

BEFORE THE WYOMING INDUSTRIAL SITING COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE INDUSTRIAL)	
SITING PERMIT APPLICATION OF)	DOCKET NO. DEQ/ISC 21-07
ROCK CREEK WIND, LLC)	

ORDER GRANTING TRANSFER OF PERMIT

WHEREAS Rock Creek Wind Energy, LLC (Rock Creek I) is the original permittee of DEQ/ISC Permit No. 21-07; and

1. Under DEQ/ISC Permit No. 21-07, the Rock Creek Wind Energy Project (Project) is permitted to be constructed in two phases.
2. Rock Creek I currently owns all Project assets and holds DEQ/ISC Permit No. 21-07.
3. Rock Creek I is a wholly owned subsidiary of Invenergy, LLC (Invenergy).
4. Rock Creek Wind II LLC (Rock Creek II), also a wholly owned subsidiary of Invenergy, will be assigned the second phase assets of the Project.
5. Rock Creek I/Rock Creek II/Invenergy and PacifiCorp will enter an agreement in which PacifiCorp will purchase and become the sole owner of the Project assets of both Rock Creek I and Rock Creek II, thereby making PacifiCorp the sole owner of the permitted Project.
6. Rock Creek I submitted a written request to the Industrial Siting Division of the Wyoming Department of Environmental Quality (Division) on February 14, 2023, to amend DEQ/ISC Permit No. 21-07 in order to accommodate the transfer of the second phase aspect of the Permit to Rock Creek II and then to transfer the Permit to PacifiCorp upon the execution of the sale of all Project assets to PacifiCorp.
7. Rock Creek II and PacifiCorp agree to comply with the terms, conditions and modifications contained in DEQ/ISC Permit No. 21-07.

8. Wyo. Stat. § 35-12-106(b) authorizes the Industrial Siting Council (Council) to allow a permit to be transferred to a person who agrees to comply with the terms, conditions and modifications contained in the permit.

9. Chapter 1, Section 14(b) of the Council's Rules and Regulations authorize transfers of permits to a different person buying the assets of the permitted facility if:

(i) The matter is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective buyer.

(ii) The matter is heard by the Council at its next meeting after notice is published and parties are notified.

(iii) Appropriate officers of the current permit holder and the acquiring company are present for examination by the Council

10. Following the request to the Division, the Council's next available public meeting was on April 20, 2023, in Cheyenne, Wyoming. At that meeting, in accordance with Wyo. Stat. § 35-12-106(b), the Council heard the request for the proposed transfer.

11. Present during the consideration of the request were Council-members Dusty Spomer (Chairman), Jeff Wallace, Robert Spence, Brenda Schladweiler and Kristen Lee. Also present were representatives of Rock Creek I, Rock Creek II, Invenergy and PacifiCorp.


12. The Council considered the written request and verbal testimony during the meeting.

13. The representatives of the companies discussed the need to change the permittee name on DEQ/ISC Permit No. 21-07 based upon the assignment of the second phase assets to Rock Creek II and the forthcoming sale of all Project assets to PacifiCorp.

14. Based upon the evidence and testimony presented, the Council voted unanimously to approve the addition of Rock Creek II to DEQ/ISC Permit No. 21-07 and to the transfer of DEQ/ISC Permit No. 21-07 to PacifiCorp upon its purchase of the Project assets from Rock Creek I and Rock Creek II.

ACCORDINGLY, Rock Creek II is added to DEQ/ISC Permit No. 21-07 and the Permit is transferred to PacifiCorp upon its purchase of all Project assets.

So ordered this 26th day of April 2023.

A handwritten signature in dark ink, appearing to read 'Dusty Spomer', is written over a horizontal line.

Dusty Spomer, Chairman
Industrial Siting Council
200 West 17th Street, Suite 400
Cheyenne, WY 82001
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by mailing a true and correct copy, postage prepaid, on the 27 day of April 2023, addressed to the following:

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Industrial Siting Division
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Industrial Siting Division