

# ROCKY MOUNTAIN POWER

Original Sheet No. 38-1

P.S.C. Wyoming No. 18

## Avoided Cost Purchases from Non-Standard Qualifying Facilities Schedule 38

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### Available

To owners of Qualifying Facilities (“QF”) in all territory served by the Company in the State of Wyoming.

### Applicable

To owners of existing or proposed QFs who desire to make sales to the Company and exceed the limits in Schedule 37 or are not able to obtain pricing under Schedule 37 because the Schedule 37 cap has been reached (each owner meeting the foregoing requirements a “QF Owner”). Every QF Owner is required to enter into written power purchase and interconnection agreements with the Company pursuant to the procedures set forth below. QF Owners that desire to make non-firm or as-available sales to the Company may identify their desire to do so as described in I.B.2(i). Additional or different requirements may apply to Wyoming QFs seeking to make sales to third-parties or out-of-system QFs seeking to wheel power to Wyoming for sale to the Company. QF Owners should initiate requests for interconnection as early in the planning process as possible, to ensure that necessary interconnection arrangements proceed in a timely manner on a parallel track with negotiation of the power purchase agreement.

### I. Process For Negotiating Power Purchase Agreements

#### A. Communications

All submissions, responses and notices required in this Schedule must be done in electronic or hard copy format. Requests and information may be submitted to the Company at [QFrequests@pacificorp.com](mailto:QFrequests@pacificorp.com). QF Owners may send communications to the Company regarding QF power purchase agreements in writing, by mail, as follows:

Rocky Mountain Power  
Manager - QF Contracts  
825 NE Multnomah St., Suite 600  
Portland, Oregon 97232

The Company shall respond to all such communications in a timely manner as more fully described below.

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(continued)

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# ROCKY MOUNTAIN POWER

Original Sheet No. 38-2

P.S.C. Wyoming No. 18

## Avoided Cost Purchases from Non-Standard Qualifying Facilities Schedule 38

**I. A. Communications (continued)**

If the Company is unable to respond on the basis of incomplete or missing information from the QF Owner, the Company will indicate what additional information is required. The Company shall respond in a timely manner following receipt of all required information as more fully described below.

**B. Procedures**

1. Examples of the Company’s pro forma power purchase agreement may be obtained from the Company’s website at [www.pacificorp.com](http://www.pacificorp.com), or if a QF Owner is unable to obtain it from the website, the Company shall send a copy via mail within seven calendar days of a written request directed to the address in Part I. A. The pro forma document provided (i) does not constitute an offer to enter into or negotiate an agreement, (ii) will include general terms and conditions, and (iii) will not include pricing or project specific information. Anyone who desires to enter into a power purchase agreement with the Company must proceed in accordance with this Schedule to request indicative pricing under Section I.B.2, to request a proposed power purchase agreement under Section I.B.4, and to negotiate and execute a power purchase agreement that is executed by the Company.
  
2. To obtain an indicative pricing proposal with respect to a proposed Project, the QF Owner shall provide in writing to the Company, general project information reasonably required for the development of indicative pricing. A Project is defined as an existing or proposed QF that desires to make sales to the Company and that can satisfy the requirements of Schedule 38. General project information shall at least include, but not be limited to:
  - a) A general description of the QF project and the QF Owner, including email address and other contact information;

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# ROCKY MOUNTAIN POWER

Original Sheet No. 38-3

P.S.C. Wyoming No. 18

## Avoided Cost Purchases from Non-Standard Qualifying Facilities Schedule 38

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- I. B. **Procedures** (continued)
- b) generation technology and other related technology applicable to the site;
  - c) design capacity (MW), station service requirements, and net amount of power to be delivered to the Company's electric system;
  - d) quantity and timing of monthly power deliveries (including Project ability to respond to dispatch orders from the Company) and an hourly generation profile (12X24 profile minimum, 8760 preferred) in Excel or other spreadsheet format with all formulae intact;
  - e) proposed site location and electrical interconnection point;
  - f) proposed on-line date (date on which deliveries of energy will commence) and outstanding permitting requirements;
  - g) demonstration of ability to obtain QF status (FERC Form 556);
  - h) fuel type(s) and source(s);
  - i) plans for fuel and transportation agreements, including plans for what party or parties will pay transmission costs(motive force plans);
  - j) proposed contract term and pricing provisions (i.e., fixed, escalating, indexed, non-firm/as-available) not to exceed the maximum length for a QF as established by the Wyoming Public Service Commission; and
  - k) status of interconnection arrangements including interconnection queue number.
3. Within seven (7) days of its receipt of a request for indicative pricing and supporting materials as specified in Paragraph 2 above, the Company shall confirm its receipt of the request and notify the QF Owner whether the request includes all of the required information or, if not, what additional information is needed to complete the request. The Company is not obligated to provide indicative pricing until the QF Owner provides all information described in Paragraph 2 to the Company in writing.

