, *Salt Lake County*

Minutes by Alex Wendt, Millcreek Deputy Recorder.

## **REGULAR MEETING – 1:00 p.m.**

### **TIME COMMENCED: 1:14 p.m.**

#### **1. Welcome, Introduction, and Preliminary Matters**

##### **1.1 Purpose and Overview of Meeting**

Vice Chair Choberka called the meeting together at 1:14 p.m.

## **1.2 Current Participation Percentages included in Board Packet**

## **2. Business Matters**

### **2.1 Approval of March 4, 2024, Board Meeting Minutes**

**Board Member Quinn made the motion to approve the March 4, 2024, Board Meeting Minutes. Board Member DeSeelhorst seconded the motion. Vice Chair Choberka asked for the vote. All Board Members voted yes. The motion passed unanimously.**

### **2.2 Treasurer Report (Year-to-Date Contributions and Expenses)**

Secretary Quinton provided a summary of the Treasurer's Report in place of Board Member Silvestrini. She noted that typical monthly payments were made to communications and legal consultants. However, she pointed out a mistake at the end of the report where it still listed an unallocated portion of the budget. This will be removed and corrected in the next report. Secretary Quinton explained that those funds have been allocated to legal and technical consultants. She apologized for the error.

### **2.3 Reports From Committees (Program Design, Low-Income Plan, Communications)**

Board Member Chris Cawley gave the report from the Communication Committee. The purpose of the communication committee is to coordinate joint press releases, media interviews, social media campaigns, facilitate public awareness events, and update and maintain the website, Instagram, and Facebook pages and other communication channels. Board Resolution 22-10 authorized the communication committee to solicit proposals to hire a public relations or communication consultant. Board Resolution 23-09 authorized the selection and contracting of Penna Powers under Penna's State of Utah cooperative contract. The scope of their work included a communications audit, branding, social media, newsletter content, public relations support, and attendance at meetings. The communication committee met on March 9<sup>th</sup> and discussed the press release regarding Salt Lake City's application for an EPA grant. Ongoing committee member collaboration with Penna Powers will include drafting social media and newsletter content.

Board Member Samantha DeSeelhorst gave the report from the Low-Income Plan Committee. There were no major updates from the Committee. Board Member DeSeelhorst asked potential new members of the Board to reach out to her if they have questions about the work of the Low-Income Plan Committee.

Board Member Christopher Thomas said that the job of the Program Design Committee is to negotiate with Rocky Mountain Power (RMP) and to direct the work of outside counsel and analytical consultants. The program design small group met three times to discuss resource valuation and procurement, and financial backstop. Because of the suspension and cancellation of PacifiCorp's All Source RFP, the Program Design Committee has been working on the Agency's own program resource solicitation. Board Member Thomas spoke about a new timeline. They hope that in May, RMP will submit proposed solicitation rules and documents to the Utah Public Service Commissioner for approval. Then in the summer and fall the Agency can publish solicitations, score bids, select projects for contract negotiations.

The proposed solicitation process overview is as follows from Mr. Thomas: 1) Apply screening criteria and remove non-conforming bids. 2) Perform project readiness assessment and remove bids less than 70%. 3) Score remaining projects and select up to three highest-scoring bids across three categories for the shortlist. 4) RMP calculates financial benefits and estimates emissions reductions through 2030 and projects are re-scored. Top project bids will be recommended to the Utah Renewable Communities Board for approval and contract negotiation with RMP.

Board member Thomas spoke about screening criteria. The resource size should be 20 megawatts to 300 megawatts, online date no later than January 1, 2030. With the scoring process, price accounts for 70 points, non-price criteria are 30 points. Board Member Thomas reviewed the project readiness assessment. They developed a list of 10 project readiness factors, each worth 1 point. These include site control for generation facility, signed large generator interconnection agreement, facilities study, and more. The committee will have a consultant review bids. Project bids must achieve a project readiness score of at least 70%. Every project bid will indicate a price per megawatt-hour. The bid with the lowest price will receive 70 points and all others will receive a pro-rated share of 70 points. For shortlisted projects, projects with a negative net cost receive 70 points and projects with a zero net cost receive 69 points. The lowest positive net cost project receives 68 points, and all others received a prorated share of 68 points. The online date of the project has a potential of 3 points. Projects with an online date of December 2027 can receive 3 points. Projects located in Utah will receive 3 points. If located in Utah with at least 50% of the construction labor hours supplied by in-state labor, this is 1 point. Whether the project agrees to meeting prevailing wage requirements for construction labor is worth 1 point. There are additional non-price criteria.

Board Member Thomas spoke about the Powering Up Utah Renewable Communities grant application of \$49.6 million to help the Utah Renewable Communities program launch. \$48.9 million is for participant support costs. \$47.3 million of this would be for a clean electricity subsidy. \$1.7 million would be for a program administration subsidy. \$700,000 would assist lower-income households in communities with Federally identified disadvantaged communities. There should be some indication of award status in July, and an award in October.

Please look for near final solicitation documents later this month. Be ready to vote on a resolution approving the solicitation documents at the May board meeting.

## **2.4 Public Comment**

Mayor Marcus Stevenson, Midvale, stated that Midvale is interested in joining. Their city council is interested in taking next steps and doing more research.

Zach Jacobs, West Jordan, said that West Jordan is interested in what the future looks like for the Board and is interested in doing more research.

## **2.5 Board Member Comments**

Board Member Emily Quinton relayed to the Board that Mayor Silvestrini, Chair Dugan, and Salt Lake City Mayor, Erin Mendenhall, had a meeting with RMP leadership to discuss the program development timeline. Board Member Thomas said he was at the

meeting, and they discussed whether the program application can be submitted by RMP before or after the review from the Utah Public Service Commission on program resource solicitation.

## **2.6 Closed Session (If needed)**

## **3. Adjournment**

**Board Member DeSeelhorst made the motion to adjourn the meeting at 2:14 p.m. Board Member Cawley seconded the motion. Vice Chair, Angela Choberka called for the vote. All Board Members voted yes. The motion passed unanimously.**

**APPROVED: \_\_\_\_\_ Date**  
**Dan Dugan, Chair**

**ATTEST:**

\_\_\_\_\_  
**Emily Quinton, Secretary**

## Treasurer's Report for 5/6/24 Meeting

**Billing report (p. 1 of 2)****For Date Range: 09/01/2021 - 05/01/2024****CRE - CRE MEMBERSHIP**

Date Billed	Name	Account Name	Amount
9/15/2021	GRAND COUNTY	Membership Fee - Phase I Initial Payment	2,109.37
9/15/2021	SUMMIT COUNTY	Membership Fee - Phase I Initial Payment	10,759.97
9/15/2021	TOWN OF ALTA	Membership Fee - Phase I Initial Payment	218.93
9/15/2021	TOWN OF CASTLE VALLEY	Membership Fee - Phase I Initial Payment	106.74
9/15/2021	COTTONWOOD HEIGHTS	Membership Fee - Phase I Initial Payment	10,942.10
9/15/2021	FRANCIS CITY	Membership Fee - Phase I Initial Payment	421.54
9/15/2021	CITY OF HOLLADAY	Membership Fee - Phase I Initial Payment	9,387.72
9/15/2021	KEARNS	Membership Fee - Phase I Initial Payment	9,606.01
9/15/2021	MOAB CITY	Membership Fee - Phase I Initial Payment	2,237.95
9/15/2021	MILLCREEK	Membership Fee - Phase I Initial Payment	18,421.40
9/15/2021	OGDEN CITY	Membership Fee - Phase I Initial Payment	35,737.26
9/15/2021	PARK CITY	Membership Fee - Phase I Initial Payment	6,742.38
9/15/2021	SALT LAKE CITY	Membership Fee - Phase I Initial Payment	101,050.33
9/15/2021	SPRINGDALE CITY	Membership Fee - Phase I Initial Payment	481.26
10/19/2021	SALT LAKE COUNTY	Membership Fee - Phase I Initial Payment	11,570.26
11/10/2021	GRAND COUNTY	Anchor Payment - Phase I	2,146.04
11/10/2021	SUMMIT COUNTY	Anchor Payment - Phase I	10,947.00
11/10/2021	TOWN OF CASTLE VALLEY	Anchor Payment - Phase I	108.60
11/10/2021	MOAB CITY	Anchor Payment - Phase I	2,276.85
11/10/2021	MILLCREEK	Anchor Payment - Phase I	18,741.59
11/10/2021	PARK CITY	Anchor Payment - Phase I	6,859.57
11/10/2021	SALT LAKE CITY	Anchor Payment - Phase I	102,806.76



**Billing report (p. 2 of 2)**

4/12/2022 GRAND COUNTY	Membership Fee - Phase II Initial Payment	2,109.37
4/12/2022 SUMMIT COUNTY	Membership Fee - Phase II Initial Payment	10,759.97
4/12/2022 TOWN OF ALTA	Membership Fee - Phase II Initial Payment	218.93
4/12/2022 TOWN OF CASTLE VALLEY	Membership Fee - Phase II Initial Payment	106.74
4/12/2022 COTTONWOOD HEIGHTS	Membership Fee - Phase II Initial Payment	10,942.10
4/12/2022 FRANCIS CITY	Membership Fee - Phase II Initial Payment	421.54
4/12/2022 CITY OF HOLLADAY	Membership Fee - Phase II Initial Payment	9,387.72
4/12/2022 KEARNS	Membership Fee - Phase II Initial Payment	9,606.01
4/12/2022 MOAB CITY	Membership Fee - Phase II Initial Payment	2,237.95
4/12/2022 MILLCREEK	Membership Fee - Phase II Initial Payment	18,421.40
4/12/2022 OGDEN CITY	Membership Fee - Phase II Initial Payment	35,737.26
4/12/2022 PARK CITY	Membership Fee - Phase II Initial Payment	6,742.38
4/12/2022 SALT LAKE CITY	Membership Fee - Phase II Initial Payment	101,050.33
4/12/2022 SPRINGDALE CITY	Membership Fee - Phase II Initial Payment	481.26
4/12/2022 SALT LAKE COUNTY	Membership Fee - Phase II Initial Payment	11,570.26
5/4/2022 COALVILLE CITY	Membership Fee - Phase I Initial Payment	562.99
5/4/2022 OAKLEY CITY	Membership Fee - Phase I Initial Payment	520.00
5/4/2022 COALVILLE CITY	Membership Fee - Phase II Initial Payment	562.99
5/4/2022 OAKLEY CITY	Membership Fee - Phase II Initial Payment	520.00
6/15/2022 EMIGRATION CANYON METRO TOWNSHIP	Membership Fee - Phase I Initial Payment	456.22
6/15/2022 EMIGRATION CANYON METRO TOWNSHIP	Membership Fee - Phase II Initial Payment	456.22
9/27/2022 GRAND COUNTY	Anchor Payment - Phase II	1,692.06
9/27/2022 SUMMIT COUNTY	Anchor Payment - Phase II	8,631.28
9/27/2022 TOWN OF CASTLE VALLEY	Anchor Payment - Phase II	85.62
9/27/2022 MOAB CITY	Anchor Payment - Phase II	1,795.21
9/27/2022 MILLCREEK	Anchor Payment - Phase II	14,777.01
9/27/2022 PARK CITY	Anchor Payment - Phase II	5,408.50
9/27/2022 SALT LAKE CITY	Anchor Payment - Phase II	81,059.05

\*Grand County Invoice resent on February 7, 2023

**Total Billed \$ 700,000.00**

**Revenue report (p. 1 of 2)****For Date Range: 09/01/2021 - 05/01/2024****CRE - CRE MEMBERSHIP**

Post Date	Receipt Name	Account Number	Account Name	Amount
9/24/2021	TOWN OF ALTA	701-3450-0000	Membership Fee - Phase I Initial Payment	218.93
9/24/2021	KEARNS -GREATER SALT LAKE MUNICIPAL SERVICES	701-3450-0000	Membership Fee - Phase I Initial Payment	9,606.01
9/24/2021	TOWN OF CASTLE VALLEY	701-3450-0000	Membership Fee - Phase I Initial Payment	106.74
9/27/2021	CITY OF HOLLADAY	701-3450-0000	Membership Fee - Phase I Initial Payment	9,387.72
9/27/2021	SUMMIT COUNTY	701-3450-0000	Membership Fee - Phase I Initial Payment	10,759.97
9/29/2021	COTTONWOOD HEIGHTS	701-3450-0000	Membership Fee - Phase I Initial Payment	10,942.10
9/30/2021	MILLCREEK	701-3450-0000	Membership Fee - Phase I Initial Payment	18,421.40
10/4/2021	CITY OF MOAB	701-3450-0000	Membership Fee - Phase I Initial Payment	2,237.95
10/4/2021	OGDEN CITY	701-3450-0000	Membership Fee - Phase I Initial Payment	35,737.26
10/4/2021	SALT LAKE CITY	701-3450-0000	Membership Fee - Phase I Initial Payment	101,050.33
10/8/2021	FRANCIS CITY	701-3450-0000	Membership Fee - Phase I Initial Payment	421.54
10/8/2021	TOWN OF SPRINGDALE	701-3450-0000	Membership Fee - Phase I Initial Payment	481.26
10/28/2021	PARK CITY	701-3450-0000	Membership Fee - Phase I Initial Payment	6,742.38
11/10/2021	GRAND COUNTY	701-3450-0000	Membership Fee - Phase I Initial Payment	2,109.37
11/23/2021	PARK CITY	701-3450-0000	Anchor Payment - Phase I	6,859.57
11/23/2021	SUMMIT COUNTY	701-3450-0000	Anchor Payment - Phase I	10,947.00
11/23/2021	SALT LAKE CITY	701-3450-0000	Anchor Payment - Phase I	102,806.76
11/29/2021	MILLCREEK	701-3450-0000	Anchor Payment - Phase I	18,741.59
11/29/2021	TOWN OF CASTLE VALLEY	701-3450-0000	Anchor Payment - Phase I	108.60
11/29/2021	CITY OF MOAB	701-3450-0000	Anchor Payment - Phase I	2,276.85
12/7/2021	SALT LAKE COUNTY	701-3450-0000	Membership Fee - Phase I Initial Payment	11,570.26
2/17/2022	GRAND COUNTY	701-3450-0000	Anchor Payment - Phase I	2,146.04
4/18/2022	COTTONWOOD HEIGHTS	701-3450-0000	Membership Fee - Phase II Initial Payment	10,942.10
4/21/2022	KEARNS -GREATER SALT LAKE MUNICIPAL SERVICES	701-3450-0000	Membership Fee - Phase II Initial Payment	9,606.01
4/21/2022	TOWN OF ALTA	701-3450-0000	Membership Fee - Phase II Initial Payment	218.93
4/25/2022	TOWN OF CASTLE VALLEY	701-3450-0000	Membership Fee - Phase II Initial Payment	106.74
4/25/2022	PARK CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	6,742.38
5/2/2022	SUMMIT COUNTY	701-3450-0000	Membership Fee - Phase II Initial Payment	10,759.97
5/10/2022	GRAND COUNTY	701-3450-0000	Membership Fee - Phase II Initial Payment	2,109.37
5/19/2022	OAKLEY CITY	701-3450-0000	Membership Fee - Phase I Initial Payment	520.00
6/1/2022	COALVILLE CITY	701-3450-0000	Membership Fee - Phase I Initial Payment	562.99
6/1/2022	SPRINGDALE CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	481.26
6/21/2022	SALT LAKE COUNTY	701-3450-0000	Membership Fee - Phase II Initial Payment	11,570.26
6/27/2022	EMIGRATION CANYON METRO TOWNSHIP	701-3450-0000	Membership Fee - Phase I Initial Payment	456.22
6/27/2022	EMIGRATION CANYON METRO TOWNSHIP	701-3450-0000	Membership Fee - Phase II Initial Payment	456.22

