- BEFORE THE PUBLIC SERV	/IC	E COMMISSION OF UTAH -
Mountain Power for Authority to Increase its)	
Retail Electric Utility Service Rates in Utah)	DOCKET NO. 07-035-93
and for Approval of its Proposed Electric Service Schedules and Electric Service)	
Regulations, Consisting of a General Rate)	REPORT AND ORDER ON
Increase of Approximately \$161.2 Million)	COST OF SERVICE AND RATE DESIGN
Per Year, and for Approval of a New Large)	
Load Surcharge)	
)	
		ISSUED: November 6, 2008

SHORT TITLE

Rocky Mountain Power 2007 General Rate Case Phase II Order on Cost of Service and Rate Design

SYNOPSIS

The Commission approves the Stipulation in Cost of Service, Rate Spread and Rate Design - Phase II.

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APPEARANCES:

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Paul H. Proctor, Esq. Assistant Attorney General	"	Committee of Consumer Services
Gary A. Dodge, Esq. Attorneys at Law Hatch, James & Dodge	"	UAE Intervention Group
F. Robert Reeder, Esq. Attorneys at Law Parsons, Behle & Latimer	11	Utah Industrial Energy Consumers
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Victoria R. Mandell, Esq. Western Resource Advocates	"	Western Resource Advocates, Utah Clean Energy
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Holly Rachel Smith, Esq. Russell W. Ray, PLLC	"	Wal-Mart Stores, Inc.

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I. BACKGROUND AND PROCEDURAL HISTORY

On December 27, 2007, and January 9, 2008, the Commission issued scheduling orders which bifurcated this proceeding into Phase I - Revenue Requirement and Phase II - Cost of Service. Phase I of this proceeding was completed with the issuance of the Commission's August 11, 2008, Report and Order on Revenue Requirement, August 21, 2008, Erratum Report and Order on Revenue Requirement, and October 13, 2008, Order on Reconsideration. Phase II of this proceeding, as represented by the following procedural history, decides the spread of the overall revenue increase to rate schedules and sets rates based on an analysis of cost of service issues and consideration of rate design proposals.

On March 6, 2008, PacifiCorp, doing business in Utah as Rocky Mountain Power ("Company"), filed Supplemental Direct Testimony and Exhibits including direct testimony on cost of service, rate spread and rate design. On July 21, 2008, the following parties filed written direct testimony on cost of service, rate spread and rate design issues: the Utah Division of Public Utilities ("Division"); the Utah Committee of Consumer Services ("Committee"); collectively by the Utah Association of Energy Users Intervention Group and Wal-Mart Stores, Inc. ("UAE/Wal-Mart"); the Utah Industrial Energy Consumers ("UIEC"); Nucor Steel-Plymouth, a Division of Nucor Corporation ("Nucor"); the Kroger Company ("Kroger"); Western Resource Advocates ("WRA"); collectively by AARP, Salt Lake Community Action Program and Crossroads Urban Center¹ ("AARP/URA"); and collectively by WRA and Utah Clean Energy ("WRA/UCE").

¹Salt Lake Community Action Program and Crossroads Urban Center are collectively referred to as the Utah Ratepayers Alliance ("URA")

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On August 14, 2008, the Commission issued a Third Amended Scheduling Order.

On August 26, 2008, the Division filed a Request to Modify Schedule and the Commission issued a Fourth Amended Scheduling Order Changing Testimony Filing Dates. On September 2, 2008, WRA filed a Notice of Appearance of Attorney Licensed in a Foreign State. On September 3, 2008, the Company, the Division, the Committee, Kroger, UAE/Wal-Mart, UIEC, and WRA/UCE filed rebuttal testimony on cost of service and rate design issues and the Commission received one public comment e-mail.

On September 22, 2008, the Commission issued a Fifth Amended Scheduling Order. On September 24, 2008, the Division, the Committee, UAE/Wal-Mart, UIEC, AARP/URA, and WRA/UCE filed surrebuttal testimony on cost of service and rate design issues. On September 25, 2008, the Company filed surrebuttal testimony.