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## Avoided Cost Purchases from Non-Standard Qualifying Facilities Schedule 38

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I. B. **Procedures** (continued)

The Company shall provide the QF Owner with an indicative pricing proposal, which may include other indicative terms and conditions, tailored to the individual characteristics of the proposed Project within 30 calendar days after the Company notifies the QF Owner that its request for indicative pricing is complete. If the Company is unable to provide an indicative pricing proposal in the allotted time period, the Company will notify the QF Owner and provide an estimate of the time needed to complete the indicative pricing proposal along with an explanation of the reasons that such additional time is required. An indicative pricing proposal may be used by the QF Owner to make determinations regarding Project planning, financing and feasibility. However, indicative pricing proposals are not final and binding. Prices and other terms and conditions are only final and binding to the extent contained in a power purchase agreement executed by both parties and accepted for filing by the Wyoming Public Service Commission, and the Company has the right to update indicative pricing at any time prior to such execution. Upon request, the Company shall provide the QF Owner with the indicative prices a description of the methodology used to develop the prices. If the QF Owner requests back-up data for its indicative pricing, it shall either first enter into a non-disclosure agreement with the Company to protect the Company's proprietary information, or indicate to the Company that it wants a non-confidential version of such data.

4. If the QF Owner desires to proceed with the Project after reviewing the Company's indicative proposal, it shall request in writing that the Company prepare a draft power purchase agreement to serve as the basis for negotiations between the parties. In order for the request for a draft power purchase agreement to be considered complete, the QF Owner shall provide the Company with any additional Project information that the Company reasonably determines to be necessary for the preparation of a draft power purchase agreement, which may include, but shall not be limited to:

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# ROCKY MOUNTAIN POWER

Original Sheet No. 38-5

P.S.C. Wyoming No. 18

## Avoided Cost Purchases from Non-Standard Qualifying Facilities Schedule 38

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- I. B. **Procedures** (continued)
- a) updated information of the categories described in Paragraph I.B.2;
  - b) evidence of adequate control of proposed site;
  - c) identification of, and timelines for obtaining any necessary governmental permits, approvals or authorizations;
  - d) assurance of fuel supply or motive force;
  - e) anticipated timelines for completion of key project milestones;
  - f) evidence that any necessary interconnection studies have been completed and assurance that the necessary interconnection arrangements are being made in accordance with Part II; and
  - g) information describing the QF Owner, including name, address, and ownership organization chart.
5. Within seven (7) days of its receipt of a request for a power purchase agreement and the information specified in Section I.B.4, the Company shall confirm its receipt of the request and notify the QF Owner if the request includes all of the required information or, if not, what additional information is needed to complete the request. The Company is not obligated to provide the QF Owner with a draft power purchase agreement until the QF Owner provides all information required pursuant to Paragraph 4 to the Company in writing. The Company shall provide the QF Owner with a draft power purchase agreement containing a comprehensive set of proposed terms and conditions, including the then current indicative pricing proposal for the project, within 45 calendar days after the Company notifies the QF Owner that its request for a draft power purchase agreement is complete. If the Company is unable to provide a draft power purchase agreement in the allotted time period, the Company will notify the QF Owner and provide an estimate of the time needed to complete the draft power purchase agreement along with an explanation of the reasons that such additional time is required. The draft power purchase agreement shall serve as the basis for subsequent negotiations between the parties and, is not binding on the Company.

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# ROCKY MOUNTAIN POWER

Original Sheet No. 38-6

P.S.C. Wyoming No. 18

## Avoided Cost Purchases from Non-Standard Qualifying Facilities Schedule 38

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**I. B. Procedures** (continued)

6. Absent Commission approval to the contrary for good cause shown, a power purchase agreement executed under this Schedule shall include the following terms and conditions, among others:
  - a) For new QFs, the scheduled commercial operation date must not be greater than thirty (30) months after the execution date of the power purchase agreement;
  - b) For QFs with a currently effective power purchase agreement, the delivery term for any subsequent power purchase agreement must not begin more than thirty (30) months after the execution date of such subsequent agreement;
  - c) The QF Developer must provide 100% of the project development security within 30 days of the date the power purchase agreement has been filed with the Commission; and
  - d) The Company will retain the Green Tags associated with a QF's output.
  
7. After reviewing the draft power purchase agreement, the QF Owner shall prepare an initial set of written comments and proposals regarding the draft power purchase agreement and shall provide such comments and proposals, or notice that it has none, to the Company. The Company is not obligated to commence negotiations with a QF Owner until the QF Owner provides an initial set of written comments and proposals. Following the Company's receipt of such comments and proposals, the QF Owner shall contact the Company to schedule contract negotiations at such times and places as are mutually agreeable to the parties. In connection with such negotiations, the Company:
  - a) will not unreasonably delay negotiations and will respond in good faith to any additions, deletions or modifications to the draft power purchase agreement proposed by the QF Owner;
  - b) may request to visit the site of the proposed Project;

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**Avoided Cost Purchases from  
Non-Standard Qualifying Facilities  
Schedule 38**

- c) will update its pricing proposals at any time before the power purchase agreement is executed and accepted for filing by the Wyoming Public Service Commission to accommodate any changes to the Company's avoided-cost calculations, the proposed Project or proposed terms of the draft power purchase agreement;
- d) may request any additional information from the QF Owner necessary to finalize the terms of the power purchase agreement and satisfy the Company's due diligence with respect to the Project; and,
- e) shall resolve any disputes related to power purchase agreement terms consistent with Part III of this tariff.