**Revenue report (p. 2 of 2)**

7/7/2022 MILLCREEK	701-3450-0000	Membership Fee - Phase II Initial Payment	18,421.40
7/19/2022 SALT LAKE CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	101,050.33
7/27/2022 OGDEN CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	35,737.26
7/27/2022 CITY OF HOLLADAY	701-3450-0000	Membership Fee - Phase II Initial Payment	9,387.72
7/29/2022 COALVILLE CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	562.99
7/29/2022 FRANCIS CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	421.54
7/29/2022 CITY OF MOAB	701-3450-0000	Membership Fee - Phase II Initial Payment	2,237.95
8/8/2022 OAKLEY CITY	701-3450-0000	Membership Fee - Phase II Initial Payment	520.00
10/6/2022 SUMMIT COUNTY	701-3450-0000	Anchor Payment - Phase II	8,631.28
10/6/2022 SALT LAKE CITY	701-3450-0000	Anchor Payment - Phase II	81,059.05
10/6/2022 CITY OF MOAB	701-3450-0000	Anchor Payment - Phase II	1,795.21
10/17/2022 MILLCREEK	701-3450-0000	Anchor Payment - Phase II	14,777.01
10/27/2022 TOWN OF CASTLE VALLEY	701-3450-0000	Anchor Payment - Phase II	85.62
11/16/2022 PARK CITY	701-3450-0000	Anchor Payment - Phase II	5,408.50
3/3/2023 GRAND COUNTY	701-3450-0000	Anchor Payment - Phase II	1,692.06

**Total Received    \$    700,000.00**

**Accounts payable report (p. 1 of 2)**

For Date Range: 09/01/2021 - 05/01/2024

Post Date	Vendor	Account Number	Account Name	Amount
12/21/2021	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	2,425.50
1/25/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	5,184.00
3/8/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	6,615.00
3/29/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	15,481.35
4/12/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	23,526.27
6/21/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	20,222.91
6/30/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	6,242.87
8/9/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	9,643.00
10/11/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	26,701.25
10/25/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	15,702.75
11/8/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	2,320.25
12/13/2022	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	9,047.50
1/10/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	11,118.50
2/14/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	11,243.25
3/7/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	18,049.50
5/2/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	11,833.50
5/16/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	562.50
5/16/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	1,312.50
5/31/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	3,096.00
6/21/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	12,683.00
6/21/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	7,375.00
7/18/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	5,766.75
7/26/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	812.50
7/26/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	7,818.50
8/31/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	8,926.00
9/19/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	13,312.50
10/3/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	11,549.25
10/17/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	6,812.50
10/31/2023	JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	10,727.00
11/14/2023	PENNA POWERS, INC.	701-7110-3100	Professional Services	8,943.74

**Accounts payable report (p. 2 of 2)**

12/5/2023 JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	8,554.50
12/27/2023 PENNA POWERS, INC.	701-7110-3100	Professional Services	4,500.00
1/3/2024 JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	17,269.50
1/23/2024 PENNA POWERS, INC.	701-7110-3100	Professional Services	1,588.75
2/8/2024 JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	4,675.50
2/21/2024 PENNA POWERS, INC.	701-7110-3100	Professional Services	3,125.00
3/5/2024 JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	9,475.00
3/26/2024 PENNA POWERS, INC.	701-7110-3100	Professional Services	1,843.75
4/2/2024 JAMES DODGE RUSSELL & STEPHENS, P.C.	701-7110-3100	Professional Services	7,212.50
4/16/2024 PENNA POWERS, INC.	701-7110-3100	Professional Services	343.75
4/30/2024 PACIFICORP/J. KENNEDY & ASSOC.	701-7110-3100	Professional Services	898.75

**Total Paid \$ 354,542.14**

**Balance Unspent \$ 345,457.86**

**Community Renewable Energy Agency Budget Status:**

Budget usage	Vendor	Budget	Spent	Remaining
Legal & technical	<a href="#">James Dodge Russell &amp; Stephens P.C.</a>	\$406,500	\$297,344.15	\$109,155.85
Communications	<a href="#">Penna Powers</a> (not to exceed)	\$93,500	\$56,299.24	\$37,200.76
Division of Public Utilities and Office of Consumer Services	<a href="#">Third-party consultants</a> (not to exceed)	\$200,000	\$898.75	\$199,101.25
<b>Total</b>		<b>\$700,000</b>	<b>\$354,542.14</b>	<b>\$345,457.86</b>



# **Board Discussion:**

## **Possible pathway for additional communities to join the Community Renewable Energy Agency**

May 2024



**UTAH**  
**RENEWABLE**  
**COMMUNITIES**

100% Committed to Clean Energy

# Background

- In the 2024 Utah legislative session, [SB214 S1](#) (Senator Hinkins) made changes to the Community Renewable Energy Act, removing the requirement that a municipality or county adopt a resolution no later than Dec. 31, 2019, stating a net-100% renewable energy goal
  - Entering into a governance or other agreement, the Utility Agreement, and adopting the Program Ordinance remain as necessary steps to participating in the program
- This change presents the possibility that other communities could participate in the URC program
  - RMP is aware of this possibility and stresses their desire to negotiate only with one entity (the Utah Renewable Communities) on one program (the URC program)
- Since the end of the 2024 legislative session, the Board Officers have heard directly or indirectly of at least 5 communities that might be interested in joining

# What are the advantages and disadvantages to considering creating a pathway for additional communities to join the URC board?

Two themes we've heard expressed:

- Concern that we avoid any additional delays
- Excitement that adding communities can create an even larger program resulting in a larger renewable energy impact



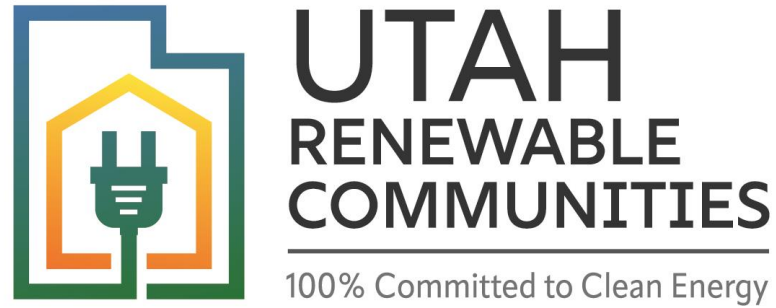
# Potential pathway

- An agreement addressing the following:
    - Voting
    - Payment to join
  - Other requirements:
    - Develop low-income plan
    - Create community maps
    - Load estimates and projections
    - Sign the Utility Agreement
  - Budget for noticing costs
- Being discussed: can this be a pared down version of the governance agreement? Does this have to be an amended governance agreement?
- These are all required elements of the Program Application that the existing 18 Utah Renewable Communities have readied for when RMP files with the Public Service Commission

It will be important to set a deadline for any potential new communities joining the URC board to complete the above steps. The deadline should be set to occur in advance of when RMP is likely to file the Program Application

# For board discussion

- If allowing other communities to join would *require* amending and re-signing the governance agreement, how amenable are communities to doing so?
- How should payment amounts to join the URC board be determined?
- Should new communities be required to adopt a net-100% by 2030 renewable electricity goal?
- Assuming the URC board can define and adopt a pathway for other communities to join, what should the deadline for joining be?
- What else should the Board Officers be considering as we return in June with a potential pathway for board consideration?



Please contact the Board Officers  
via Secretary Emily Quinton with additional thoughts and questions

Emily Quinton  
[equinton@summitcounty.org](mailto:equinton@summitcounty.org)

# Agenda Item 2.3 Communications Committee Update

Community Renewable Energy Board Meeting  
May 2024

*Committee Membership: Salt Lake City, Cottonwood  
Heights, Alta, Holladay, Moab*

# Recent Committee Activity

- No meeting in April
- Press release in support of SLC/URC Climate Pollution Reduction Grant application – pending approval of elected officials quotes
- URC in the media
- Newsletter and social media
- Next Committee Meeting: Friday May 10th 10 AM

# URC in the Media

A few local news stories about URC appeared in April following news re: RMP/Pacificorp decisions on [coal plants](#), resource procurement

Published: April 22, 2024

The Salt Lake Tribune

## These 18 Utah cities and towns still want clean energy, even as RMP backs off

Communities plan to find their own clean power sources after utility recommits to coal



# ...also URC in the Media

 KSL NEWSRADIO 102.7 FM

UTAH

## Renewable power relationships still strong in Utah

Apr 24, 2024, 7:00 AM | Updated: Apr 26, 2024, 4:11 pm



(Spenser Heaps, Deseret News)

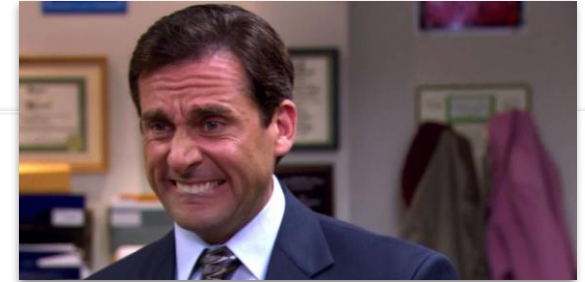
BY TAMMY KIKUCHI

KSLNewsRadio

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***Editors's note: This article has been corrected for a significant fact error. We previously reported that Rocky Mountain Power ended its relationship with Utah Renewable Communities. That is inaccurate. Rocky Mountain Power remains fully involved with the program. We apologize for the error.***

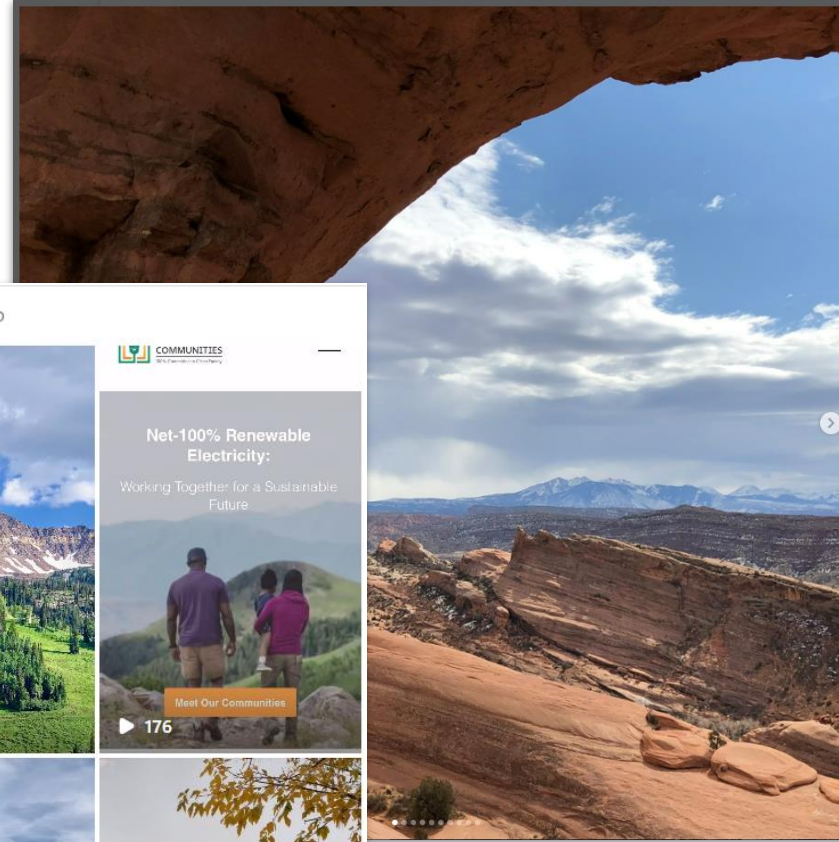
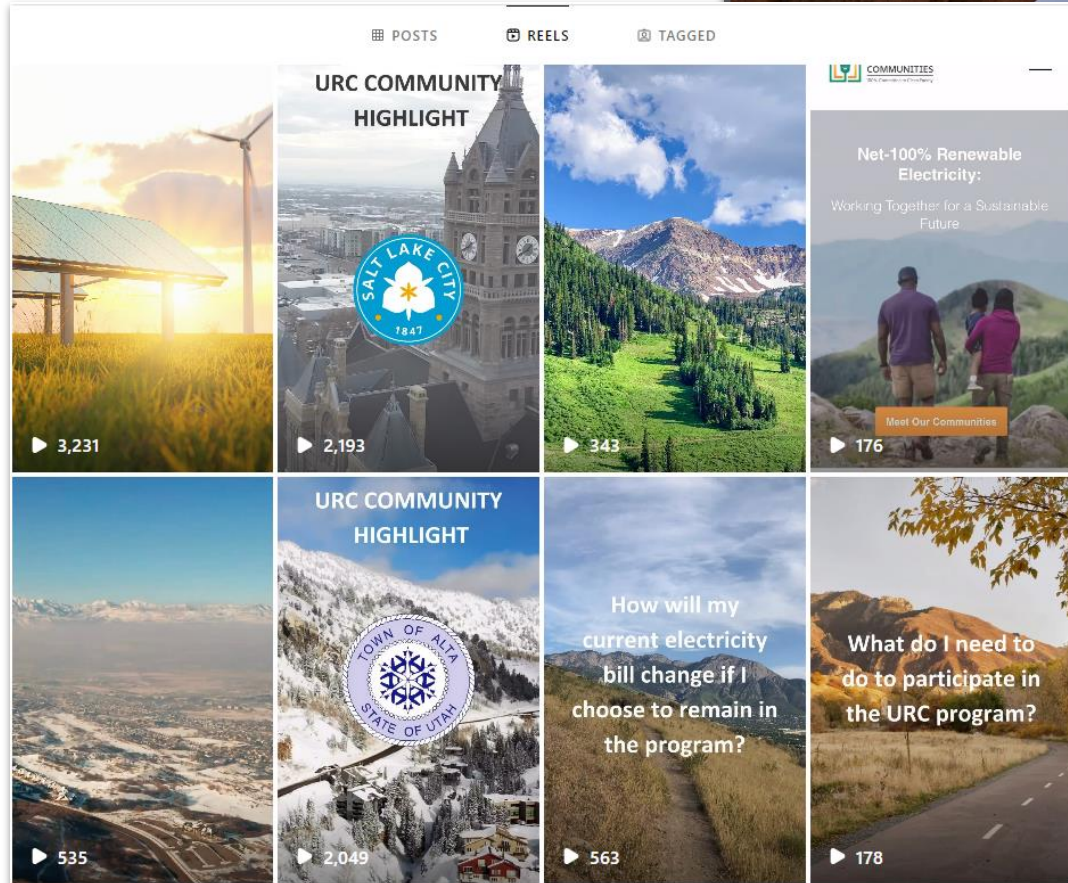
MILLCREEK, Utah — Rocky Mountain Power remains committed to a [renewable energy program](#) with communities around Utah.

However, [the power agency](#) canceled a 2022 All Source Request for Proposals, spokesman David Eskelsen said.

"[Resource acquisition is] a process we use after our biennial resource planning to call for competitive bids for projects that the company [Rocky Mountain Power] has interest in buying or building," Eskelsen said. "[The 2022 RFP was], in fact, canceled, but it doesn't have any direct impact on the Utah Renewable Communities Program."



