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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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

**Docket No. 16-R100-2**

**INITIAL COMMENTS OF THE UTAH  
ASSOCIATION OF ENERGY USERS**

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The Utah Association of Energy Users (“UAE”) submits these initial comments on the Commission’s proposed amendments to Utah Code R746-100. The referenced line numbers are to the tracked/redlined version of the proposed amendments that was provided with the Commission’s Request for Comments:

1. R746-1-103(7); Line 92: The word “timely” should be eliminated to account for the possibility of a late-filed intervention granted by the Commission for good cause shown.
2. R746-1-104(a) and (b); Lines 142-144: These categories of informal proceedings require further thought. For example, some Complaints may warrant a formal process.

Moreover, the Commission will not know whether a CPCN application will be opposed until after it is filed and noticed.

3. R746-1-105; Line 165: The following should be added at the end of the sentence after “et seq.”: “; or (3) order of the Commission,” to preserve Commission authority over Commission proceedings.
4. R746-1-109(2); Line 233: The words “or that the deviation is otherwise warranted under the circumstances” should be added at the end of the sentence, after “outweighs the benefits of the rule,” to account for unusual circumstances and to avoid an unnecessarily narrow interpretation of the Commission’s authority to grant deviations.
5. R746-1-201(1)(b); Lines 240-241: This language should be deleted. A “report” to or “investigation” by the Division should be an option, and perhaps even a recommended option, but they should not be prerequisites to a Commission Complaint. Moreover, the language is ambiguous as to whether a Division investigation is also a prerequisite, or for how long after filing a “report” with the Division a person must wait before filing a Complaint.
6. R746-1-203(1); Line 310 (and elsewhere): UAE supports the elimination of a requirement to make a paper filing in addition to an electronic filing.
7. R746-1-205(9); Lines 436-438: This deletion requires further thought. Commission requirements for complete filings or requirements contained in Commission orders or regulations should be required for a complete filing.
8. R746-1-501(Lines 659-662): These highlighted sections should be included. In addition, the following language should be added on line 661 after “request for

discovery”: “and a party responding to discovery shall file its response”. Data responses should be filed on all intervenors without the need for a separate request. Moreover, the rules should contemplate and accommodate an electronic bulletin board for discovery requests and responses.

UAE appreciates this initial opportunity to provide comments, and suggests that a technical conference may be appropriate at which interested parties can engage in a constructive dialogue with the Commission regarding its proposed updates to Commission procedures.

Respectfully submitted this 18<sup>th</sup> day of July 2016.

HATCH, JAMES & DODGE

/s/ \_\_\_\_\_  
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