8. The Company is not obligated to prepare and forward a final executable version of the power purchase agreement until both parties are in full agreement with all terms and conditions of the draft power purchase agreement. The Company will prepare and forward a final executable version of the power purchase agreement to the QF Owner within 45 calendar days after the date the parties indicate full agreement to all terms and conditions of the draft power purchase agreement. The Company is permitted to condition execution of the power purchase agreement upon simultaneous execution of an interconnection agreement between the QF Owner and the Company's power delivery function, as discussed in Part II. Prices and other terms and conditions in the power purchase agreement are not final and binding until the power purchase agreement is executed by both parties and accepted for filing by the Wyoming Public Service Commission.

**II. Process for Negotiating Interconnection Agreements**

In addition to negotiating a power purchase agreement, QF Owners intending to make sales to the Company are required to enter into an interconnection agreement that governs the physical interconnection of the Project to the Company's transmission or distribution system.

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# ROCKY MOUNTAIN POWER

Original Sheet No. 38-8

P.S.C. Wyoming No. 18

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The Company is not obligated to make purchases from a QF Owner until that QF Owner consummates all necessary interconnection arrangements required under this Section.

QF Owners should initiate requests for interconnection as early in the planning process as possible, to ensure that necessary interconnection arrangements proceed in a timely manner on a parallel track with negotiation of the power purchase agreement.

Because of functional separation requirements mandated by the Federal Energy Regulatory Commission, interconnection requests are handled by a different function within the Company than power purchase agreements are. Interconnection agreements (both transmission and distribution level voltages) are handled by the Company's power delivery function. Because the power delivery function employees are generally prohibited by law from communicating with the employees that negotiate power purchase agreements about another company's interconnection requests, and the law requires that their files systems and work spaces also be separate, QF Owners must independently request QF interconnection service from the power delivery function as set forth in Section II.A below.

### II. A. Communications

Initial communications regarding interconnection agreements should be directed to the Company in writing as follows:

PacifiCorp Transmission  
Transmission Account Management  
825 NE Multnomah St., Suite 1600  
Portland, Oregon 97232

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Based on the Project size and other characteristics, the Company shall direct the QF Owner to the appropriate individual within the Company's power delivery function responsible for negotiating the interconnection agreement with the QF Owner. Thereafter, the QF Owner should direct all communications regarding interconnection agreements to the designated individual, with a copy of any written communications to the address set forth above.

### **B. Procedures**

Generally, the interconnection process involves (1) initiating a request for interconnection, (2) completion of studies to determine the system impacts associated with the interconnection and the design, cost, and schedules for constructing any necessary interconnection facilities, (3) execution of an Interconnection Facilities Agreement to address facility construction, testing and acceptance, and (4) execution of an Interconnection Operation and Maintenance Agreement to address ownership and operation and maintenance issues.

For interconnections that impact the Company's Transmission System, the Company shall process the interconnection application through PacifiCorp Transmission Services following the procedures for studying the generation interconnection described in the latest version of the Company's Open Access Transmission Tariff, PacifiCorp FERC Electric Tariff, Volume No. 11 Open Access Transmission Tariff (OATT) on file with the Federal Energy Regulatory Commission. A copy of the OATT is available on-line at:

<http://www.oasis.oati.com/ppw>.

For interconnections that only impact the Company's Distribution System, the Company will process the interconnection application through the Manager – QF Contracts at the address shown in Part I. A.

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- III. Process for Filing a Complaint with the Commission on Contract Term**  
Before filing a complaint with the Wyoming Public Service Commission on any specific power purchase agreement term not agreed upon between the QF Owner and the Company, the QF Owner must provide the Company 60 days advanced notice in writing that it cannot reach agreement on a specific term to allow the parties time to attempt to negotiate a potential resolution on the disputed term. This includes but is not limited to any disputes that are not resolved through the procedures set forth in Part I. B. 6.
- IV. Transmission Capacity and Avoided Costs Pricing**  
If a QF project is located in a geographic location that is transmission constrained or in which transmission capacity is physically available, but contractually constrained or unavailable, a QF project has two options regarding how proposed but not yet in-service transmission projects are treated in the calculation of avoided costs pricing:
- 1) The QF Owner may elect to receive avoided cost pricing that contains two price streams: one stream that assumes proposed transmission projects are not completed, and a second price stream that assumes proposed transmission projects are completed. If this election is made, the first price stream that assumes proposed transmission projects are not completed will be in effect unless and until proposed transmission projects are energized and placed into service and the resulting incremental transmission capacity eliminates the QF deliverability restrictions.
  - 2) The QF Owner may elect to receive an avoided cost price based on transmission availability at the time indicative pricing is requested, which means the price assumes proposed transmission projects are not completed.

At the time a pricing request is made under Section I.B.2, the QF Owner shall inform the Company as to which option it desires. If no selection is made by the QF Owner, the Company will provide pricing based on option 2.

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