# Newsletter and Social Media





# Penna Powers Contract Update

- Not-to-exceed cost estimate: \$93,500
- Total billed to-date: \$56,299.24
- 60% of budget expended as of April 3rd 2024; began billing in April 2023
- State contract hourly rate for “public relations”: \$125/hr
- Contract expires June 30, 2024



TASKS	Cost Estimate	Estimated Hours	Billed November	Billed December	Billed January	Billed February	Billed March	Total Scoped	Total Internal Coordination	Total Billed To Date	Total Hours To Date	Percentage of Budget	Budget Remaining
<b>STRATEGY, PLANNING, &amp; MGMT</b>													
Project Meetings	\$10,000	80.00	\$31.25	\$343.75	\$656.25	\$250.00	\$125.00	\$4,937.50		\$5,531.25	44.25	55%	\$4,468.75
Communications Audit	\$7,500	60.00						\$7,329.25		\$7,329.25	58.63	98%	\$170.75
Phase 2 Preparation	-	-							\$93.75		0.00		
Opt-Out Letter	\$250	2.00						\$218.75		\$218.75	1.75	88%	\$31.25
Website (Program Description/FAQ)	\$2,000	16.00						\$1,906.25		\$1,906.25	15.25	95%	\$93.75
Decision Prep	-	-							\$312.50		0.00		
Revise Logo	\$8,000	64.00	\$406.25			\$62.50		\$6,531.25		\$6,531.25	52.25	82%	\$1,468.75
Refresh Website	\$15,000	120.00	\$218.75	\$307.50				\$11,537.50		\$11,537.50	92.30	77%	\$3,462.50
Monthly Newsletter Content (+ Template)	\$7,000	56.00	\$1,343.75	\$125.00	\$281.25	\$187.50		\$3,750.00		\$3,750.00	30.00	54%	\$3,250.00
Social Media Content	\$23,000	184.00	\$2,375.00	\$687.50	\$906.25	\$906.25	\$156.25	\$16,838.74		\$16,838.74	134.71	73%	\$6,161.26
Ordinance Adoption Prep	-	-							\$31.25		0.00		
Assistance Poster	\$2,750	22.00	\$125.00	\$125.00	\$312.50	\$281.25	\$62.50	\$1,531.25		\$1,531.25	12.25	56%	\$1,218.75
Phase 3 Preparation	-	-							\$156.25		0.00		
Launch PR Coordination	\$2,000	16.00			\$968.75	\$156.25		\$1,125.00		\$1,125.00	9.00	56%	\$875.00
											0.00		
											0.00		
											0.00		
											0.00		
											0.00		
											0.00		
											0.00		
											0.00		
<b>Total Estimated Cost</b>													
<b>Total Amount Billed Per Month</b>			\$4,500.00	\$1,588.75	\$3,125.00	\$1,843.75	\$343.75	\$55,705.49	\$593.75	\$56,299.24	450.39	60.21%	

# Next Steps

- *Press release planning CPRG Grant*
- *Remain at the ready to support program application and other milestones*
- *Keep our eyes on the news*
- *May 10 committee meeting*

# Low-Income Plan Committee Update

Community Renewable Energy Board Meeting  
May 2024



## Today's Topics

Informational Poster

Energy Affordability Webpage

Outreach Reminder!

# Informational Poster

- One of the required outreach steps is to share our informational poster with community organizations for posting in public-facing portions of their offices.
- After several drafts, this poster is complete, and will be translated into a Spanish version next.
- We are also working to create a social media toolkit based on this poster, for organizations to share on accounts or in e-newsletters.

# FIND OUT IF SUSTAINABLE ENERGY OPTIONS ARE COMING TO YOUR COMMUNITY!

## Net-100% Renewable Electricity:

Working Together for a Sustainable Future

Utah Renewable Communities is a coalition of cities, counties, and other municipalities that are pioneering renewable energy solutions in our state. We are 100% committed to clean energy for Utah through our partnership with Rocky Mountain Power. Customers in participating communities will soon have the option to supplement their annual household energy use with renewable energy.

Find out if your community is participating at [utahrenewablecommunities.org](https://utahrenewablecommunities.org) and keep an eye on your mailbox for an opt-out notice! All Rocky Mountain Power customers in participating communities will automatically be enrolled in the URC program, with information on how to opt out coming soon.

## Financial Assistance Available for Qualifying Customers

- Utah Renewable Communities provides vital support to assist eligible residents in covering their electric bills.
- This initiative offers financial relief to those in need.
- Ensures that essential energy needs are met while promoting sustainability and affordability in the community.
- Customers must qualify for financial assistance.

For more information on how to qualify:  
[utahrenewablecommunities.org/low-income](https://utahrenewablecommunities.org/low-income)



SCAN  
FOR  
MORE  
INFO

# Energy Affordability Webpage

- The URC website has an existing “Low-Income Resources” page, which housed the “community profiles” we used in the early stages of our Low-Income Plan process.
- This page is primarily geared toward agency members, rather than community members, which may be insufficient as we progress in our timeline.
- We have been curating content for a more public-facing “Energy Affordability” webpage, complete with information on existing incentive programs, the URC Low-Income Plans, and energy efficiency information.
- Once finalized, the Committee will work with Penna Powers to convert the content to a graphic format.

# Outreach Reminder!

- As a community, you are responsible for outreach to any organizations from your Low-Income Plan that were not listed by the majority of communities.
- This outreach must include:
  - Offering a 1:1 meeting with the organization
    - Within one year of the Program being approved by the PSC.
  - Providing the organization with a copy of the informational poster
    - By the time the initial opt-out period closes for customers to exit the Program
  - Providing the organization with a FAQ sheet
    - By the time the initial opt-out period closes for customers to exit the Program
- See Samantha's email from January 2024 for more details!



Contact the Low-Income Plan Committee with  
any questions.

Samantha DeSeelhorst  
Email: [sdeseelhorst@ch.utah.gov](mailto:sdeseelhorst@ch.utah.gov)  
Office Cell: 385-630-6042



# UTAH RENEWABLE COMMUNITIES

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100% Committed to Clean Energy

# Agenda Item 2.3 Program Design Committee Update

Utah Renewable Communities (URC) Board Meeting  
May 2024



**UTAH**  
**RENEWABLE**  
**COMMUNITIES**

100% Committed to Clean Energy

# Program Design Committee Membership

- Summit County
- Holladay
- Millcreek
- Ogden
- Park City
- Salt Lake City
- Springdale

[Resolution 21-05](#)

[Resolution 21-06](#)

# Program Application – Required Items

	Agency Working Committee	Rocky Mountain Power	Board
Name and boundary map for each eligible community	Drafted and Sent <b>4/27</b>	Accepted <b>8/7</b>	N/A
Proposed ordinance language	Recommended	--	Approved
Customer count by schedule, monthly load by class	Reviewing data	Provided data	
10-year load forecast by class	Awaiting 8/3	Complete <b>4/28</b>	N/A
Projected program rates for each customer class		Assigned <b>3/21</b>	
Process for periodic rate adjustment filings		Assigned <b>3/21</b>	
Proposed tariff changes		Drafting <b>3/21</b>	
Utility Agreement	Approved <b>10/2</b>	Approved <b>10/2</b>	Approved
Governance Agreement	Complete		
Plans for low-income assistance (Programmatic)	Recommended	Reviewed	Approved
Proposed program solicitation procedures (NEW)	Near final	Reviewed	
Proposed resource contracting provisions (NEW)	Revising <b>1/24/24</b>	Drafted and Sent <b>1/24/24</b>	
Proposed Agency resource solicitation narrative (NEW)	Near final <b>4/29/24</b>	Reviewing <b>4/29/24</b>	
Proposed form of opt-out notices	Revised and sent <b>2/1/24</b>	Reviewing <b>2/1/24</b>	
Projected implementation date	Conceptual Discussions		
Other informational materials	Not Started		
Explanation how other customers and utility not subject to costs	Conceptual Discussions		

# Key Activities

- Committee met three times in April
- Small group met once to discuss resource valuation, procurement, and financial backstop
- Prepared resolution **24-04: A Resolution of the Board Authorizing Proposed Program Solicitation Documents to be Provided to Rocky Mountain Power for Filing with the Utah Public Service Commission**

# Topics

- Recent Rocky Mountain Power news
- Resolution 24-04: Authorizing proposed solicitation documents to be provided to Rocky Mountain Power for filing with the Utah Public Service Commission
- Reminder: Please budget for or encumber funds for noticing

# Rocky Mountain Power News



# Rocky Mountain Power News

- PacifiCorp's updated 20-year plan was filed April 1
  - Company's Request for Proposals for new resources was cancelled
  - Apart from "limited procurement of battery resources in the near-term" ... "scaling down and delaying resource acquisition until after 2030"
  - Utah coal plants run longer (EPA's Ozone Transport Rule was stayed)
  - No planned nuclear plants in Utah

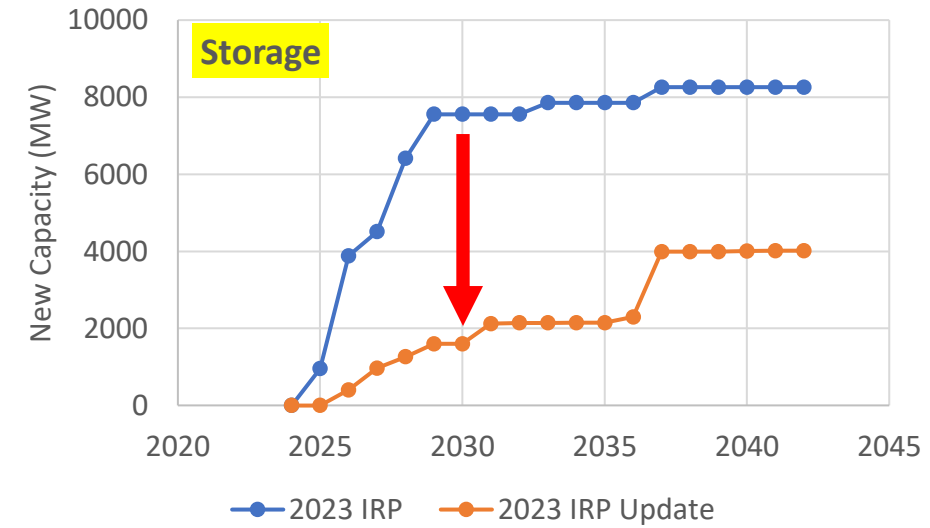
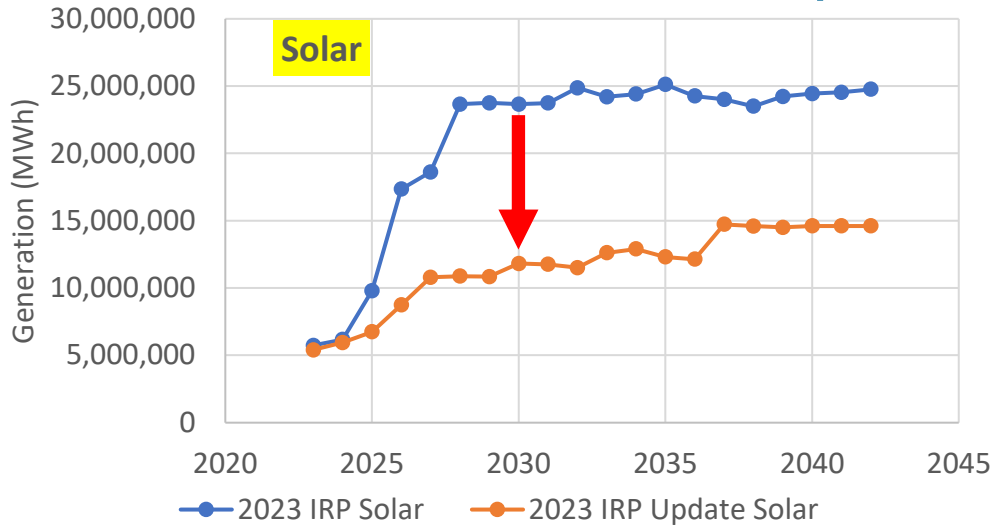
## **In climate setback, Rocky Mountain now says it plans to burn coal in Utah until 2042**

Updated 20-year plan dials back on clean energy resources and no longer includes nuclear in Utah.

## **These 18 Utah cities and towns still want clean energy, even as RMP backs off**

Communities plan to find their own clean power sources after utility recommits to coal

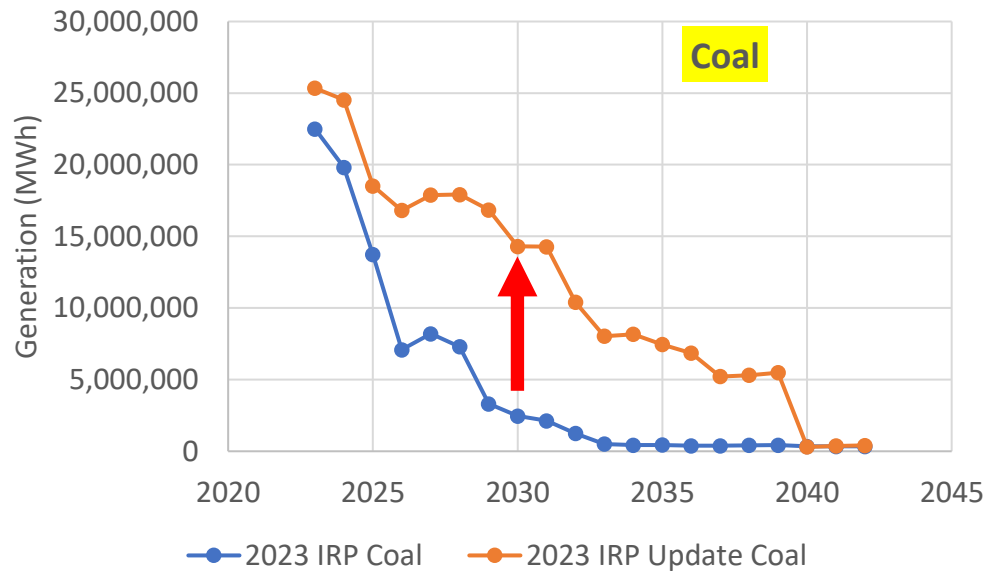
# 2023 IRP Update



## Comparing the 2023 IRP & IRP Update (In 2030):

- Solar **decrease** of 68%
- Storage **decrease** of 79%
- Coal **increase** of ~6x

Also, coal plants will no longer have any additional pollution controls installed (SCR or SNCR)



# Questions for the URC program

- **What will the energy mix be in 2030** according to the updated plan?
- **How much more new renewable energy** will the program need to acquire to meet the net-100% renewable electricity target in 2030?
- **Will the URC program be able to acquire more cost-effective renewable resources**, given that we don't have to compete with PacifiCorp?

# Resolution 24-04

# Resolution 24-04: Resource Solicitation

- Would give the Board's approval to finalize documents to be filed by Rocky Mountain Power with the Utah Public Service Commission for review
  - Solicitation Narrative: the document that will invite renewable energy developers to submit project bids for evaluation
  - Solicitation Procedures: the "rules of the road" that will govern all resource solicitations for program resources
- Importantly, the resolution allows some flexibility to tweak the language of the documents as we work with Rocky Mountain Power to have them filed with the Commission
  - Rocky Mountain Power will draft testimony supporting the filing
  - Appendices will be added to the Solicitation Narrative
  - Rocky Mountain Power is currently reviewing the Solicitation Narrative with a focus on the blue highlighted sections, which have to do with accounting

# Resolution 24-04: Solicitation Narrative

- While the resolution gives some flexibility, it specifically enumerates key requirements that must be met:
  - Resource types: **wind, solar, geothermal, or hydroelectric generation** with or without co-located storage, or other resource types as required by the Commission
  - Online date: must be able to reach commercial operation by **Dec 31, 2029**
  - Evaluation of the project's interconnection and project readiness
  - Price must constitute 70% or more of the final score
  - Non-price factors constitute 30% or less of the final score
  - A bid fee to offset the Agency's engagement of outside expert consultants to evaluate project bids

# Resolution 24-04: Solicitation Narrative – highlighted sections

- Yellow highlights indicate placeholders that will be updated when the solicitation is published; for example:
  - Applicable website addresses, email addresses, bid fee amount:

The Agency will accept offers that include several different alternatives under the same proposal. For each bid proposal, bidders must submit a bid fee of \$[X,XXX] which allows a bidder to submit a base proposal (combined PPA and BTA prices) and two (2) alternatives

- Blue highlights indicate sections that have to do with electric utility accounting; we've asked PacifiCorp to tell us if those are needed

## **G. COST ASSOCIATED WITH DIRECT OR INFERRED DEBT**

The Agency and the Company will not take into account potential costs to the Company associated with direct or inferred debt (described below) as part of its economic analysis in the shortlist evaluation. However, after completing the shortlist and before the final

# Resolution 24-04: Solicitation Publication After Approval

- Key question: is this solicitation governed by the **General Government – Utah Procurement Code**?
  - This solicitation will most likely result in a Power Purchase Agreement between the project developer / operator and PacifiCorp -- not one of our communities
  - This is a very specialized procurement explicitly governed by the Utah Public Service Commission; the Commission will not only need to review and approve the solicitation procedures and narrative, but also any signed Power Purchase Agreement resulting from the solicitation
- Christopher plans to continue working with outside counsel Phil Russell, that firm's consultant Energy Strategies, as well as municipal attorneys for Salt Lake City and Millcreek to determine publication logistics, including:
  - Who will host the solicitation
  - Who will receive bids
  - Who will do which parts of the bid evaluation and when