On September 29, 2008, the following parties filed a Stipulation in Cost of Service, Rate Spread, and Rate Design – Phase II ("Stipulation"): the Company, the Division, the Committee, UAE, UIEC, Kroger, AARP, Nucor, Wal-Mart, Utah Farm Bureau Federation, Salt Lake Community Action Program, and Crossroads Urban Center. In addition, on September 29, 2008, the Company filed a Motion for Approval of Stipulation and the Commission issued a Sixth Amended Scheduling Order.

On September 30, 2008, the Commission issued a Seventh Amended Scheduling Order. After due notice, on October 7, 2008, a hearing was held to address the Stipulation and other cost of service, rate spread, and rate design issues.

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II. STIPULATION IN COST OF SERVICE, RATE SPREAD AND RATE DESIGN A. Overview

Without modifying its terms in any way, the following is a brief summary of the Stipulation in Cost of Service, Rate Spread and Rate Design - Phase II ("Stipulation"). The Stipulation and its attached Exhibit A are included as an Appendix to this order.

The Stipulation is entered into by the Company, Division, Committee, UIEC, UAE, Kroger, AARP, Salt Lake Community Action Program, Nucor, Wal-Mart, Utah Farm Bureau Federation, and Crossroads Urban Center ("Parties"). The Parties agree, subject to Commission approval and for the purposes of this Stipulation only, the \$36.164 million increase granted to the Company in the Commission's August 21, 2008, Erratum Report and Order, or any other rate increase ultimately ordered as a result of reconsideration or appeal, shall be allocated on a uniform percentage basis to all customer classes. The Stipulation applies the rate increase to each customer class as a surcharge tariff rate rider collected through Schedule No. 97, Tariff Rider Rate to each customer's bill.

Additionally, the Company agrees to initiate an education program for residential customers regarding the Company's residential rate structure and energy efficiency. This education program shall be treated as a component of the Company's demand side management ("DSM") program and all costs incurred by the Company, as reviewed and approved by the Commission, shall be recovered through Schedule No. 193, Demand Side Management Cost Adjustment surcharge. Further, the Division agrees to establish a DSM group to discuss and investigate rate design proposals to promote conservation and energy efficiency. This group is

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to convene within 30 days of the date of this order and will submit a report to the Commission within six months of the group's first meeting.

The Parties recommend the Commission approve the Company's proposed changes, as filed, to Street Lighting Service rules and schedules. As described in the Stipulation, these changes clarify service applicability and provisions, align the language in the applicable rules and schedules with tariff language in other PacifiCorp service territories, reflect industry standards and legislative changes, better appropriate costs to those responsible for those costs and propose new metal halide lamps for Schedule No. 11.

The Company agrees to withdraw changes it proposed to Regulation No. 3R.3 requiring former customers to be responsible for court costs, attorney's fees and/or collection agency fees incurred in the collection of unpaid debt, and further agrees to exclude such proposed changes in the event the Company re-files the 2008 rate case, Docket No. 08-035-38. The Parties recommend the Commission approve the Company's proposed changes, as filed, to Electric Service Regulations No. 7 and No. 12. The Stipulation states the purpose of these changes is to improve the clarity of the Company's regulations and to better describe the application of these regulations.

B. Discussion, Findings and Conclusions

Eight parties and the Utah Farm Bureau Federation, representing a diversity of interests, signed the Stipulation. The Parties state they participated in several settlement conferences on the cost of service, rate spread and rate design phase of the case. The Parties agree the Stipulation is in the public interest. The Company, Division, and Committee provide

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testimony recommending the Commission approve the Stipulation. No party of record provides testimony opposing approval of the Stipulation.

