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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**In the Matter of: Potential Amendments to
Utah Administrative Code R746-100**

Docket No. 16-R100-02

**DIVISION OF PUBLIC UTILITIES
INITIAL COMMENTS IN RESPONSE TO
PROPOSED AMENDMENTS**

Pursuant to Utah Code Ann. § 54-4a-1 and Utah Admin. Code r746-100 the Utah Division of Public Utilities (“Division”), hereby submits these Comments in response to the Public Service Commission of Utah’s (“Commission”) May 17, 2016 Request for Comments in this docket.

The Division submits these comments regarding an issue that should be considered in the amendments proposed to Rule 746-100. The proposed rule change language as understood by the Division will change the customer complaint process. The Division currently receives informal written complaints. The Division investigates complaints and as mediates the complaint with the utility as appropriate. If a customer is not satisfied with the informal mediation process provided by the Division the customer may file a formal complaint with the Commission. The formal

complaints are treated as requests for agency action and become informal or more commonly formal adjudicative proceedings.

Under the proposed rule as the Division understands the language, all complaints would be designated as informal and the language lacks provisions for converting such complaints to formal complaints. Similarly the language would not consider a complaint as a request for agency action. The informal mediation process that the Division provides often results in satisfactory resolution of the issues in an efficient and expedient manner. The Division also recognizes that some matters are not appropriate for Division mediation. For example some utility tariffs such as Rocky Mountain Power Schedule No. 38 provides for Qualifying Facilities who are in disagreement with the company to file informal or formal complaints.¹

The Division is proposing the following edits to the current proposed language to address this issue. The purpose of the proposal is to provide a venue for customers to utilize the Division's mediation process by filing an informal complaint with the Division for common service and billing related matters while allowing other matters to be filed directly with the commission in a formal complaint.

R746-1-201. Definitions

(5)(a) "Initial pleading" means a request for agency action, which includes:

- (i) an application;
- (ii) a petition;
- (iii) an order to show cause;
- (iv) a formal complaint filed with the Commission; and
- (v) any other filing reasonably calculated to initiate an adjudicative proceeding.

(b) "Initial pleading" does not include:

- (i) an informal complaint filed with the Division;
- (ii) a motion or similar filing in a docket; or
- (iii) an informational filing that does not request or require Commission action.

¹ See Rocky Mountain Power Schedule No. 38 sheet 38.11.

R746-1-201. H. ~~Consumer~~ Complaints.

(1) A person may file with the Commission a formal complaint against a public utility for matters related to service and/or customer billing if the person has first:

(a) attempted to resolve the complaint with the utility's customer relations department; and

(b) ~~reported the~~ filed an informal complaint with the Division for investigation.

(2) A person may file with the Commission a formal complaint against a public utility for matters not related to utility service or customer billing without having first filed an informal complaint with the Division.

(3) To file a formal complaint, a person shall:

(a) provide a concise and legible account of the facts and circumstances including the requested relief; and

(b) evidence of having served the complaint on the public utility, pursuant to R746-1-203(2)(b).

(4) A formal complaint filed under this Section is considered a request for agency action.

(5) The commission shall make an initial nonbinding determination to proceed with a properly filed formal complaint as a formal or informal adjudicative proceeding within a reasonable time after filing. The commission may convert a formal adjudicative proceeding to an informal adjudicative proceeding, or an informal adjudicative proceeding to a formal adjudicative proceeding pursuant to Utah Code Section 63G-4-202.

The Division appreciates the Commission's efforts in simplifying and consolidating its rules. The Division supports retaining the Division's mediation of informal complaints where appropriate as well as retaining the ability to file formal complaints when necessary.

Respectfully Submitted this 18TH day of July, 2016

/s/Justin Jetter

Justin C. Jetter

Attorney for the Division of Public Utilities