# Resolution 24-04: Solicitation Narrative – other questions

- What is a PPA vs. a BTA?
  - **A Power Purchase Agreement (PPA)** would be signed by PacifiCorp / Rocky Mountain Power and the renewable energy developer / operator; it would set a price for each Megawatt-hour of electricity generated by the project
  - **A Build Transfer Agreement (BTA)** would specify a price at which Rocky Mountain Power would purchase the project prior to commercial operation
- Where does the solicitation approval fit within the larger timeline?
  - The solicitation filing to the Utah Public Service Commission will constitute part 1 of the Program Application
  - Part 2 of the Program Application will contain all other required elements
    - This filing may need to wait until after we've identified project bids and started contract negotiations to ensure that aspects of the program design reflect contract arrangements that are acceptable to developers, PacifiCorp, and the URC

# Resolution 24-04: Solicitation Procedures

- The solicitation rules that would otherwise govern program resource acquisition are unnecessarily complicated because they treat solar and non-solar resources differently
- Because of changes to clean energy tax credits from the 2022 Inflation Reduction Act, there is no longer a need to treat solar and non-solar resources differently
- The proposed Solicitation Procedures simplify the process by removing the differential treatment of solar and non-solar resources

# Noticing Costs

# Noticing Cost Estimates and FY 2025 Budget Guidance

Community	Customer Count	Notice #1	Notice #2	Total mailing cost	Recommended FY 2025 Budget Amount (+5%)
Alta	263	0.7317	0.6767	\$ 370.41	\$ 388.93
Castle Valley	283	0.7317	0.6767	\$ 398.58	\$ 418.51
Coalville	1,137	0.7317	0.6767	\$ 1,601.35	\$ 1,681.42
Cottonwood Heights	14,602	0.7317	0.6767	\$ 20,565.46	\$ 21,593.73
Emigration Canyon Township	473	0.7317	0.6767	\$ 666.17	\$ 699.48
Francis	713	0.7317	0.6767	\$ 1,004.19	\$ 1,054.40
Grand County Unincorporated	3,298	0.7317	0.6767	\$ 4,644.90	\$ 4,877.15
Holladay	13,207	0.7317	0.6767	\$ 18,600.74	\$ 19,530.78
Kearns	10,702	0.7317	0.6767	\$ 15,072.70	\$ 15,826.33
Millcreek	25,510	0.7317	0.6767	\$ 35,928.28	\$ 37,724.70
Moab	3,653	0.7317	0.6767	\$ 5,144.89	\$ 5,402.13
Oakley	752	0.7317	0.6767	\$ 1,059.12	\$ 1,112.07
Ogden	37,710	0.7317	0.6767	\$ 53,110.76	\$ 55,766.30
Park City	10,907	0.7317	0.6767	\$ 15,361.42	\$ 16,129.49
Salt Lake City	105,373	0.7317	0.6767	\$ 148,407.33	\$ 155,827.70
Salt Lake County Unincorporated	11,994	0.7317	0.6767	\$ 16,892.35	\$ 17,736.97
Springdale	706	0.7317	0.6767	\$ 994.33	\$ 1,044.05
Summit County Unincorporated	11,886	0.7317	0.6767	\$ 16,740.24	\$ 17,577.25
<b>TOTALS</b>	<b>253,169</b>			<b>\$ 356,563.22</b>	<b>\$ 374,391.38</b>

# Next Steps

- Please make sure to budget for or encumber funds for Fiscal Year 2025 to cover estimated customer noticing costs

# Bid Scoring Backup Slides

# Proposed Solicitation Process -- Overview

- 1** Apply screening criteria and remove non-conforming bids
  - online date      -interconnection readiness*
  - resource type    -project size, etc.*
- 2** Perform project readiness assessment and remove bids scoring less than 70%
  - ten questions*
  - independent assessment (consultant)*
- 3** Score remaining projects and select up to three highest-scoring bids across three categories for the shortlist
  - price (cost only), online date, and other community criteria*
  - the lowest price receives 70 points, all others receive a prorated share*
- 4** Rocky Mountain Power calculates financial benefits and estimates emissions reductions through 2030 and projects are re-scored to include
  - price (becomes net-cost after benefits calculated)*
  - emissions reductions are adjusted by project readiness %*
  - the largest emission reduction receives 17 points, all others receive a prorated share*
- 5** Top project bid(s) recommended to URC Board for approval and contract negotiation with Rocky Mountain Power

# Screening vs. Scoring Criteria

- Screening Criteria (filter out non-conforming projects)
  - Type of energy resource: renewable energy
    - Intermittent | Intermittent with Storage | Dispatchable
    - Up to three projects in each category will be shortlisted
  - Size: 20 MW to 300 MW
  - Online Date: No later than December 31, 2029
  - Interconnection (signed interconnection agreement or study report)
- Scoring Criteria Prioritize Projects for Selection
  - Project Readiness Assessment (threshold of at least 70%)
    - Used to adjust Emissions Reductions score
  - Price: 70 points
  - Non-Price: 30 points
    - Online Date: 3 points
    - Emissions Reductions: 17 points
    - Other Community Criteria: 10 points



# Project Readiness Assessment

- Developed a list of 10 project readiness factors, each worth 1 point
  - Site control for generation facility
  - Site control for generation-intertie (“gentie”)
  - Signed Large Generator Interconnection Agreement (LGIA)
  - Facilities study, either final or draft
  - Project studied as a Network Requested Interconnection Service (NRIS)
  - Wetlands are not present, or mitigation plans are in place
  - Endangered species are not present, or mitigation plans are in place
  - Cultural resources are not present, or mitigation plans are in place
  - Site is zoned for the proposed use
  - Permitting is complete (i.e., project is “shovel ready”)
- Have a consultant review bids: “Does an independent review of bidder’s documentation and interconnection studies substantially support the bidder’s indicated commercial online date?” (4 points)
- Project bids must achieve a project readiness score of at least 70%; this project readiness score is used to adjust the emissions reductions score

# Project Price Scoring Element

- Every project bid will indicate a price per Megawatt-hour (MWh)
- The lowest project bid price will receive 70 points and all others will receive a pro-rated share of 70 points
- **Example:**
  - *The lowest project bid price is \$30 per MWh – receives 70 points*
  - *Another project bid price is \$35 per MWh – receives  $(\$30 / \$35) * 70 = 60$  points*
- For shortlisted projects (up to three in each category)
  - PacifiCorp calculates the financial benefit of the project in \$ per MWh
  - The net-cost of the project is calculated as  $\text{Cost} - \text{Benefit} = \text{Net-Cost}$
  - The lowest cost project receives 70 points; all other bids lose 5 points for every dollar of additional expense relative to the lowest cost project
    - Example: the lowest cost bid has a -\$5 per MW-hour net-cost and receives the maximum 70 points; another bid has a net-cost of \$0 per MW-hour and receives  $70 - 25 = 45$  points

# Online Date and Emissions Reduction Scoring Elements

- Online Date (3 points)
  - Projects with an online date by Dec 2027 receive 3 points
  - Not adjusted by project readiness score
- Emissions Reductions by 2030 (17 points)
  - For shortlisted projects, PacifiCorp will calculate an estimated pollution reduction impacts
  - This pollution reduction impact will be adjusted by the project readiness score
  - **Example:** *if a shortlisted project is modeled to reduce 94,000 metric tons of CO<sub>2</sub> and has a project readiness score of 71%, the emissions reduction will be adjusted to 71% of 94,000 metric tons, or 64,610 tons*
  - The adjusted pollution reduction figures of all shortlisted projects will be compared, with the largest project receiving 17 points and others receiving a prorated share

# Other Community Criteria

- Is the project located in Utah? (3 points)
- If located in Utah, will at least 50% of construction labor hours be supplied by in-state labor? (1 point)
- Will your project agree to meet prevailing wage requirements for construction labor? (1 point)
- Will at least 2% of construction labor hours be supplied by registered apprenticeship labor? (1 point)
- Is your project located in a coal closure area or a disadvantaged area? (2 points)
- How much water does your project consume in gallons per Megawatt-hour? (2 points)

# Envisioned Timeline

- May – Rocky Mountain Power submits proposed solicitation procedures and narrative to the Utah Public Service Commission for approval
- Summer / Fall – Publish solicitation, score bids, select projects for contract negotiations
- Fall – Submit the remainder of the program application to the Utah Public Service Commission

**THE COMMUNITY RENEWABLE ENERGY BOARD**  
**RESOLUTION NO. 24-04**

**A RESOLUTION OF THE BOARD AUTHORIZING PROPOSED PROGRAM  
SOLICITATION DOCUMENTS TO BE PROVIDED TO ROCKY MOUNTAIN POWER  
FOR FILING WITH THE UTAH PUBLIC SERVICE COMMISSION**

**WHEREAS**, the Community Renewable Energy Board (“Board”) met in a regular meeting on May 6, 2024 to consider, among other things, a resolution of the Board authorizing that proposed solicitation documents be provided to Rocky Mountain Power for filing with the Utah Public Service Commission (“Commission”); and

**WHEREAS**, that pursuant to the Community Renewable Energy Act (Utah Code §§ 54-17-901 through 909), a qualified utility may acquire renewable energy resources for an approved community renewable energy program as regulated by the Commission; and

**WHEREAS**, the Community Renewable Energy Agency (“Agency”) was formed pursuant to the Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program (the “Interlocal”), in part to “establish ... a decision-making process for Program design ... resource solicitation, [and] resource acquisition”; and

**WHEREAS**, the Board created a Program Design Committee (“Committee”) pursuant to Resolution 21-05, in part to “submit recommendations to the Board for such matters as ... the proposed solicitation process” and “meet and consult with authorized outside consultants, experts, and legal counsel regarding program design matters”; and

**WHEREAS**, on April 1, 2024, PacifiCorp / Rocky Mountain Power announced that its 2022 All-Source Request for Proposals was terminated; and

**WHEREAS**, the Board adopted resolution 24-01, which authorized the expenditure of funds to “develop a solicitation for the acquisition of renewable energy resources”; and

**WHEREAS**, the U.S. Inflation Reduction Act of 2022 will allow eligible solar and non-solar projects to elect either the Investment Tax Credit (ITC) or the Production Tax Credit (PTC), harmonizing how solar and non-solar utility-scale renewable energy projects may be evaluated in certain respects; and

**WHEREAS**, the Committee has worked with outside legal counsel and expert consultants to develop a solicitation narrative and simplified solicitation procedures and now recommends these items be provided to Rocky Mountain Power for filing with the Commission for review.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

- 1 That a solicitation narrative substantially similar to that attached in Exhibit A and meeting the following requirements be finalized for regulatory review:
  - a. Solicitation of wind, photovoltaic (PV) solar, geothermal, and hydroelectric generation resources with or without co-located storage, or other resource types as required by the Commission, that can reach commercial operation no later than December 31, 2029
  - b. Consideration of project bids in three categories: intermittent, intermittent with co-located storage, and dispatchable
  - c. Evaluation of each project's interconnection and project readiness, with a threshold required for projects to make the initial shortlist
  - d. Evaluation criteria in which the project price constitutes 70% or more of each project's final score
  - e. Evaluation criteria in which non-price factors constitute 30% or less of each project's final score
  - f. A bid fee which will be required to offset the Agency's engagement of outside expert consultants to evaluate project bids
- 2 That streamlined solicitation procedures substantially similar in all material respects to those attached in Exhibit B and that apply to solar and non-solar renewable energy resources alike be finalized for regulatory review.
- 3 That the foregoing documents be provided to Rocky Mountain Power and assembled with all required appendices and regulatory testimony for submission to the Commission for review.

This Resolution assigned No. 24-04, shall take effect immediately.

**PASSED AND APPROVED** by the Board this 6th day of May 2024.

**COMMUNITY RENEWABLE ENERGY  
BOARD**

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Dan Dugan, Chair

**ATTEST:**

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Emily Quinton, Secretary

# Exhibit A



# **2024 Utah Renewable Communities**

## **Request for Proposals**

### **“2024 URC RFP”**

#### **Program Renewable Resources**

**ISSUED:** \_\_\_\_\_

**DUE DATE:** \_\_\_\_\_

\_\_\_\_\_

#### **2024 URC RFP Responses:**

**[Physical Address –Email Address]**

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## Appendices

APPENDIX A	2024 Utah Renewable Project Technical Specification
APPENDIX B	Information Required in Bid Proposals
APPENDIX C	Bid Summary and Pricing Input Sheet (Instructions for PPA)
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APPENDIX F-2	Build Transfer Agreement (BTA) Contract and Appendices
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APPENDIX H	Reserved – Intentionally Left Blank – See APPENDIX C for Pricing Input Sheet
APPENDIX I	FERC's Standards of Conduct
APPENDIX J	Qualified Reporting Entity Services Agreement
APPENDIX K	Reserved
APPENDIX L	Reserved
APPENDIX M	Reserved
APPENDIX N	Code of Conduct Governing PacifiCorp's Intra-Company Relationships for RFP Process

Each of the aforementioned Appendices are available at [XXX.XXX]. With the exception of Appendix E-2, each of these Appendices and are identical to the final versions of the Appendices utilized in PacifiCorp's 2022 AS RFP.<sup>1</sup> The 2024 URC RFP is utilizing these Appendices both to streamline the process for the bidders that participated in PacifiCorp's 2022 AS RFP and to ensure that the Communities and PacifiCorp receive all of the information necessary for the Communities to evaluate and score the bids and for PacifiCorp to utilize in contracting.

As noted herein, the Communities are solely responsible for the administration of the 2024 URC RFP. PacifiCorp is not administering the 2024 URC RFP and the use of PacifiCorp's 2022 AS RFP is a convenience to the Communities, to PacifiCorp, and to the bidders and does not signify any greater involvement from PacifiCorp than is described herein.

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<sup>1</sup> Appendix E-2 – Power Purchase Agreement (PPA) Documents – is identical to the final version of the same PPA document utilized in the 2022 AS RFP, except that it contains new language regarding conditions precedent in Section [ ].

## SECTION 1. INTRODUCTION

This 2024 Utah Renewable Communities' Request for Proposals for renewable energy resources (2024 URC RFP), administered by the Community Renewable Energy Agency (Agency)<sup>2</sup> on behalf of customers that participate in the Community Renewable Energy Program (Program),<sup>3</sup> is seeking cost-competitive bids for energy produced by wind, photovoltaic (PV) solar, geothermal, or hydroelectric resources and interconnecting with PacifiCorp's system. The resources must meet the criteria developed by the Agency in conjunction with PacifiCorp dba Rocky Mountain Power (Company) and set forth in this RFP. The Agency is seeking to purchase energy from renewable resources pursuant to the Community Renewable Act (Act (Utah Code §§ 54-17-901 to -909)) and in support of the Program created by the Act and the Utah Public Service Commission (Commission).

Proposals must demonstrate to the Agency's satisfaction, and as determined in its sole discretion, that the proposed project(s) can successfully interconnect and achieve commercial operation within the timeframe listed in Section 2. The Agency is not bound to accept any bids and may cancel this solicitation at any time and at their own discretion.

Bids must include a project/projects that are discrete generating assets not located behind any load served by a utility or net-metered, and the project(s) must be individually metered and remotely monitored. Renewable Energy Credits (RECs) associated with the project(s) are expected to become the property of the customers participating in the Program (Participating Customers). The minimum discrete project size is 20.0 MW AC and the maximum is 300.0 MW AC, and the Agency is seeking a project or projects that meets 600,000 MWhs of Participating Customers' aggregate average annual forecasted demand in the project(s)' first full calendar year of operation.

The Agency will accept proposals for new greenfield renewable energy resource projects capable of directly interconnecting with Company's network transmission system. For the purposes of the 2024 UCR RFP, the Agency is not seeking grid services, frequency regulation, spinning reserves and/or ramp control, which some renewable facilities may be able provide, although bidders may elect to submit alternative structure proposals that include them as described in Section 4.D.

The Agency will consider proposals for the two following transaction structures, both of which must be submitted by the bidder in their proposal:

1. "Build-Transfer" transaction whereby the bidder develops the project, assumes responsibility for construction and ultimately transfers the operating asset to the Company prior to the Commercial Operation Date (COD), all pursuant to the terms of a build transfer agreement (BTA). Bidder is responsible for all development, design<sup>4</sup>, generation equipment supply, balance of plant (BOP) equipment, construction, commissioning, and performance testing.