The Division testifies it supports the stipulation for several reasons. The Division argues the Company's cost-of-service ("COS") study can not be relied upon to support a non-uniform revenue spread or changes in rate design. This is because there are unanswered questions regarding the applicability of the Company's load research data to the population load. This issue, coupled with the size of the approved revenue increase and the knowledge the Company has filed a new case and therefore these rates are not likely to be in effect next summer when the design changes would have greatest effect, leads the Division to conclude the Stipulation's uniform percentage increase is just and reasonable.

The Committee testifies the Stipulation is consistent with the recommendations it made in pre-filed written testimony. The Committee had challenged certain aspects of the Company's COS study which rendered the study unreliable for making rate spread decisions in this case. Consequently, the Committee recommended a uniform rate increase for all tariff rate schedules, and to further study specific issues. The Committee testifies it would be difficult, under the circumstances in this case, to accomplish the price-signal goals set forth in its proposed rate design and therefore the Committee supports continued use of the Schedule No. 97 surcharge with the intent of advancing other policy objectives in subsequent cases.

The Company testifies the Stipulation is fair and in the public interest. At hearing, the Company agrees to work with the Division and other parties to address concerns raised in this case with the Company's COS study, and to try to expedite its effort so the study may provide a reliable basis for decisions in the next general rate case.

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WRA/UCE does not oppose the Stipulation but did not sign on because rate design issues are of critical importance to ratepayers today and any delay in implementing beneficial rate design hurts customers. Nonetheless, WRA/UCE supports several components of the Stipulation and testifies the Stipulation is a compromise agreement that will not harm the public interest. Further, another rate case is already filed and therefore WRA/UCE believes rate design issues can be addressed soon.

Our consideration of the Stipulation is directed by Utah statutory provisions in U.C.A §54-7-1 that encourage informal resolution of matters brought before the Commission. After examining the Stipulation and the evidence contained in the record, the Commission concludes that its terms are just and reasonable and in the public interest and it is just and reasonable in result. We are encouraged by the Company's commitment to address the concerns parties raise regarding the Company's COS study and look forward to resolving cost of service and rate design issues in the next general rate case. Based upon the foregoing, the Commission approves the Stipulation.

The Commission's approval of the Stipulation, as in similar cases, is neither intended to alter any existing Commission policy nor to establish any precedent by the Commission.

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III. ORDER

Wherefore, pursuant to our discussion, findings and conclusions made herein, we order:

- The Stipulation in Cost of Service, Rate Spread and Rate Design Phase II is approved.
- PacifiCorp shall file appropriate tariff revisions consistent with the decisions made herein.
- 3. The tariff revisions shall reflect the determinations and the decisions contained in this Order. The Division shall review the tariff revisions for compliance with the terms of this Order.
- 4. Study groups shall be established as specified in the Stipulation.

This Report and Order constitutes final agency action on the Company's December 17, 2007, Application. Pursuant to U.C.A. §63-46b-12, an aggrieved party may file, within 30 days after the date of this Report and Order, a written request for rehearing or reconsideration by the Commission. Pursuant to U.C.A. §54-7-15, failure to file such a request precludes judicial review of the Report and Order. If the Commission fails to issue an order within 20 days after the filing of such request, the request shall be considered denied. Judicial review of this Report and Order may be sought pursuant to the Utah Administrative Procedures Act (U.C.A. §63-46b-1 et seq.).

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DATED at Salt Lake City, Utah, this 6th day of November, 2008.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard Commission Secretary G#59780

IV. APPENDIX

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Authority To Increase its Retail Electric Utility Service Rates in Utah and for Approval of Its Proposed Electric Service Schedules and Electric Service Regulations, Consisting of a General Rate Increase of Approximately \$161.2 Million Per Year, and for Approval of a New Large Load Surcharge

DOCKET NO. 07-035-93

STIPULATION IN COST OF SERVICE, RATE SPREAD AND RATE DESIGN - PHASE II

1. This Stipulation in the Cost of Service, Rate Spread and Rate Design Phase of Docket 07-035-93 ("Stipulation") is entered into by and among the parties whose signatures appear on the signature pages hereof (collectively referred to herein as the "Parties").

