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DEPARTMENT OF COMMERCE Committee of Consumer Services

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To: Public Service Commission

From: Committee of Consumer Services
Michele Beck, Director
Cheryl Murray, Utility Analyst

Date: April 18, 2008

Subject: In the Matter of the Complaint of Rocky Mountain Power Against Heber Light & Power Regarding Unauthorized Service by Heber Light & Power in Areas Certificated to Rocky Mountain Power – Docket No. 07-035-22.

The Utah Committee of Consumer Services does not intend to respond to Heber Light & Powers' motion to dismiss Rocky Mountain Power's Petition in Docket 07-035-22 upon jurisdictional grounds. The Committee does not believe that its statutory mandate to represent residential and commercial utility customers requires that the Committee address the subject matter jurisdiction question in what is a unique dispute over certificated territory. The Committee's position is that whether or not the Commission determines that it does have jurisdiction, Heber Light & Power customers located outside of the boundaries of the municipalities that constitute the inter-local utility are entitled to certain consumer protections provided by Utah law. Among these are:

- Consumers should have available to them service quality and program options comparable to other customers with similar usage levels and patterns served by the same electric provider.
- Rates charged similar classes of service should be non-discriminatory, non-preferential, based upon cost of service, and non-contributory to any non-utility municipal function.
- Consumers should have access to unbiased dispute resolution processes, including the ability to make assertions that comparable treatment has not been provided.
- Existing and future consumers should have the ability to easily determine which electric service provider will serve each geographic area.
- In the case that a resolution to this case involves a change in electric service provider to existing customers, the governing authority should provide those affected consumers with notice and an opportunity to comment prior to the enactment of such a change.

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