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<sup>2</sup> The public-facing name of the Agency is the Utah Renewable Communities (URC).

<sup>3</sup> Additional information regarding the Agency, its formation and decision-making authority, is set forth in Section \_\_\_\_ below.

<sup>4</sup> The renewable energy resource design must comply with Company's pro forma technical specification as identified in RFP Appendices.

2. Power purchase agreement (PPA) for up to a twenty-five (25) year term with the Company with exclusive ownership by the Company or by Participating Customers of any and all environmental attributes associated with all energy generated.<sup>5</sup> Respondents may include PPA pricing for a 20-year term for each individual project submitted.

The Agency is limiting the requested resource type to solar PV, wind, geothermal, or hydroelectric energy resources, and will not accept bids that combine these sources with other technologies except for co-located storage resources. However, the Agency is interested in creative proposal options that add value without creating additional technology or development risk and will allow hybrid proposals that combine the four listed generation resource types. The Agency reserves the right to reject non-compliant bids. The Agency reserves the right to use received bid pricing to propose an equivalent two-phase PPA price, with a higher price in the first 1-5 years and a commensurately lower price for the remaining years.

At the bidder's option, the PPA bid submittal can include the right for the Company to purchase the project assets during or at the end of the proposed contract term at fair market value (FMV) to retain the value of the site for its customers.

For longer-term contract offers (i.e., PPA terms of 20 to 25 years without PPA extensions, or PPA terms that, after consideration of extension options, would result in a PPA term of 20 to 25 years), bidders should carefully consider the potential book and tax lease accounting treatment or Variable Interest Entity (VIE) treatment implications. For these PPA offers of 20 years or greater (Long Term), bidders that are selected to the initial shortlist will be required, if requested by the Company, to supply projected cash flows through the life of the underlying asset so that the Company can assess potential accounting implications. Potential accounting treatment impacts will be incorporated into the bid evaluation and selection process. For instance, if the Company determines that a Long Term PPA offering would be treated as a capital lease for tax purposes, the Company would be treated as the tax owner for the proposed facility. Please also refer to Section 5.F of this RFP.

Pursuant to the Act and associated Commission rules, the Company is required to file an application for approval of the Commission prior to entering into any PPA or BTA selected in connection with this RFP, and execution of any such BTA or PPA is contingent on the Company receiving such approval.

The Agency is not required to utilize an independent evaluator (IE) in conducting the RFP.

## **SECTION 2. PROCEDURAL ITEMS**

Bids will be evaluated based on the following:

- Cost to Participating Customers.

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<sup>5</sup> "Environmental Attributes" will be a defined term in the pro-forma transaction documents for this RFP.

- Project location.
- Project readiness, including site control, development status (including status for all permits), developer's experience, and demonstration that the project's commercial operation date will be achieved between January 1, 2026 and December 31, 2029.
- Transmission access and interconnection status in conformance with the 2024 URC RFP requirements outlined in Section 5.B. Direct Interconnection.
- Bidder must include two pricing options: "Build-Transfer" pricing as well as PPA pricing for each base proposal.
- Exceptions to the *pro forma* PPA and Build-Transfer Agreement terms as represented in **Appendix E-2 and Appendix F-2** respectively. Note that any bids that include exceptions that significantly alter the structure of the *pro forma* Build-Transfer Agreement as described in Section 4.B of this RFP may be rejected as non-complaint without regard to any other evaluation factors.
- Compliance with and verification of major equipment availability defined in **Appendix A – Technical Specification**, and as outlined in **Appendices A-1 through A-10** for each type of renewable technology.
- Ability to provide acceptable credit security for the bidder's proposed obligation and conformance to the *pro forma* agreements attached as **Appendices E-2 and F-2** to this RFP.

Each proposal will be prepared at the sole cost and expense of the bidder and with the express understanding that there will be no claims whatsoever for reimbursement from The Company. Neither the Agency nor the Company is liable for any costs incurred by bidders in responding to this RFP, or for any damages arising out of or relating to the Agency's rejection of any proposal, or bidder's reliance upon any communication received from the Agency or from the Company, for any reason. Bidder shall bear all costs, expenses, and bidder fees of any response to the Agency in connection with its proposal for the 2024 URC RFP, including providing additional information, the bidder fee and the success fee, if project is selected to the final shortlist, and bidder's own expenses in negotiating and reviewing any documentation.

**Appendix E-1 – PPA Instructions to bidder** provides additional detail on preparation of bid document deliverables.

All proposals belong to the Agency and will not be returned. Confidentiality agreements (CA) and mutual nondisclosure agreements (NDAs) will be executed with initial short list projects as part of this RFP. The Agency will use reasonable efforts to protect information clearly and prominently marked as proprietary and confidential on the page it appears, but the Agency reserves the right to release such information to agents or contractors to help evaluate the proposal, as well as to the Company, its regulators and non-bidding parties to regulatory proceedings subject to standard protective orders or confidentiality arrangements. The Agency shall not be liable for any damages resulting from any disclosure of such information, howsoever occurring.

The Agency will accept offers that include several different alternatives under the same proposal. For each bid proposal, bidders must submit a bid fee of **\$[X,XXX]** which allows a bidder to submit a base proposal (combined PPA and BTA prices) and two (2) alternatives

for the same \$[X,XXX] bid fee. Bidders will also be allowed to offer up to three (3) additional alternatives to the base proposal at a fee of \$[X,XXX] per alternative.

## SECTION 3. LOGISTICS

### A. SCHEDULE (PROVISIONAL)

Milestone	Date
RFP Submitted to UT Public Service Commission for review	5/15/2024
RFP issued to market	8/5/2024
Bidders Conference Call	8/13/2024
Q&A period ends	8/20/2024
RFP Bids Due	9/6/2024
Bid Eligibility Screening Completed	9/19/2024
Initial Shortlist (ISL) Evaluation/Scoring Completed	9/26/2024
Best and Final Offer (BAFO) Price Update Requested from ISL	9/30/2024
ISL's submit Pac Trans Consulting Study Requests	10/3/2024
BAFO Due to the Company	10/23/2024
Final Shortlist (FSL) Evaluation Completed	11/1/2024
Execute Agreements	12/18/2024

The provisional schedule above is subject to change. Actual dates may vary from the provisional schedule for reasons that include, but are not limited to, negotiation time, availability of key personnel, due diligence, the evaluation or negotiation of any issues unique to any bid, bidder, or project, bidder's willingness to agree to forms of agreements desired by the Company or Agency, and actions required by any third parties. The Agency accepts no liability to the extent the actual schedule varies from the indicative schedule. The Agency is not obligated to develop a shortlist of bidders, to make a final selection, or to initiate or complete negotiations on any transaction.

**Bidders should note the condensed schedule and be available for calls and meetings regarding bid submittals and be responsive to questions in a timely manner. The Agency will attempt to complete the bid review and screening as efficiently as possible but may require very short turnaround times on bid clarifications in order to meet the RFP milestones and schedule.**

### B. SUBMISSION OF QUESTIONS

Interested parties and bidders may submit questions related to this solicitation, and the Agency will respond in a timely fashion. Pre-bid materials, bidder questions, and responses will be found at the following website(s):

[XXXXX.GOV]

[XXXXX.COM]

Email – Communications should be emailed directly to the following email address(es):

[HOST]: [XXX@XXX.XXX]

[CONSULTANT]: [XXX@XXX.COM].

### C. AGENCY AUTHORITY AND RFP ROLES

The Agency was created pursuant to an interlocal cooperation agreement among the following communities, each of which passed a resolution stating a goal of achieving an amount equivalent to 100% of the annual electric energy supply for participating customers from renewable energy resources by 2030: Town of Alta, Town of Castle Valley, Coalville City, City of Cottonwood Heights, Emigration Canyon Township, Francis City, Grand County, City of Holladay, Kearns Metro Township, Millcreek, City of Moab, Oakley City, Ogden City, Park City, Salt Lake City, Salt Lake County, Town of Springdale, and Summit County (Participating Communities). The Agency has authority to take action on behalf of all Participating Communities to implement the Act, including with regard to resource solicitation and resource acquisition in connection with the purposes of the Act. The Agency acts through the Community Renewable Energy Board (Board), made up of individual members of the Participating Communities and with voting and decision-making authority on behalf of the Agency.

This RFP has been developed by the Agency in conjunction with the Company, as required by the Act. [HOST] will host the RFP and administer all bid fees and other financial aspects of the RFP. The Agency has engaged [CONSULTANT] to assist with [bid collection, evaluation, and scoring].

The Company has no role in administering the RFP or selecting winning project bids. The Company is the contracting party to any BTA or PPA that may result from this RFP and, as such, retains certain rights and authority with respect to BTA and PPA structures, and the evaluation of exceptions to the *pro forma* BTA and PPAs set forth in the appendices hereto. The Company will also conduct analysis of bid pricing to determine the net costs and modeled emissions reductions of projects bid into the RFP. If the Company submits bids into the RFP, it will maintain separation between the personnel responsible for the tasks identified in this paragraph and those individuals responsible for bidding resources into the RFP.

### D. SUBMISSION OF BIDS

Bidders must submit one (1) electronic copy to [HOST] in care of the Community Renewable Energy Agency at: [XXX@XXX.XXX]

Bidders should receive an automatically-generated receipt email.

**Bids will be accepted until 5:00 p.m. Mountain Prevailing Time on [September 6, 2024] as evidenced by the timestamp of the submitted email.**



**The Agency will not accept any late proposals.**

**All bid proposals shall have a bid validity date through 5:00 pm MPT, [December 18, 2024].** Bids selected to the initial shortlist will be asked to update their bid prices as part of the negotiation process.

Bidders must submit complete proposals that include the following items:

1. One (1) signed original hard copy of each bid and two copies on USB drives with all required forms including all exhibit sheets required in **Appendix A** and **Appendices E-1 and E-2 (PPA), and Appendices F-1 and F-2 (BTA)**.
2. One (1) electronic copy of the bid sent to the email address provided, which should include any required forms in PDF format and Microsoft Excel format, as required, including all exhibit sheets required in **Appendix A**.
3. One (1) electronic copy of the **Appendix C – Bid Summary and Pricing Input Sheet** in original Microsoft Excel format, and a hard copy.

For wind, the bidder must provide one (1) electronic and hard copy of an independent third-party wind assessment analysis/report supported by a minimum of (a) two years of wind data from the proposed site for BTA proposals or (b) one year of wind data from the proposed site for PPA proposals, and one (1) electronic copy of the wind data that support the capacity factor. Wind proposals must supply a representative p-50 annual hourly (8760 hours) energy profile reflecting expected unit availability in Microsoft Excel format.

For PV solar, the bidder must provide a solar assessment analysis/report using PVSyst that supports the capacity factor. Bidder must provide a complete set of modeling input files in Microsoft Excel format that Company can use to simulate the performance using PVSyst, Company's preferred solar performance model. The performance estimation report must meet the requirements in **Appendix A (Solar) – Paragraph A-1.1**. Solar proposals must supply a representative annual hourly (8760 hours) energy profile reflecting expected unit availability, but before accounting for degradation. The hourly energy profile must present performance as alternating current and be in Microsoft Excel format. In the event the bidder chooses to use different performance modeling software than specified, the bidder must provide sufficient data and inputs for Company to validate the expected performance of the proposed resource.

**[Requirements for geothermal resources?]**

4. One (1) redline including the bidder's proposed variances to the pro-forma PPA (**Appendix E-2**), and one (1) redline including the bidder's proposed variances to the proforma Build-Transfer Agreement (**Appendix F-2**). Any bid that proposes exceptions that significantly alter the structure described in Section 4.B of this RFP will be treated as non-compliant and may be rejected by the Agency.

## **E. BID EVALUATION FEES**

Bidders shall pay a non-refundable fee (Bid Fee) of **\$[X,XXX]** for each base proposal with a term of 25 years and may optionally include one variant with a term of 20 years. A bidder may submit more than one proposal. Proposals must be submitted in the legal name of the respondent who would be bound by any agreement with the Company.

Payment of Bid Fees. Non-refundable Bid Fees shall be paid by wire transfer to the Agency. The Agency will email wire transfer instructions to bidders upon request, and such email requesting wire information will signify the bidder's intent to bid. Bidders will be given specific labeling to include on their wire transfer. No cashier's checks will be accepted. Bidder shall provide documentation of submitted bid fees, such as a receipt of the wire transfer or wire transfer confirmation number when bid is submitted. The Agency will not refund any bid fees associated with any bid, regardless of the success or failure of that bid.

## **F. MINIMUM ELIGIBILITY REQUIREMENTS FOR BIDDERS**

Bidders may be disqualified for failure to comply with the RFP if any of the requirements outlined in this RFP are not met to the satisfaction of the Agency as determined in its sole discretion. If proposals do not comply with these requirements, the Agency has the option to deem the proposal non-conforming and eliminate it from further evaluation. Reasons for rejection of a bidder or its proposal include, but are not limited to:

1. Receipt of any proposal after the response deadline.
2. Failure to meet the requirements described in this RFP and provide all information requested in **Appendix C – Bid Summary and Pricing Input Sheet** of this RFP.
3. Failure to demonstrate a commercial operation date within the timeframe listed in Section 2.
4. Failure to permit disclosure of information contained in the proposal to the Agency's agents or contractors, to the Company or regulators, or non-bidding parties to regulatory proceedings under appropriate confidentiality agreements.
5. Any attempt to influence the Agency in the evaluation of the proposals, outside the solicitation process.
6. Failure to provide a firm offer that includes a signed attestation from an officer of the bidder's company through the bid validity date outlined in Section 3.F. of this RFP.
7. Failure to disclose the real parties of interest in the submitted proposal.
8. Failure to provide BTA pricing in addition to PPA pricing in the base proposal.
9. Failure to clearly specify pricing for a 25-year term.
10. Failure to offer unit contingent (as generated) or system firm capacity and energy, directly interconnected with Company's network transmission system or capable of delivering energy to the Company's transmission system with the use of third-party firm transmission service (including appropriate contract term lengths and commercial operation dates).
11. Failure to provide all interconnection costs and transmission service costs, if applicable, in the bid proposal. Costs estimates shall be performed and provided by the project if a transmission provider study has not been completed or is not available at the time of submittal.

12. Proposal presents unacceptable level of development or technology risk including multiple resource types combined under a single bid.
13. Failure to materially comply with technical specification requirements in **Appendix A**.
14. Failure to submit development and construction milestone documentation that demonstrates a process to adequately acquire or purchase major equipment (i.e., wind turbine generators and related equipment, solar photovoltaic panels, inverters, tracking system, generator step-up transformers, batteries, etc.) and other critical long lead time equipment.
15. Failure to demonstrate, to the Agency's satisfaction, that it can meet the credit security requirements for the resource proposed.
16. Failure to submit information required by the Agency to evaluate the price and non-price factors described herein.
17. Failure to or inability to abide by the applicable safety standards.
18. Bidder submits an unacceptable contract structure, including but not limited to exceptions that significantly alter the structure of the pro-forma Build-Transfer Agreement (**Appendix F-2**) as described in Section 4.B of this RFP.
19. Collusive bidding or any other anticompetitive behavior or conduct exists.
20. Bidder or proposed project being bid is involved in bankruptcy proceedings.
21. Failure of the bidder's authorized officer to sign the proposal.
22. Misrepresentation or failure to abide by Federal Trade Commission Green guidelines.
23. Any change in regulations or regulatory requirements that make the bidder's proposal non-conforming.
24. Any matter impairing the bidder, the specified resource or the generation of power or environmental attributes of the renewable resource.
25. Failure to provide a performance model output including hourly output values as identified in **Appendix A**.
26. Failure to provide **Exhibit D – Bidder's Credit Information**, and **Appendix C – Form 1 – Pricing Input Sheet**.
27. Any matter impairing bidder, specified resources or the generation of power or non-power attributes therefrom.
28. Failure to provide documentation of site control for the project excluding right-of-way or easements for transmission, roads, or access to the site.
29. Unless otherwise required by law, bids containing energy generation types other than wind, pv solar, geothermal, and hydroelectric.
30. Failure of the project bid to directly interconnect with PacifiCorp transmission
31. Failure to demonstrate that the project bid has a draft or executed Large Generator Interconnection Agreement (LGIA) or interconnection study report (cluster or facilities) with PacifiCorp showing a commercial online date by December 31, 2029.
32. Failure to submit a resume of similar generation projects completed by the bidder or bidder's parent company within the last three years with an explanation of any discrepancies between the original contractually agreed commercial online date (COD) and the achieved COD.
33. Failure to demonstrate that the bidder or bidder's parent company has delivered within the last five years a project of the same generation type and of a similar or larger capacity in Megawatts as the project bid
34. For wind projects, failure to submit one or more years of avian studies.