I. INTRODUCTION

2. The terms and conditions of this Stipulation are set forth herein. The Parties represent that this Stipulation is in the public interest and recommend that the Utah Public Service Commission (the "Commission") approve the Stipulation and all of its terms and conditions.

II. BACKGROUND

3. On December 17, 2007, Rocky Mountain Power (the "Company") filed an application, together with revenue requirement, cost of service, rate spread and rate design testimony, for a rate increase of \$161.2 million based on a 12 month forecast test period beginning July 1, 2008 and ending June 30, 2009.

- 4. The Commission issued its Report and Order on Revenue Requirement on August 11, 2008 ("Original Order"), approving an increase in the Company's revenue requirement in the amount of \$33.378 million, based on a forecasted 2008 test period and an allowed rate of return on equity of 10.25%.
- 5. The Commission issued its Erratum Report and Order on Revenue Requirement on August 21, 2008 ("Erratum Order") after being made aware of a calculation error contained in the Original Order related to the generation overhaul adjustment. Consequently, the Commission, in its Erratum Order, increased the Company's annual revenue requirement to \$36.164 million. The Company made a compliance filing reflecting the change in the approved revenue requirement in the Erratum Order, which filing is attached hereto as Exhibit A.
- 6. Non-company parties filed testimony in the cost of service, rate spread and rate design phase of the case on July 21, 2008. The Company and other parties filed rebuttal testimony on September 4, 2008. The Company and certain other parties filed surrebuttal testimony on September 24, 2008.
- 7. Parties have participated in several settlement conferences on the cost of service, rate spread and rate design phase of the case.
- 8. Certain parties raised questions on how the acquisition or retaining of renewable energy certificates associated with demand side management and energy efficiency projects should be handled. The Parties agreed that these issues should be addressed by a Commission rulemaking docket as prescribed in SB202 or in another appropriate proceeding.

9. As a result of the settlement negotiations, the Parties to this Stipulation have agreed to the cost of service, rate spread and rate design and other matters specified herein.

III. TERMS OF STIPULATION.

Subject to Commission approval and for purposes of this Stipulation only, unless otherwise noted, the Parties agree as follows:

- 10. Cost of Service, Rate Spread and Rate Design.
- a. <u>Implementation of Rate Increase</u>. The \$36.164 million increase granted to the Company in the Erratum Order, or any other rate increase ultimately ordered as a result of reconsideration or appeal, shall be allocated on a uniform percentage basis. The current increase granted by the Commission will continue to be collected through Schedule 97, Tariff Rider Rate.
- b. <u>Education Program</u>. The Company agrees to initiate an education program ("Program") for residential customers regarding the Company's residential rate structure and energy efficiency. The Program shall be treated as a component of the DSM program and all costs incurred by the Company, as reviewed and approved by the Commission, shall be recovered through Schedule 193, Demand Side Management Cost Adjustment surcharge. The Program will describe (i) the rates and usage levels within tiers of the Company's residential rate structure and the purpose of the rate structure; (ii) the steps customers can take to reduce usage; and (iii) other energy efficiency measures customers can take to reduce usage. All education materials will be made available for review and comment to interested parties prior to circulation. The Program will begin as soon as practicable following the

Commission's approval of this Stipulation and will continue for a period of at least one year.

The Company agrees to report to the DSM Group (as defined below) regarding the Program's performance on a quarterly basis.

