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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Approval of Utah Power
and Light's Tariff P.S.C.U. No. 42, Re:
Schedule 70 - New wind, Geothermal and
Solar Power Rider

Docket No. 00-035-T01

REQUEST FOR RECONSIDERATION OR CLARIFICATION

The Committee of Consumer Services ("Committee") requests that the Commission reconsider and/or clarify its *Order Approving Tariff with Certain Conditions* issued April 17, 2000, in this matter. Specifically, the Committee requests further direction from the Commission regarding the make-up and duties of the stakeholder advisory group referred to in the order.

ISSUES

The Order states:

The Commission orders the Company to convene an advisory group to review and make recommendations for changes in the marketing campaign which will better promote the program and the interests of participants. We decline to adopt the Committee's recommendation that the advisory group have approval authority over marketing, but we request that the advisory group submit an evaluation report to the Commission. We expect this will assist us in deciding ratemaking treatment.

Advisory Group. The make-up of this advisory group is not addressed in the Order. The Committee suggests that it would be more appropriate for the Commission to establish the make-

up of that group than for the Company to do so. The Committee recommends that the group have as participants, at a minimum, those parties that filed comments in this docket. Other appropriate parties should also be identified.

Duties. The Committee also requests further direction and clarification from the Commission regarding the role and duties of this group. The Order requests an evaluation report from that group, but leaves numerous questions unanswered. What should the report cover? When should it be filed? Should reports be done periodically and if so, how often? The Committee requests clarification.

Adequate Information. One of the concerns set forth in the Committee's comments in this docket was that sufficient and understandable information be given to potential participants so they could make an informed decision to participate or not. The Order states that the advisory group should "review and make recommendations for changes in the marketing campaign which will better promote the program and the interests of participants."¹

The Committee continues to believe that marketing materials should receive advance scrutiny for the adequacy of the information given to potential participants prior to their being charged for shares. This tariff seeks voluntary contributions from ratepayers. The potential problem is if a ratepayer misunderstands what the funds will be used for. This is not a case where after-the-fact review can remedy a problem by disallowing costs – a customer will either choose to donate \$4.75, or some multiple thereof, per month, or donate nothing. The Committee urges the Commission to establish a procedure whereby the advisory group would receive proposed marketing materials sufficiently in advance of publication such that any potential

¹ The Committee understands that one purpose of this report is to address the extent to which marketing furthers the image of PacifiCorp rather than promotes the plan, and that this will be taken into consideration in decisions regarding PacifiCorp's cost recovery from the funds collected. If this interpretation of the order is in error, the Committee requests clarification.

problems with the material can be brought to the attention of the Commission for expeditious resolution *before publication*. That will avoid problems of ratepayers contributing based on insufficient information.

Cost Analysis. The Order also requires the Company to submit a cost analysis “as soon as possible after contracts for constructing facilities, or for the purchase of power, are obtained and updated as appropriate.” The Committee suggests that it would be appropriate and helpful if the advisory group were also required to file an analysis of costs and the reasonableness of the premium each time the Company is required to file such a report. Reports from the company and advisory group about how money collected from participating ratepayers is being spent prior to contracts for construction or purchase are entered into would also be useful to track marketing costs and effectiveness. The Committee requests that the Commission direct the company and advisory group to file such reports at appropriate minimum intervals, such as every six months.

CONCLUSION

The Committee does not oppose a green tariff. The Committee is concerned, however, that PacifiCorp’s Utah customers receive adequate information to make an informed decision to participate or not, and that customers continue to receive adequate regulatory protection against unwarranted costs. The Committee requests that the Commission reconsider and clarify its Order as set forth herein.

DATED this 8th day of May, 2000.

By
Douglas C. Tingey
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing Request for Reconsideration or Clarification, in Docket No. 00-035-T01, to be mailed, postage prepaid or hand delivered on this 8th Day of May, 2000, to the following:

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