35. Failure to attain an Interconnection and Project Readiness Score of at least 70%.

## **G. AGENCY RESERVATION OF RIGHTS AND DISCLAIMERS**

The Agency reserves the right, without limitation or qualification and in its sole discretion, to reject any or all bids, and to terminate or suspend this RFP in whole or in part at any time. Without limiting the foregoing, the Agency reserves the right to reject as non-responsive any or all bid proposals received for failure to meet any requirement of this RFP outlined herein. The Agency further reserves the right without qualification and in its sole discretion to decline to enter into any agreement with any bidder for any reason, including, but not limited to, change in regulations or regulatory requirements that impact the Company, and/or any collusive bidding or other anticompetitive behavior or conduct of bidders.

Bidders who submit bid proposals do so without recourse against the Agency, its individual members, or against any director, officer, employee, agent, the Participating Customers or representative of any of them, for any modification or withdrawal of this RFP, rejection of any bid proposal, failure to enter into an agreement, or for any other reason relating to or arising out of this RFP. Bidders will be required to execute **Appendix G - Confidentiality Agreement** after the initial shortlist is identified and **Appendix G - Non-Reliance Letter** after being selected to the final shortlist, prior to entering into final negotiations.

## **H. ACCOUNTING**

All proposals will be assessed by the Company for appropriate accounting and tax treatment. Bidders must supply all information the Company reasonably requires in order to make these assessments if a project is selected to the initial shortlist. According to Generally Accepted Accounting Principles, the Company will establish and maintain accounts for the revenue, expenses, assets, liabilities and owners' equity associated with any and all solar renewable resources acquired through this solicitation and will ensure that all revenues and all expenses associated with the management and ownership of the resource(s) are properly recorded to these accounts. This will include expenses associated with work performed by the Company's personnel. Additionally, the Company will account for the power costs associated with the resource(s) in a separate account(s).

## **I. CONFIDENTIALITY**

The Agency and its consultant(s) will attempt to maintain the confidentiality of all bids submitted, to the extent consistent with law or regulatory order, as long as such confidentiality does not adversely impact a regulatory proceeding. It is the bidder's responsibility to clearly indicate in its proposal what information it deems to be confidential. Bidders may not mark an entire proposal as confidential, but must mark specific information on individual pages to be confidential in order to receive confidential treatment for that information.

In an effort to maintain the confidentiality of project bid pricing, all bids will be submitted to [CONSULTANT], who will perform initial scoring and bid evaluation on behalf of the Agency. Underlying project bid data is not expected to be possessed by any member communities of the Agency. However, because the underlying bids may ultimately be

deemed subject to Utah's Government Records Access Management Act (GRAMA), the Agency recommends that every project bid be submitted with a letter asserting a claim of business confidentiality pursuant to Utah Code Section 63G-2-305(2) and in accordance with Utah Code Section 63G-2-309. This letter must contain a description of all information in the bid that the bidder asserts is confidential and a concise statement of reasons supporting the bidder's claim of business confidentiality. The bidder expressly acknowledges that the Agency's consultant may retain information submitted by the bidder in connection with this RFP. To the extent bidder receives information from the Agency or its consultants, bidder shall maintain the confidentiality of such information and such information shall not be available to any entity before, during, or after this RFP process unless required by law or regulatory order.

Only those Agency agents or employees who are directly involved in the RFP process or with the need to know for business reasons will be afforded the opportunity to view submitted bids or bidder information.

Bidders should be aware that information supplied by bidders may be requested and supplied during regulatory proceedings, subject to appropriate confidentiality provisions applicable to that particular proceeding. This means that parties to regulatory proceedings may request and view confidential information. If such a request occurs, the Agency will attempt to prevent such confidential bidder information from being supplied to intervening parties who are also bidders, or who may be providing services to a bidder, but the Agency cannot promise success in that endeavor and accordingly cannot be held liable for any information that it is ordered to be released or that is inadvertently released.

Lastly, calculations and modeling provided by Company--including the assumptions used in those models and the resulting bid evaluation results--will not be shared with entities external to the Agency or its consultant(s), including bidders, unless required to support regulatory proceedings, required by law, or required by regulatory order.

## **SECTION 4. RFP CONTENT**

### **A. ALL PROPOSALS**

This section outlines the content and format requirements for all proposal structures and alternative proposal structures. Proposals that do not include the information requested and in a form described in this section may be deemed ineligible for further evaluation as determined by the Agency in its sole discretion. All sections must be complete and in compliance with the RFP in order for the bid to be accepted. In addition to the requirements listed here, bidders must meet the requirements of **Appendix B – Information Required in Bid Proposals**.

While bidders may submit alternative ownership proposals, such alternative ownership proposals beyond those requested will be considered by the Agency in its sole discretion to determine whether these alternatives provide an attractive benefit for the Participating Customers and comply with the Agency's requirement that the bids are renewable only. The RFP Appendices format is outlined in the table below. Each bidder must provide complete information as requested in all appendices, forms and attachments as outlined in the table below that is relevant to its proposal and for any alternative, as applicable.

	<b>2024 URC RFP Bid Applicability</b>	<b>PPA</b>	<b>Build/Transfer Agreement</b>
Appendix A	<b>Renewable Resource Technical Specification</b>		
Appendix A-1	<i>Overview of Appendices</i>	--	--
Appendix A-2	<i>Interconnection Agreement</i>	X	X
Appendix A-3	<i>Permit-Matrix</i>	X	X
Appendix A-4	<i>Not used</i>	N/A	N/A
Appendix A-5	<i>Project One-line Drawing and Layout</i>	X	X
Appendix A-6	<i>Division of Responsibility</i>	N/A	X
Appendix A-7	<i>Owner Standards and Specification</i>	N/A	X
Appendix A-8	<i>Performance Summary Report</i>	X	X
Appendix A-9	<i>Product Data- Equipment Supply Matrix</i>	X	X
Appendix A-10	<i>Plant Performance Guarantee</i>	N/A	X
Appendix B	<b>Intent to Bid</b>	X	X
Appendix C	<b>Bid Summary and Pricing Input Sheet for PPA, BTA and Other Alternative Structures</b>	X	X
Appendix D	<b>Bidder's Credit Information</b>	X	X
Appendix E-1	<b>PPA Instructions to Bidders</b>	X	N/A
Appendix E-2	<b>PPA and Exhibits</b>	X	N/A
Appendix F-1	<b>BTA Instructions to Bidders</b>	N/A	X
Appendix F-2	<b>BTA and Appendices (A-Q)</b>	N/A	X
Appendix G	<b>Confidentiality Agreement and Non-Reliance Letter</b>	X	X
Appendix H	<b>Reserved – Intentionally Left Blank – see Appendix C for Pricing Input Sheet</b>	N/A	N/A
Appendix I	<b>FERC's Standards of Conduct</b>	X	X
Appendix J	<b>QRE Agreement</b>	X	N/A

## B. BUILD TRANSFER AGREEMENT

A “Build-Transfer” is a transaction whereby the bidder develops the project, assumes full responsibility for construction and commissioning of the project, transfers title to the project, potentially in stages, to the Company prior to mechanical completion and thereafter completes construction and commissioning of the project, all pursuant to the terms of the build transfer agreement (“BTA”).

**Appendix C – Bid Summary and Pricing Input Sheet** shows the form of project information required for a “Build-Transfer” transaction. This is an Excel-based worksheet that covers bid summary information, electrical interconnection information, 8760 energy production profile, PV degradation information, and pricing and other cost assumption inputs for the BTA. The bidder’s proposal must contain the information requested in **Appendix F-1 – BTA Instructions to Bidders**. The bidder must provide information, representations, and warranties sufficient to assure the Agency and the Company that any proposed project will successfully complete construction and achieve full commercial operation within the timeframe listed in Section 2. The bidder must also provide evidence that any new resource will be eligible to claim, as applicable, the full or partial federal PTC/ITC as interpreted by applicable guidelines and rules of the Internal Revenue Service. Under the BTA, the bidder will assume full responsibility for the loss of any PTC/ITC, including due to failure to achieve full commercial operation within the timeframe listed in Section 2 or to satisfy applicable guidelines and rules of the Internal Revenue Service.

The BTA *pro forma* documents are attached as **Appendix F-2 – Build Transfer Agreement (BTA)**. Bidders should include a redlined or marked up version of **Appendix F-2 Build Transfer Agreement** showing exceptions to the terms of the pro forma BTA document. Bidders objecting to terms should provide alternate language and context to the objections for the Agency and the Company to evaluate the alternate language. **Any exceptions to that significantly alter the structure described in this section of the RFP may result in rejection of the bid as non-compliant. The Agency will reject as non-compliant any bid which proposes to transfer to the Company the stock or membership interest (as opposed to assets) of one or more companies which own the project.**

The BTA is structured such that the Company makes progress payments on an agreed-upon schedule in exchange for the developer meeting certain milestones and deliverables. All bidders in this category must complete the information requested in **Appendix C – Bid Summary and Pricing Input Sheet** (BTA tabs). The Agency will only accept BTA proposals in which the Company purchases the project prior to “mechanical completion” (as further specified in the BTA) and the bidder retains full responsibility to complete construction and commissioning of the project thereafter through commercial operation.

The bidder will be responsible for, in accordance with the requirements of this RFP, all aspects of the development and construction of the facility, including, but not limited to, site control, permitting, engineering, procurement, construction, interconnection and all related costs up to achieving commercial operation. Without limiting the foregoing, the bidder will be responsible for obtaining all necessary real property interests, permits, rights and resources required to construct and provide an operational generation resource consistent with the bidder’s proposal. BTA bids must identify and provide all taxes including but not limited to property, sales and use incurred during construction and are the responsibility of the developer.

Bidders will be responsible for submitting an operation and maintenance (O&M) service proposal as part of the overall BTA bid submittal consistent with **RFP\_APP F-2e Solar OM Term Sheet**. **Any proposal that does not include an O&M proposal that provides pricing, scope and other key terms will be rejected as a nonconforming proposal.**

Bidders should note that any proposal submitted in this category that proposes new construction of a resource must comply with the applicable technical and construction specifications contained in **Appendix A – 2024 Utah Renewable Project Technical Specification** and must utilize the services of a single primary contractor.

To the extent the bidder uses a contractor or a separate legal entity other than the bidder itself, this entity must be experienced with the type of facility being proposed and meet credit criteria, all as deemed acceptable to the Agency in its sole discretion.

Bidders should indicate in their bid documents whether a purchase option for a BTA has already been negotiated or is in the process of being negotiated with the Company.



## C. POWER PURCHASE AGREEMENT

Bidder's proposal must contain all of the information requested in **Appendix E-1 – PPA Instructions to Bidders**. The term of the PPA shall range up to twenty-five (25) years, with or without the right for the Company to purchase the project assets during or at the end of the proposed contract term at fair market value (FMV) to retain the value of the site for customers.

**Appendix C – Bid Summary and Pricing Input Sheet** shows the form of pricing information required for a bidder offering a PPA option. This is an Excel-based worksheet that covers bid summary information, electrical interconnection information, 8760 energy production profile, PV degradation information, and pricing for the PPA.

For longer-term contract offers (i.e., PPA terms of 20 to 25 years without PPA extensions, or PPA terms that, after consideration of extension options, would result in a PPA term of 20 to 25 years), bidders should carefully consider the potential book and tax lease accounting treatment or Variable Interest Entity (VIE) treatment implications. Bidders that make the initial shortlist and have PPA offers of 20 years or greater (Long Term), will need to supply projected cash flows through the life of the underlying asset so that the Agency and The Company can assess potential accounting implications. Potential accounting treatment impacts will be incorporated into the bid evaluation and selection process. For instance, if the Agency determines that a Long Term PPA offering would be treated as a capital lease for tax purposes, the Company would be treated as the tax owner for the proposed facility. Please also refer to Section 5.F of this RFP.

The bidder's proposal must contain the information requested in **Appendix E-1 PPA Instructions to bidders**. The bidder must provide documentation and information, representations, and warranties sufficient to assure the Agency and the Company that any proposed project will successfully complete construction and achieve full operation within the timeframe listed in Section 2, and that any new resource will be eligible to claim, as applicable, the full or partial federal PTC/ITC as interpreted by applicable guidelines and rules of the Internal Revenue Service. The Agency reserves the right to request bid cashflow information in order to complete its evaluation for capital lease accounting for tax purposes on Long Term PPAs if necessary.

Bidders are required to include a redlined or marked up version of **Appendix E-2 Power Purchase Agreement** showing exceptions to the terms of the *pro forma* PPA document, unless they indicate that they will accept the PPA "as-is". Bidders objecting to terms should provide alternate language and context to the objections for the Agency and the Company to evaluate the alternate language. Bidders should also submit comments to the pro forma agreement on issues that they have concerns with and identify alternatives to address the issues. Providing a redline is a requirement for eligibility; however substantive comments should also be provided to provide context to the redlined document.

Bidders should be aware, that if selected, each bidder will be required to complete **Appendix J – Qualifying Reporting Entity (QRE) Services Agreement** as part of the PPA which establishes WREGIS registration and reporting obligations for both parties.



#### **D. ALTERNATIVE STRUCTURE PROPOSALS**

As noted in Section 1, bidders may propose other alternative structures for sale of the output or the renewable asset to the Company, such proposals will be considered (or not considered) at the Agency's sole discretion and the Agency reserves the right to reject non-compliant bids. Such bids should not create additional technology or development risk. The Agency is limiting the resource type to wind, PV solar, geothermal, and hydroelectric only and will not accept bids that combine these technologies with other technologies except for co-located storage resources. Bidders must submit the appendices that are relevant to the bidder's proposed structure. Such proposals must include full documentation on the proposed structure.

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## SECTION 5. RESOURCE INFORMATION

### A. PRICE INFORMATION

Bidders must supply **Appendix C – Bid Summary and Pricing Input Sheet** in its original Microsoft Excel format with all submitted proposals. Price information that must be supplied by the bidder includes:

Information Requested	PPA	PPA with Purchase Option	Build/ Transfer or Alternative Structures
Term: start and end date of PPA	X	X	N/A
Point of delivery (POD) and Point of receipt (POR)	X	X	X
Expected annual dispatch pattern, or generation profile, that reflects availability <sup>6</sup>	X	X	X
Availability rate and degradation assumed in annual dispatch or generation profile data	X	X	X
Designation of firm or unit contingent energy deliveries	X	X	N/A
Energy price (\$/MWh) including fixed price for the term or 1 <sup>st</sup> year price with escalation for the PPA. Energy price and related costs for each project should be stated using a 25-year term scenario and may optionally include a 20-year term variant	X	X	N/A
Build Transfer price and milestone payment schedule (\$ and dates, as applicable)	N/A	X	X
Variable O&M cost (\$/MWh, as applicable) <sup>7</sup>	N/A	X	X
Fixed O&M cost (\$/Year, as applicable) <sup>8</sup>	N/A	X	X
Ongoing capital (\$/Year, as applicable)	N/A	X	X
Other variable costs, <i>i.e.</i> , royalties (% of energy revenue, or \$/MWh, as applicable)	N/A	X	X
Variable energy payment, with escalation (\$/MWh escalating at X%/year, as applicable)	N/A	X	X
Fixed capacity payment, with escalation (\$/Month growing at X%/year, as applicable)	N/A	X	X
Other fixed charges, <i>i.e.</i> land leases, with escalation (\$/MWh, \$/MW or \$/Year growing at X%/year, as applicable)	N/A	X	X

<sup>6</sup> Section 3.E.3 of the 2024 URC RFP describes the type of generation profiles required.

<sup>7</sup> The Agency may supply certain operational and maintenance costs for consistency across similar bids.

<sup>8</sup> The Agency may supply certain operational and maintenance costs for consistency across similar bids.