- c. <u>DSM Group</u>. The DSM advisory group, or another group to be established by the Division with similar representation by stakeholders ("DSM Group"), will convene to discuss and investigate rate design proposals to promote conservation and energy efficiency. The first meeting of the DSM Group must be convened within 30 days of the Commission's approval of this Stipulation. The DSM Group shall submit a report regarding the DSM Group's activities and recommendations to the Commission within six months of the DSM Group's first meeting. The Parties agree that this report to the Commission will not report on pricing based on customer vintage. Following the filing of said report, the DSM Group will continue to meet quarterly thereafter.
- 11. <u>Street Lighting Changes</u> In the direct testimony of Mr. Daren H. Dixon the Company proposed changes to the Utah Street Lighting Schedules and Rules for the purpose of clarifying service applicability and provisions, to align these with tariff language from our other service territories, to reflect industry standards and legislative changes, to better appropriate costs to those responsible for those costs and to propose new metal halide lamps for Schedule 11. Given that no party filed any objections to the Company's proposals in this docket, and as Mr. Dixon indicated there is no revenue impact of his proposed changes for existing services being delivered, the Parties recommend that the Company's proposed changes to Street Lighting Service be approved by the Commission as filed.
- 12. <u>Changes to Electric Service Regulations</u> In the direct testimony of Mr. F. Robert Stewart the Company proposed changes to Utah Electric Service Regulations No. 3,

No. 7, and No. 12 to better reflect cost causation, to improve the clarity of the Company's regulations and to better describe the application of these regulations. The Company agrees to withdraw the proposed changes to Regulation No. 3R.3 that would require former customers to be responsible for court costs, attorney's fees and/or collection agency fees incurred in the collection of unpaid debt, and further agrees to exclude such proposed changes in the event the Company re-files, either voluntarily or involuntarily, the 2008 rate case (08-035-38). Given that no party filed any objections to the Company's proposed changes to Electric Service Regulation No. 7, and No. 12 in this docket, and as there is no revenue impact of the proposed changes, the Parties recommend that the Company's proposed changes to Electric Service Regulations No. 7 and No. 12 be approved by the Commission as filed.

- 13. Parties' Rights Pertaining to Phase I, Revenue Requirement. On September 2, 2008, the Company filed a Petition for Reconsideration. On September 22, 2008, the Commission granted reconsideration for further consideration. The Parties agree that this Stipulation does not prohibit any Party from exhausting any or all of its remedies in regard to the Petition for Reconsideration.
- 14. <u>Schedule in Phase II Suspended</u>. The Parties agree that the schedule in Phase II of this docket should be suspended, other than a hearing for approval of this Stipulation, and that cost of service, rate spread and rate design elements of this case shall be deemed concluded.

IV. GENERAL TERMS AND CONDITIONS

15. All negotiations related to this Stipulation are privileged and confidential and no party shall be bound by any position asserted in negotiations. Neither the execution of

this Stipulation nor the order adopting this Stipulation shall be deemed to constitute an admission or acknowledgment by any Party of any liability, the validity or invalidity of any claim or defense, the validity or invalidity of any principle or practice, or the basis of an estoppel or waiver by any Party other than with respect to issues resolved by this Stipulation; nor shall they be introduced or used as evidence for any other purpose in a future proceeding by any Party except a proceeding to enforce the approval or terms of this Stipulation.

- 16. The Company, the Division of Public Utilities and the Committee of Consumer Services each agree to, and other Parties may, present testimony of one or more witnesses to explain and support this Stipulation and will be available for examination by other parties. So that the record in this docket is complete and in support of this Stipulation, the Parties may move for the admission of testimony and exhibits that have been filed; however, notwithstanding the admission of filed testimony, the Parties shall support the Commission's approval of the Stipulation.
- 17. The Parties agree that if any person challenges the approval of this Stipulation or requests rehearing or reconsideration of any order of the Commission approving this Stipulation, each Party will use its best efforts to support the terms and conditions of the Stipulation. As applied to the Division and Committee, the phrase "use its best efforts" means that they shall do so in a manner consistent with their statutory authority and responsibility. In the event any person or party seeks judicial review of a Commission order approving this Stipulation, no Party shall take a position in that judicial review opposed to the Stipulation.

