

THE COMMUNITY RENEWABLE ENERGY BOARD
RESOLUTION NO. 25-08

**A RESOLUTION OF THE BOARD REGARDING ADDITIONAL PROGRAM DESIGN
RECOMMENDATIONS**

WHEREAS, the Community Renewable Energy Board (“Board”) met in a special meeting on July 14, 2025 to consider, among other things, a resolution of the Board regarding additional program design recommendations; and

WHEREAS, in 2019, the Utah State Legislature enacted House Bill 411, codified at Utah Code §§ 54-17-901 through 909 (“Act”), titled the “Community Renewable Energy Act”; and

WHEREAS, in 2024, the Utah State Legislature enacted House Bill 241 and Senate Bill 214 which, collectively, renamed the Act the “Community Clean Energy Act” and amended certain provisions of the Act; and

WHEREAS, the Act authorizes the Public Service Commission of Utah (“Commission”) to establish a program (“Program”) whereby qualifying communities may cooperate with qualified utilities to provide electric energy for participating customers (“Participants”) from clean energy resources (“Program Resources”); and

WHEREAS, the Act further authorizes the Commission to adopt administrative rules to implement the Act and the Commission has adopted such rules as set forth in Utah Administrative Code R746-314-101 (“Rules”); and

WHEREAS, the Rules require that a customer of a qualified utility may be served by the Program if, in addition to the requirements of the Act, the community in which the customer resides also adopts an agreement with other eligible communities to establish a decision-making process for Program design, resource solicitation, resource acquisition, and other Program issues and provides a means of ensuring that eligible communities and those that become participating communities will be able to reach a single joint decision on any necessary Program issues; and

WHEREAS, on March 31, 2021 and thereafter, nineteen communities entered into such an agreement, entitled the Interlocal Cooperation Agreement Among Public Entities Regarding the Community Renewable Energy Program (“Governance Agreement”), through which each community is a member of the Community Renewable Energy Agency (“Agency”) and holds a seat on the Board which is authorized to make certain joint decisions about the Program; and

WHEREAS, the Governance Agreement stipulates that resource acquisition resulting in “an Incremental Rate Impact of 10% or more” would require a vote of “at least two-thirds (2/3) of all Eligible Communities or Participating Communities, as then applicable, and at least two-thirds (2/3) of the Participation Percentages of all Eligible Communities or Participating Communities, as then applicable”; and

WHEREAS, the Board created a Program Design Committee (“Program Design Committee”) pursuant to Resolution 21-05, in part to “work on program design matters,” “solicit outside consultants, experts, and legal counsel,” and “formulate program design questions/issues for Board consideration and determination”; and

WHEREAS, the Board engaged the law firm James Dodge Russell & Stephens pursuant to Resolution 21-18 to serve as legal counsel on energy and utility matters (“Outside Counsel”); and

WHEREAS, the Act and Rules establish that a qualified utility shall file an application (“Program Application”) with the Commission addressing numerous issues in connection with the design of the Program (“Program Design”); and

WHEREAS, Rocky Mountain Power is the qualified utility with respect to the communities who are members of the Agency and therefore responsible for filing the Program Application; and

WHEREAS, the Board previously approved resolution 25-01, which sets forth the Board’s recommendations with respect to Program Design (“Program Design Resolution”); and

WHEREAS, the Program Design Resolution noted, among other things, that “forward-looking clean energy costs are impacted by inflation, tariffs, interest rates, and an uncertain policy environment, and the only manner of ascertaining such costs is to run a competitive solicitation”; and

WHEREAS, Rocky Mountain Power submitted the Program Application to the Utah Public Service Commission (“Commission”) for review on January 24, 2025 and June 4, 2025 and this matter has been docketed as Docket No. 25-035-06 (“Program Application Docket”); and

WHEREAS, the Commission has ordered a schedule in the Program Application Docket, with Agency testimony due on July 18, 2025; and

WHEREAS, the Program Design Committee now recommends the Board adopt additional Program Design positions to support Agency testimony in the Program Application Docket.

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

- 1 If the Commission were to issue an order terminating the Program (“Program Termination Order”), such Program Termination Order should be issued only after a hearing and should address at least the following items:
 - a. evaluate the Program’s remaining reserve funds to determine how many additional months of the Program’s assigned share of any Power Purchase Agreement (“PPA”) costs such reserve funds can cover without supplement;

- b. notify Parties to any Program PPAs that such PPAs will terminate on a date certain when remaining reserve funds are exhausted; and
 - c. notify and unenroll Program participants.
- 2 If Resource Security is required for a clean energy acquisition, such Resource Security should be held in a dedicated resource reserve fund account (“Resource Reserve”), with each Program resource having its own such Resource Reserve. Furthermore, when a Resource Reserve holds sufficient funds to pay for the Program’s assigned share of a PPA over that Program Resource’s remaining term, the Resource Reserve balance may be expended for this purpose until exhausted.
- 3 Because clean energy cost and value have experienced dramatic recent volatility, the Board recognizes that the Program may not be able to acquire enough clean energy to meet its net-100% clean energy target by 2030 while keeping the cost of the Program at no more than \$3 and \$4 per month for the average resident. The Board’s position is that clean energy should continue to be acquired at no more than this target level of cost impact to Program customers until the net-100% clean energy target is achieved, even if later than 2030.
- 4 Board members and alternate Board members may submit testimony in the Program Application Docket on behalf of the Agency in consultation with Outside Counsel and the Program Design Committee, even if such testimony is not specifically approved by the Board, so long as such testimony is not inconsistent with any Board resolution.
- 5 Experts retained by Outside Counsel may submit testimony on behalf of the Agency in consultation with Outside Counsel and the Program Design Committee, even if such testimony is not specifically approved by the Board, so long as such testimony is not inconsistent with any Board resolution.
- 6 Anything set forth in any settlement stipulation agreed to by the Agency does not reflect and cannot be construed as a formal position or recommendation of the Agency without a formal Board resolution authorizing and adopting such position.
- 7 The Board hereby recognizes that final Program rates and charges and other Program Design details will be established by order of the Commission.

This Resolution assigned No. 25-08, shall take effect immediately.

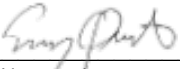
PASSED AND APPROVED by the Board this 14th day of July 2025.

**COMMUNITY RENEWABLE ENERGY
BOARD**



Dan Dugan, Chair

ATTEST:



Emily Quinton, Secretary