<b>Information Requested</b>	<b>PPA</b>	<b>PPA with Purchase Option</b>	<b>Build/ Transfer or Alternative Structures</b>
Taxes including but not limited to property, sales and use incurred during construction.	N/A	X	X
Buyout dates and prices (\$ or “fair market value,” as applicable if purchase option included in PPA)	X	X	N/A
Qualifying costs and term for any incentives that reduce delivered costs, such as federal, state or local incentives including among others; federal PTC/ITC, bonus depreciation, property tax exemptions, or local economic incentives	X	X	X

## **B. DIRECT INTERCONNECTION WITH PACIFICORP TRANSMISSION SYSTEM**

The Agency is seeking renewable resources capable of directly interconnecting with PacifiCorp’s system in its PACE balancing area. The Agency prefers bids that will not face significant transmission costs or constraints between: (1) the resource’s point of interconnection or the resource’s delivery point on PacifiCorp’s transmission system; and (2) PacifiCorp network load. Bidders are thus required to provide as much granularity and documentation as possible regarding their proposed point of interconnection/point of delivery. Bidders should also indicate with their bids whether their project will include any jointly owned generation tie lines or other shared facilities arrangements.

As noted above, bidders should include the provision of evidence that the proposed project has requested a direct interconnection with PacifiCorp’s transmission system and have received, at a minimum, a cluster study report with PacifiCorp’s transmission function supporting commercial operation no later than December 31, 2029. Bids that do not include the foregoing information will not be disqualified, but lack of interconnection (or, as applicable, transmission availability documentation) from the transmission provider will negatively affect the bid score.

BTA proposals that will require a new electrical interconnection or an upgrade to an existing electrical interconnection must include a firm statement of the cost of interconnection (broken out between network upgrade costs and facility specific or direct assigned interconnection costs), together with a diagram of the interconnection facilities. The interconnection costs included in the bids from all bidders will be considered as firm costs and included in the bid evaluation. Interconnection costs should be clearly identified in the resource cost proposal and differentiate the portion of costs associated with network upgrades and that portion that are facility-specific.

Before any final transaction agreements with winning bidders are executed the Agency will require a completed interconnection system impact study (SIS) to determine the actual direct assigned cost for the interconnection or transmission services. Bids will be evaluated based on the direct assigned interconnection costs submitted in the bids, which will be considered firm costs for the initial shortlist evaluation. Bids that are selected to the initial

shortlist will be held to their best and final pricing for final shortlist evaluation. If selected to the final shortlist, bidder's agreement with the Company, and any final transaction agreement, will include a condition precedent that states the Agency will compare the actual direct assigned and network upgrade costs associated with the interconnection from the completed SIS with the bidder's firm estimate provided in their best and final price. In the event the actual direct assigned SIS cost exceeds the bidder's interconnection cost in best and final pricing, bidder will be responsible for the cost above their best and final firm price. In the event the actual SIS direct assigned cost is less than the bidder's firm interconnection cost estimate, the Agency will require an adjustment of the final PPA price to reflect the reduction in interconnection costs. The Agency will examine critical study information such as: (1) whether the studies support a commercial operation date within the timeframe listed in Section 2; and (2) interconnection direct assigned and network upgrade costs.

All proposals will require firm transmission on PacifiCorp's network transmission system and proposed resources must be able to be designated by PacifiCorp's Energy Supply Management (ESM) function as a Network Resource under the network service contract between PacifiCorp Transmission ([www.oasis.pacificorp.com](http://www.oasis.pacificorp.com)) and PacifiCorp ESM.

#### **C. FERC'S STANDARDS OF CONDUCT**

Each bidder responding to this RFP must conduct its communications, implementation and operations in compliance with FERC's Standards of Conduct for Transmission Providers (see **Appendix I**), requiring the separation of its transmission and merchant functions. Any interconnection or transmission service is NOT a transmission service agreement with PacifiCorp's ESM merchant function; rather, it is with PacifiCorp's transmission function or other third-party transmission provider. As such, the bidder must follow the transmission provider's OASIS process. If requested, bidders shall execute a customer consent form consistent with FERC requirements that enables PacifiCorp's ESM merchant function to discuss the bidder's interconnection and/or transmission service application(s) with the transmission interconnection or transmission service provider.

#### **D. RESOURCE TYPES ELIGIBLE TO BID**

The Agency is seeking new renewable energy resources capable of directly interconnecting and to PacifiCorp's network transmission system between January 1, 2026 and December 31, 2029. Unless otherwise required by law, the Agency is limiting the resource type to wind, pv solar, geothermal, and hydroelectric only and will not accept bids that combine these technologies with other technologies except for co-located storage resources. These resources must be capable of being interconnected with PacifiCorp's transmission system.

#### **E. TAX CREDITS AND/OR PROJECT INCENTIVES**

Bidders must bear all risks, financial and otherwise, associated with bidder's or the facility's eligibility to receive any state or federal energy tax credits, sales tax waivers or exemptions or any other identified tax credit or incentive, or qualify for accelerated depreciation for bidder's accounting, reporting or tax purposes, as applicable. The obligations of the bidder to perform under any executed agreement as a result of this solicitation shall be effective and binding regardless of whether the sale of or output from

the bidder's facility under such agreement is eligible for, or receives investment tax credits, or other identified tax credits/incentives.

The Agency will require written documentation of the amount, timing and control of any and all available tax credits/incentives that the bidder's facility is eligible for, applied for, and/or received. Such documentation shall include but not be limited to ownership rights to the credit, grant or incentive, timing including expiration dates and milestones to achieve the credit, grant, or incentive.

## **F. ACCOUNTING**

All contracts proposed to be entered into as a result of this RFP will be assessed by the Company for appropriate accounting and tax treatment. Bidders shall be required to supply the Company with any and all information that the Company reasonably requires in order to make these assessments if the bid is selected to the initial shortlist. Specifically, given the term length of the PPA or alternative ownership proposal, accounting and tax rules may require either: (i) a contract be accounted for by the Company as a capital lease or operating lease<sup>9</sup> for book purposes pursuant to ASC 840, (ii) a contract be accounted for by the Company as a capital lease for tax purposes<sup>10</sup>, or (iii) the seller or assets owned by the seller, as a result of an applicable contract, be consolidated as a variable interest entity (VIE) onto Rocky Mountain Power's balance sheet.<sup>11</sup>

As a result, bidders may be required by the Agency and the Company to certify, with supporting information sufficient to enable the Agency and the Company to independently verify such certification, that their proposals will not be subject to VIE treatment. Bidders should carefully consider the potential book and tax lease accounting treatment or VIE treatment implications associated with a Long Term PPA offers (i.e., PPA terms over 20 years). For these Long Term PPA offers, bidders will need to supply, if selected to the initial short list, projected cash flows through the life of the underlying asset so that the Agency and the Company can assess potential accounting implications. Potential accounting treatment impacts will be incorporated into the bid evaluation and selection process. For instance, if the Company determines that a Long Term PPA offering would be treated as a capital lease for tax purposes, the Company would be treated as the tax owner for the proposed facility.

Each bidder must also agree to make available in the bid evaluation process any and all financial data associated with the bidder PPA or BTA that the Agency or the Company requires to determine potential accounting impacts. Such information may include, but is not limited to, data supporting the economic life (both initial and remaining), the fair market value, executory costs, nonexecutory costs, and investment tax credits or other costs (including debt specific to the asset being proposed) associated with the bidder's proposal.

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<sup>9</sup> "Capital Lease" and "Operating Lease" - shall have the meaning as set forth in the Accounting Standards Codification (ASC) 840 as issued and amended from time to time by the Financial Accounting Standards Board.

<sup>10</sup> See IRS Code Section 7701(e) describing the test for capital lease for tax purposes.

<sup>11</sup> "Variable Interest Entity" or "VIE" - shall have the meaning as set forth in ASC 810 as issued and amended from time to time by the FASB.

Financial data contained in the bidder's financial statements (e.g., income statements, balance sheets, etc.) may also be required to be supplemented.

#### **G. COST ASSOCIATED WITH DIRECT OR INFERRED DEBT**

The Agency and the Company will not take into account potential costs to the Company associated with direct or inferred debt (described below) as part of its economic analysis in the shortlist evaluation. However, after completing the shortlist and before the final resource selections are made, the Agency and the Company may take direct or inferred debt into consideration. In so doing, the Company may obtain a written advisory opinion from a rating agency to substantiate the Company's analysis and final decision regarding direct or inferred debt.

Direct debt results when a contract is deemed to be a capital lease pursuant to ASC 840 and the lower of the present value of the nonexecutory minimum lease payments or 100% of the fair market value of the asset must be added to the Company's balance sheet.

Inferred debt results when credit rating agencies infer an amount of debt associated with a power supply contract and, as a result, take the added debt into account when reviewing the Company's credit standing.

### **SECTION 6. BID EVALUATION AND SELECTION**

#### **A. OVERVIEW OF THE EVALUATION PROCESS**

The Agency's bid evaluation and selection process is designed to identify the combination and amount of new renewable projects bid into the 2024 URC RFP that will cost-effectively support URC member communities' goals to achieve net-100% renewable electricity on behalf of participating customers by 2030. The Agency will not make any of the evaluation models available to bidders.

The bid evaluation process will occur in three phases. In the first phase, the Agency will calculate an Interconnection and Project Readiness Score (IPRS) and reject non-conforming bids. Although not a scoring element, the IPRS will be used to reject project bids scoring less than 70% and to adjust non-price scoring elements in the third phase.

In the second phase, price (expressed in \$ per MWh) and non-price scoring elements will be evaluated to develop a shortlist of projects consisting of up to three top scoring project bids in three resource type categories: intermittent, intermittent with collocated storage, and dispatchable.

In the third phase, PacifiCorp will use energy dispatch modeling software to calculate two scoring inputs for each surviving project bid: a financial benefit (expressed in \$ per MWh) and avoided climate pollution through 2030 (expressed in metric tons of CO<sub>2</sub>-equivalent). Any other factors not expressly included in the formal evaluation process but required by applicable law or commission order, will be used by the Agency to establish the final shortlist.

Representatives from the Agency may contact bidders to confirm and clarify information presented in each proposal.

After the final shortlist is established, the Agency will initiate negotiations with bidders that submitted proposals for projects selected to the final shortlist. Selection of a bid to the final shortlist does not constitute a winning bid. Only execution of a definitive agreement between the Company and the bidder, on terms acceptable to the Agency and the Company, in their sole and absolute discretion, will constitute a winning bid proposal. Any definitive PPA or BTA will be in the form of the PPA or BTA contracts provided in **Appendices E-2** and **F-2**, respectively. If the bidder alters the PPA or BTA, or does not use it as the underlying agreement, bid evaluation and selection can be affected. The Agency welcomes bidders, at their own discretion, to provide written comments on the PPA or BTA provided in **Appendices E-2** and **F-2** as part of their bid. Neither the Agency nor the Company has a legal obligation to enter into any agreement of any kind with any bidder.

## **B. PHASE 1 – INTERCONNECTION AND PROJECT READINESS**

Although not a formal scoring element, project bids that have not already been rejected as non-conforming will be evaluated using an Interconnection and Project Readiness Score (IPRS). This evaluation consists of ten questions and an independent evaluation by Energy Strategies on behalf of the Agency as follows:

<b>Interconnection and Project Readiness Score Factors</b>	<b>Scoring Weight</b>
1. Does your project have site control necessary to support a generation facility? (Yes = 1, No = 0)	1
2. Does your project have site control necessary to support a generation-intertie ("gen-tie") needed to interconnect the project on the transmission system? (Yes = 1, No = 0)	1
3. Does this project have a signed Large Generator Interconnection Agreement? (Yes = 1, No = 0)	1
4. Does this project have a facilities study, either final or draft? (Yes = 1, No = 0)	1
5. Has this project been studied as a Network Requested Interconnection Service (NRIS) only, or as an Energy Requested Interconnection Service (ERIS) only, or as both NRIS and ERIS? (NRIS only = 1, ERIS only = 0, NRIS and ERIS = 0)	1
6. Wetlands are either not present or mitigation plans are in place. (True = 1, False = 0)	1
7. Endangered species are either not present on site or mitigation plans are in place (True = 1, False = 0)	1
8. Cultural resources are either not present or mitigation plans are in place (True = 1, False = 0)	1
9. Site is zoned for proposed use (True = 1, False = 0)	1
10. Permitting is complete (i.e., project is shovel-ready) (True = 1, False = 0)	1
11. Does an independent review of bidder documentation and interconnection studies substantially support the bidder's indicated commercial online date?	4



The total points will be summed and divided by 14 total possible points to develop an IPRS expressed as a percentage. Project bids with an IPRS lower than 70% will be rejected and the IPRS will be carried forward into the third phase of project bid evaluation.

## C. PHASE 2 – INITIAL SHORTLIST

### 1. Price Evaluation (up to 70 points)

The Agency is committed to procuring least cost/least risk renewable energy through this solicitation on behalf of the Participating Customers. In phase 2, the Agency will compare the all-in cost (expressed in \$ per MWh)—inclusive of network upgrade costs associated with interconnecting the resource—among all surviving project bids. The lowest cost bid will be awarded 70 points and all other bids will be awarded a pro-rated share of 70 points based on how much more expensive they are than the lowest cost bid. This price evaluation will consider the pricing of the base 25-year project term.

Bids must include documentation that demonstrates that the project(s) qualify for and will receive the full or partial value of the federal PTC or ITC as interpreted by applicable guidelines and rules of the Internal Revenue Service at commercial operation. The bids will be ranked to determine an initial shortlist, after also taking into account the Non-Price Evaluation.

### 2. Non-Price Evaluation (Up To 13 points)

The non-price scoring factors will be evaluated as follows:

#### NON-PRICE FACTOR WEIGHTING

Non-Price Factors	Non-Price Scoring Weight
1. Is the project located in Utah? (Yes = 3, No = 0)	3
2. If your project is located in Utah, will at least 50% of construction labor hours be supplied by in-state labor at the bid price? (Yes = 1, No = 0)	1
3. Will your project meet prevailing wage requirements for construction labor at the bid price? (Yes = 1, No = 0)	1
4. Will at least 2% of construction labor hours be supplied by registered apprenticeship labor at the bid price? (Yes = 1, No = 0)	1
5. Is your project located in a (1) coal closure* or (2) disadvantaged area** as indicated on Federal maps? (Yes = 2, No = 0)	2
6. Inclusive of construction activities, how much water will your project consume in gallons per MW-hr over its operational life? (None = 2, between 0 and 20 = 1, more than 20 = 0)	2
7. By what date can your project reach commercial operation and deliver energy to the PacifiCorp transmission system, as evidenced by the most recent cluster or facilities interconnection study report or LGIA? (by Dec 2026 = 3, between Jan and Dec 2027 = 2, between Jan and Dec 2028 = 1, between Jan and Dec 2029 = 0)	3

\*Coal closure areas are dark- or light-orange shaded areas in the [United States Department of Energy Community Tax Credit Bonus Map](#)



**\*\*Disadvantaged areas are blue-shaded areas in the [Climate and Economic Justice Screening Tool](#)**

### **3. Initial Shortlist Selection**

The Agency will use the combined price and non-price results to rank bids. Based on these rankings, the Agency will select an initial shortlist based on total bid score (maximum at 100%, with a maximum of 70 points for price and a maximum of 13 points for non-price factors) across three categories: intermittent, intermittent plus storage, and dispatchable.

The Agency will seek to establish an initial shortlist of up to three top scoring project bids across these three categories that includes up to approximately 500 MW of aggregate renewable capacity. However, the Agency may establish an initial shortlist containing less or more aggregate capacity depending upon the relative total bid score among the bids. The Agency may select the base proposal and one or more bid alternatives proposed with any bid, as applicable, to the initial shortlist.

Network customers of PacifiCorp transmission, including Rocky Mountain Power, can request non-binding studies to provide an estimate of potential, high-level costs related to adding a potential designated network resource at a particular location on the system. While intervening transmission service requests or other changes on the system could impact the accuracy of the non-binding study estimates, these nevertheless provide a reasonable tool to evaluate potential transmission service costs before a final agreement is reached with a bidder. Accordingly, for all ISL bidders, the Agency also reserves the right to request an informal study from PacifiCorp transmission to identify potential network upgrade costs that might be necessary in order for the bidder's facility to be designated as a network resource on PacifiCorp's transmission system. The cost of this non-binding study is to be paid by the bidder.