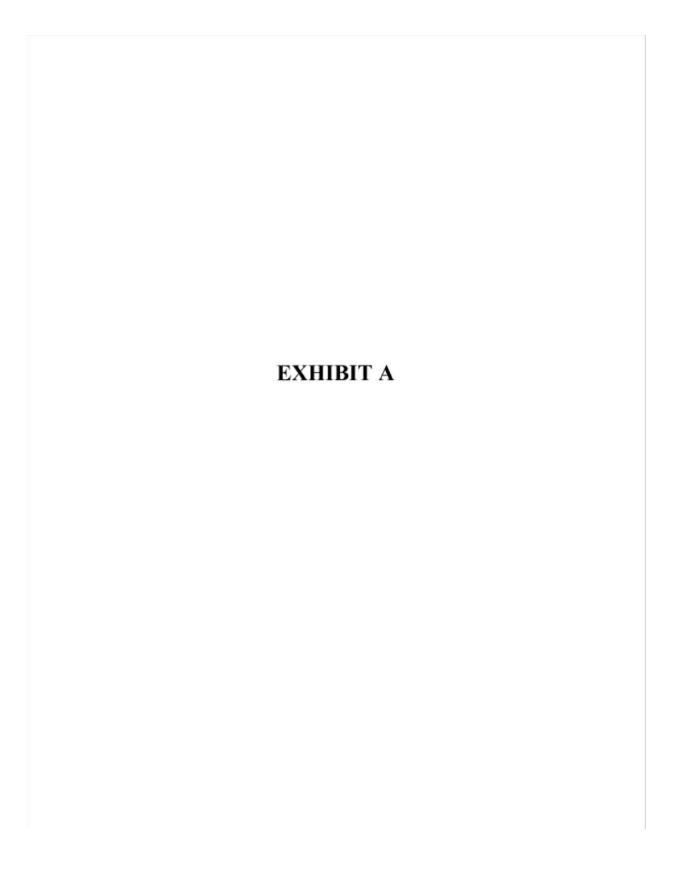
18. Except with regard to the obligations of the Parties under Paragraph 13 and the three preceding paragraphs of this Stipulation, this Stipulation shall not be final and binding on the Parties until it has been approved without material change or condition by the Commission in an order that is no longer subject to any further reconsideration or appellate review; provided no Party may withdraw from this Stipulation unless and until the Commission rejects any part or all of this Stipulation, or imposes any additional material change or condition on approval of this Stipulation, or in the event the Commission's approval of this Stipulation is rejected or materially conditioned in whole or in part by a court. Upon occurrence of any such event(s), each Party reserves the right to withdraw from this Stipulation. If such an order is issued, the Parties agree to meet and discuss the applicable Commission or court order within five business days of its issuance and to attempt in good faith to determine if they are willing to modify the Stipulation. No Party shall provide notice of withdrawal prior to complying with the foregoing sentence. In the event that no modified stipulation is reached, any Party may withdraw from this Stipulation by giving written notice of withdrawal to the Commission and the other Parties. Any such notice shall be given within five business days after reaching impasse in any discussions regarding modifying the Stipulation. If any Party withdraws from this Stipulation pursuant to this paragraph, no Party shall be bound or prejudiced by the terms and conditions of this Stipulation, which have been accepted by the parties in consideration of this Stipulation and which may have been contested but for this Stipulation, and each Party shall be entitled to undertake any step or to assert any position it deems appropriate without regard to this Stipulation.

The Parties may execute this Stipulation in counterparts each of which is deemed an original and all of which only constitute one original.

BASED ON THE FOREGOING, the Parties request that the Commission issue an order approving this Stipulation and adopting the terms and conditions of this Stipulation.

Respectfully submitted this 25th day of September, 2008.