The Agency will assess initial short listed PPA bids for the appropriate accounting and tax treatment. PPA bids will be evaluated for: (i) whether a contract must be accounted for by the Company as a capital lease or operating lease in accordance with ASC 840 for book purposes, (ii) whether a contract must be accounted for by the Company as a capital lease for tax purposes, or (iii) whether the seller or assets owned by the seller, as a result of an applicable contract, shall be consolidated as a variable interest entity (VIE) onto PacifiCorp's balance sheet. For Long Term PPA offers that would result in a PPA term over 20 years, bidders should carefully consider the potential book and tax lease accounting treatment or (VIE) treatment implications. For these Long Term PPA offers that are selected to the initial shortlist, bidders will be required to supply, with their bid, projected cash flows through the life of the underlying asset so that the Company can assess potential accounting implications. Potential accounting treatment impacts will be incorporated into the bid evaluation and selection process. For instance, if the Agency and/or Rocky Mountain Power determines that a Long Term PPA offering would be treated as a capital lease for tax purposes, the Company would be treated as the tax owner for the proposed facility. Please also refer to Section 5.F of this RFP.

## **D. PHASE 3 – FINAL SHORTLIST**

### **1. Price Evaluation (up to 70 points)**

Surviving project bids will be evaluated by PacifiCorp using dispatch modeling software to calculate financial benefits over the life of the project (expressed in \$ per MWh) using two price policy scenarios defined in the most recent PacifiCorp Integrated Resource Plan – Medium Gas / Medium CO2 and Low Gas / Low CO2.

For each project bid, the net-cost will be calculated as the difference between the all-in PPA cost and the financial benefit (expressed in \$ per MWh). This price evaluation will consider the pricing of the base 25-year project term.

The Agency will compare the net-cost (expressed in \$ per MWh) among all surviving project bids. The project bid with the lowest net-cost (which may be negative) will be awarded 70 points. For all other project bids, the net-cost will be compared to the lowest net-cost. For every \$1 per MW-hour of net-cost that a project bid exceeds the lowest net-cost bid, 5 points will be deducted from the 70 possible points. For example, if the lowest net-cost bid is -\$5 per MWh and another project bid's net-cost is \$0 per MWh, the first project bid would receive 70 points and the second project bid would receive  $(70 - 25 = )$  45 points.

### **2. Non-Price Evaluation (up to 30 points)**

#### *Carbon Dioxide Emissions Reductions (up to 17 points)*

The dispatch modeling software used by PacifiCorp to calculate financial benefits for each project bid will also be used to estimate projected carbon dioxide reductions associated with each project bid through 2030 (expressed in metric tons of CO2-equivalent). These carbon dioxide reductions result from changes in how PacifiCorp's thermal power plants are dispatched in response to new sources of generation.

The calculated carbon dioxide reductions through 2030 will be adjusted by the IPRS determined in phase 1, so that if a project bid achieved a 71% IPRS score, its calculated carbon dioxide reduction will be adjusted to 71% of its original value. The Agency will compare the adjusted emissions reductions among all surviving project bids. The project bid showing the largest adjusted carbon dioxide reduction through 2030 will receive 17 points and all other project bids will be awarded a prorated share of 17 points based on how many fewer tons of adjusted carbon dioxide pollution they will reduce compared to the project bid with the largest reduction.

#### *Phase 2 Previously Scored Non-Price Factors (up to 13 points)*

The non-price scoring factors from phase 2 will also be included in the non-price evaluation for phase 3.

### **3. Other Factors: Applicable Law and Statutory Requirements**

The bid methodology has been designed to capture applicable law and statutory requirements. Before establishing a final shortlist, the Agency may take into consideration other factors that are not expressly or adequately factored into the evaluation process outlined above, particularly any factor required by applicable law or Commission order to be considered.

#### **4. Final Shortlist Selection**

The Agency will summarize and evaluate the results of its price and non-price scores among all surviving project bids. Based on these data and certain other factors as described above the Agency may establish a final shortlist. Once the final shortlist is established and bidders notified, the Agency may vote to recommend one or more project bids for contract negotiations involving the Agency, Rocky Mountain Power, and the project bidder.

#### **5. BTA Bid Evaluation**

The Agency will evaluate the price score for each BTA bid based on the corresponding PPA price submitted by that bidder for the project. Should the Company choose to pursue a BTA, the bid's corresponding PPA price would be the applicable price for use in any Program pricing calculation.

### **SECTION 7. INVITATION TO BID**

#### **A. INVITATION**

This RFP contains only an invitation to make proposals to the Agency. No proposal is itself a binding contract unless the parties execute definitive and complete documentation providing otherwise.

The Agency may in its sole discretion do any one or more of the following:

1. Determine which proposals are eligible for consideration in response to this RFP.
2. Issue additional subsequent solicitations for information, and conduct investigations with respect to the qualifications of each bidder.
3. Supplement, amend, or otherwise modify this RFP, or cancel this RFP with or without the substitution of another RFP.
4. Negotiate with bidders to amend any proposal.
5. Select and enter into agreements with the bidders who, in the Agency's sole judgment, are most responsive to the RFP and whose proposals best satisfy the interests of the Agency and the Participating Customers, and not necessarily on the basis of price alone or any other single factor.
6. Issue additional subsequent solicitations for proposals.
7. Waive any irregularity or informality on any proposal to the extent not prohibited by law.
8. Reject any or all proposals in whole or in part.
9. Vary any timetable.
10. Conduct any briefing session or further RFP process on any terms and conditions.
11. Withdraw any invitation to submit a response.

## **B. CONFIDENTIALITY AGREEMENT**

In addition to the confidentiality provisions set forth herein, bidders should note that all parties will be required to sign **Appendix G – Confidentiality Agreement** with the Agency upon bid submission, as well as a transmission voluntary consent notice to authorize the release of data to PacifiCorp's ESM Market Function from PacifiCorp Transmission.

## **C. NON-RELIANCE LETTER**

All parties will be required to sign **Appendix G - Non-Reliance Letter** if they qualify for the final shortlist prior to entering into negotiations with Rocky Mountain Power.

## **D. POST-BID NEGOTIATION**

The Agency will further negotiate both price and non-price factors during post-bid negotiations. The Agency will also include in its evaluation any factor that may impact the total cost of a resource, including but not limited to all of the factors used in the final shortlist cost analysis plus consideration of accounting treatment and potential effects due to rating agency treatment, if applicable. Post-bid negotiation will be based on the Agency's cost assessment. The Agency will continually update its economic and risk evaluations until both parties execute a definitive agreement acceptable to the Agency and Rocky Mountain Power in their sole and absolute discretion.

Neither the Agency nor Rocky Mountain Power shall have any obligation to enter into any agreement with any bidder to this RFP and the Agency may terminate or modify this RFP at any time without liability or obligation to any bidder. In addition, this RFP shall not be construed as preventing the Agency or Rocky Mountain Power from entering into any agreement that the Agency or Rocky Mountain Power deems prudent, in the Agency's and Rocky Mountain Power's sole discretion, at any time before, during, or after this RFP process is complete. Finally, the Agency reserves the right to negotiate only with those entities who propose transactions that the Agency believes in its sole discretion to have a reasonable likelihood of being executed.

## **E. SUBSEQUENT REGULATORY ACTION**

Unless mutually agreed between the parties or unless required by actual (or proposed) law or regulatory order, at the time of contract execution, the Agency does not intend to include a contractual clause whereby the Agency is allowed to adjust contract prices in the event that an entity who has regulatory jurisdiction over Rocky Mountain Power does not fully recognize the contract prices. As of the issuance date for this solicitation, the Agency is unaware of any such actual law or regulatory order.

# **Exhibit B**

## Community Renewable Energy Program Resource Solicitation Rules:

### **Applicability**

The following definitions and process shall apply to applications seeking Commission approval of:

- (a) a Program Solicitation; and
- (b) a qualified utility's acquisition of a renewable energy asset pursuant to a Program Solicitation.

### **Definitions**

“Acquire,” “Acquiring,” or “Acquisition” means to purchase, construct, or purchase the output from a renewable energy asset pursuant to a Program Solicitation.<sup>1</sup>

“Company Resource” means an energy generation asset acquired or to be acquired to serve customers of the qualified utility.

“Participating community” has the meaning specified in Subsection 54-17-902(10).<sup>2</sup>

“Participating Communities’ Representative” is the person(s) or entity authorized to present the decisions and opinions of participating communities pursuant to the governance agreement.<sup>3</sup>

“Participating Customer” has the meaning specified in Subsection 54-17-902(11).<sup>4</sup>

“Program” means a community renewable energy program approved by the Commission pursuant to Title 54, Chapter 17, Part 9, Community Renewable Energy Act.<sup>5</sup>

“Program Resource” means a renewable energy asset that has been selected to serve the Program through a Program Solicitation approved by the Commission.

“Program Solicitation” means a solicitation through which a qualified utility may acquire a renewable energy asset for the Program, including i) solicitations that seek to acquire one or more Program Resources and ii) solicitations that seek to acquire both Company Resources and Program Resources.

“Renewable Energy Asset” has the meaning specified in Utah Code Section 54-17-902(14) for a renewable energy resource, excluding resources specified in Subsection 54-17-902(14)(b)(i) and Subsection 54-17-902(14)(b)(ii).<sup>6</sup>

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<sup>1</sup> R746-450-1(1).

<sup>2</sup> R746-314-101(15)

<sup>3</sup> R746-314-101(16)

<sup>4</sup> R746-314-101(17)

<sup>5</sup> R746-314-101(19)

<sup>6</sup> R746-314-101(21)

“Qualified utility” means the same as that term is defined in Utah Code Section 54-17-801.<sup>7</sup>

### **Application for Approval of Program Solicitation**

- (1) A qualified utility that seeks to acquire a Program Resource shall file an application with the Commission for approval of a Program Solicitation.
- (2) If the Program Solicitation is intended to solicit Program Resources only, and will not solicit Company Resources, the qualified utility’s application shall include the following:<sup>8</sup>
  - (a) A description of the solicitation process;
  - (b) A description of the manner in which the solicitation will be published;
  - (c) A copy of the complete proposed Program Solicitation with any appendices, attachments and draft pro forma contracts;
  - (d) Information sufficient to demonstrate that the filing complies with the requirements of the Commission order approving the rules regarding a Program Solicitation;
  - (e) Descriptions of the criteria and methods to be used to evaluate bids, including the weighting and ranking factors to be used to evaluate bids, and explanation of the extent to which grid services, frequency regulation, spinning reserves, and/or ramp control that the resource is capable of providing in addition to energy and/or capacity will be considered or evaluated;
  - (f) A statement that the terms of the solicitation application and evaluation criteria were developed by the qualified utility and the participating communities’ representative;<sup>9</sup>
  - (g) A statement addressing whether including an option in the Program Solicitation allowing the qualified utility to own the renewable energy asset is in the interest of participating customers and other customers of the qualified utility;<sup>10</sup>
  - (h) A statement identifying whether the Program Solicitation will be administered by the qualified utility or the participating communities’ representative;
  - (i) A statement identifying whether bids for Program Resources submitted into the Program Solicitation will be evaluated by the qualified utility or by the participating communities’ representative;
  - (j) If the qualified utility will either administer the Program Solicitation or participate in bid evaluation in the Program Solicitation, then the qualified utility shall include a description of its proposal for:
    - (i) how the qualified utility's personnel involved in evaluating bids and the qualified utility's personnel involved in preparing bids to the solicitation from the qualified utility will be prevented from sharing

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<sup>7</sup> Utah Code § 54-17-902(12)

<sup>8</sup> This provision is styled after the customer-specific provisions of R746-450-3 but removes references to rate recovery based on a competitive market price except where appropriate.

<sup>9</sup> R746-314-402(4).

<sup>10</sup> Utah Code § 54-17-908(2)(b)

- information in a manner that may lead to unfair advantage or the perception of unfair advantage in the selection of a resource; and
- (ii) how the qualified utility will avoid its involvement in bid evaluation or selection from being affected by bias.<sup>11</sup>
  - (k) Information sufficient for the Commission to make the following determination: the solicitation and evaluation processes to be used will create a level playing field in which the qualified utility and other bidders can compete fairly, including with respect to interconnection and transmission requirements imposed on bidders by the solicitation within the control of the Commission and the qualified utility, excluding its federally regulated transmission function, and will otherwise serve the public interest.<sup>12</sup>
- (3) Upon receipt of an application for approval of a Program Solicitation that seeks only to acquire Program Resources and does not seek to acquire Company Resources, the Commission shall provide public notice of the application. Interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments, and, unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will issue an order within 60 days of the application.
  - (4) If the Company and Program mutually agree to conduct the Program Solicitation concurrently with any other Company solicitation of Resources, Parts 1 through 5 of the Energy Resource Procurement Act are applicable and, in addition, the following shall also apply:<sup>13</sup>
    - (a) The solicitation must allow bidders to place separate bids for Program Resources and for Company Resources;
    - (b) The solicitation must require the bidder to identify whether the bid is for a Company Resource or a Program Resource;
    - (c) The solicitation must demonstrate that Company Resources will be selected separately from and prior to the selection of any Program Resource;
    - (d) The solicitation must describe how, after Company Resources are selected, bids for Program Resources will be evaluated and selected; and
  - (5) The Commission may approve a solicitation under this section only if the Commission determines that the solicitation and evaluation processes to be used will create a level playing field in which the qualified utility and other bidders can compete fairly, including with respect to interconnection and transmission requirements imposed on bidders by the solicitation within the control of the Commission and the qualified utility, excluding its federally regulated transmission function, and will otherwise serve the public interest.<sup>14</sup>
  - (6) Upon receipt of an application for approval of a Program Solicitation that seeks to acquire both Company Resources and Program Resources, the Commission shall provide public notice of the application. The process for approval of the application will be governed by the Energy Resource Procurement Act and R746-420.

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<sup>11</sup> R746-450-3(1)(h).

<sup>12</sup> Utah Code § 54-17-807(6)(b)

<sup>13</sup> R746-450-3(3)(c).

<sup>14</sup> Utah Code § 54-17-807(6)(b)



### **Application for Approval of Program Resources**

- (1) Before acquiring a Program Resource selected through a Program Solicitation:
  - (a) A qualified utility shall file an application for approval of the acquisition with the Commission that includes information sufficient for the Commission to make the following determinations:<sup>15</sup>
    - (i) That the solicitation, bid evaluation, and resource selection process complied with the rules for a Program Solicitation, other Commission rules, the Utah Code, and the Commission's order approving the solicitation process; and
    - (j) That the acquisition of the Program Resource is just and reasonable, complies with the Community Renewable Energy Act, and is in the public interest;
  - (b) The Commission will provide public notice of the application and interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments. The Commission will hold a scheduling conference to set the time for public hearing. Unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will set a hearing date that is within 75 days of the application.<sup>16</sup>

### **Combining Applications for Commission Approval**<sup>17</sup>

- (1) A qualified utility may combine its application for Commission approval of a specific customer solicitation with its application for Commission approval of the acquisition of a Program Resource selected through that specific customer solicitation if the following conditions are met:
  - (a) all information required to be included in an application for approval of a Program Solicitation is included in the combined solicitation and acquisition approval application;
  - (b) the qualified utility did not prepare or administer the Program Solicitation, and was not involved in the evaluation or selection of the resource selected through that Program Solicitation;
  - (c) the Program Solicitation is not combined with any other form of solicitation; and
  - (d) the qualified utility's application for combined approval meets the requirements of an application for approval of a Program Solicitation that only seeks to acquire a Program Resource and the requirements of an application for approval of a Program Resource.
- (2) The Commission shall provide public notice of the combined application and interested parties may file comments on the application within 30 days of the notice. Interested

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<sup>15</sup> R746-450-4(1)(a).

<sup>16</sup> R746-450-4(1)(b).

<sup>17</sup> R746-450-4(2).

parties shall have 15 days to respond to any comments. The Commission will hold a scheduling conference to set the time for public hearing. Unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will set a hearing date that is within 75 days of the application.

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