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August 21, 2008

201 South Main, Suite 2300 Salt Lake City, Utah 84111

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155970

Public Service Commission of Utah Heber M. Wells Building, 4th Floor 160 East 300 South Salt Lake City UT 84111

VIA ELECTRONIC FILING

AND HAND DELIVERY

Attention:

Julie P. Orchard

Commission Administrator

Re:

Advice No. 08-07

Compliance Filing to Implement the Commission's Phase I Errata Order on

Revenue Requirement in Docket No. 07-035-93

Enclosed for filing are an original and two copies of a proposed tariff page associated with Tariff P.S.C.U. No. 47 of Rocky Mountain Power applicable to electric service in the State of Utah. Pursuant to the requirements of Rule R746-405-2D, Rocky Mountain Power (the "Company") states that the proposed tariff sheet does not constitute a violation of state law or commission rule. The Company will also provide an electronic version of this filing to teben@utah.gov. As ordered by the Commission, the Company requests this tariff be applicable to bills issued on and after August 21, 2008 for service rendered on and after August 13, 2008.

Original Sheet No. 97

Schedule 97

Tariff Rider Rate

This filing is submitted in compliance with the Commission's Errata Phase I Order on Revenue Requirement in Docket No. 07-035-93 implementing a \$36.164 million increase in annual revenue requirement. Proposed Schedule 97 applies a uniform percentage increase to all tariff customers' bills as a line item for service. A workpaper is included showing the calculation of the proposed Schedule 97 rates.

It is respectfully requested that all formal correspondence and staff requests regarding this matter be addressed to:

By E-mail (preferred):

datarequest@pacificorp.com

By regular mail:

Data Request Response Center

PacifiCorp

825 NE Multnomah St., Suite 2000

Portland, OR 97232

Informal inquiries may be directed to Dave Taylor at (801) 220-2923.

Utah Public Service Commission August 21, 2008 Page 2

Very truly yours,

Jeffrey K. Larsen

Vice President, Regulation

Enclosures

Philip Powlick/DPU Artie Powell/DPU Dennis Miller/DPU

ROCKY MOUNTAIN

P.S.C.U. No. 47

ROCKY MOUNTAIN POWER

ELECTRIC SERVICE SCHEDULE NO. 97

STATE OF UTAH

Tariff Rider Rate

AVAILABILITY: At any point on the Company's interconnected system.

APPLICATION: This Schedule shall be applicable to all retail tariff Customers taking service under the terms contained in this Tariff.

MONTHLY BILL: In addition to the Monthly Charges contained in the Customer's applicable schedule, all monthly bills shall have the following percentage increases applied to the Monthly Charges of the Customer's applicable schedule.

Schedule 1	2.72%	(I)
Schedule 2	2.72%	
Schedule 3	2.72%	
Schedule 6	2.72%	
Schedule 6A	2.72%	
Schedule 6B	2.72%	1
Schedule 7	2.72%	
Schedule 8	2.72%	
Schedule 9	2.72%	
Schedule 9A	2.72%	
Schedule 10	2.72%	
Schedule 11	2.72%	
Schedule 12	2.72%	
Schedule 13	2.72%	
Schedule 21	2.72%	
Schedule 23	2.72%	
Schedule 23B	2.72%	
Schedule 25	2.72%	
Schedule 31	2.72%	(I)

Issued by authority of Report and Order of the Public Service Commission of Utah in Docket No. 07-035-93

FILED: August 21, 2008 EFFECTIVE: August 13, 2008

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52	Decreasive Street Lighting	2 2	2 5		250	10,575	1672	\$751	903	2.72%	7.24
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8	AGA/Revenue Credit	1 1	1 1		*	₹ :	517	517	នុះ	0.00%	12.31
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2	Total Sales to Ultimate Customers		'	807,738	!	22,619,234	\$1,409,599	\$1,445,763	\$36,164	2.57%	639
g	Total Sales to Utilimate Customers (excluding special contracts, AGA)		'	807,662		20,228,694	\$1,330,016	081'998'18	\$36,164		5.73
	L. Includes OSPA.										

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