



State of Utah
Department of Commerce
Division of Public Utilities

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ACTION REQUEST RESPONSE

To: Utah Public Service Commission

From: Utah Division of Public Utilities
Chris Parker, Director
Energy Section
Artie Powell, Manager
Thomas Brill, Technical Consultant
Abdinasir Abdulle, Technical Consultant

Date: May 24, 2011

Re: 11-035-T03 – Schedule 114 - Cool Keeper Program

RECOMMENDATION (Approval)

The Division of Public Utilities (Division) recommends that the Public Service Commission (Commission) approve Rocky Mountain Power's (Company) proposed modifications to the Cool Keeper Program tariff (Schedule 114) as compliant with the April 27, 2011 Commission Order.

ISSUE

On May 16, 2011, the Company filed its comments in response to the April 27, 2011 Commission Order in this Docket. In this filing the Company responded to the Comments of the Division and the Office of Consumer Services (Office). On May 17, 2011, the Commission issued an Action request for the Division to investigate the Company's proposed modifications and report its findings and recommendation to the Commission by May 24, 2011. This memorandum is the Division's response to the Action Request.

DISCUSSION

On March 28, 2011, the Company filed its proposed modifications to the Cool Keeper Program (Schedule 114) with the Commission. The proposed modifications were intended to improve the clarity of the program tariff language and to align the tariff language with current program operation. On April 20, 2011, the Division and the Office filed their recommendations with the Commission and recommended approval. In addition, the Division recommended the Commission direct the Company to include in the tariff a list of possible contacts available for the customers to contact the Company or the Program Administrator. The Office conditioned its approval recommendation on the Company taking a number of additional actions. These actions are listed below for the convenience of the reader.

1. Provide a clear definition of partial use facilities to indicate when the Company can deny participation.
2. Add language to the tariff to expressly state in the tariff how customers can enroll in the Program with the call center elimination. For example, the Office has suggested the following: “Enrollment can be done through the website (www.coolkeeper.com), by phone, or through Cool Keeper promotional activities in which enrollment has been clearly explained.”
3. Amend the tariff language to require that the Company send written notification to all Program participants when incentives decrease.
4. Clarify the language in sheet 114.3 regarding permission for installing load control devices for rental properties.

On April 27, 2011, the Commission issued an Order suspending the tariff and directed the Company to respond to the Comments by the Division and the Office. In response to the Commission’s Order, on May 17, 2011 the Company filed its comments and proposed language with the Commission.

In Tariff Sheet No. 114.2, under the Customer Participation section, the Company added language listing customer contact options to the Customer Participation section of the tariff. In

addition, the Company added language clarifying that the Customers will be notified in writing if the incentive level is reduced. In addition, the Company provided an explanation of what partial use facilities are and the Division believes it is reasonable.

Regarding the installation of load control devices for rental properties, the Office raised a concern about the lack of clarity regarding the market conditions that would warrant operation of the program system. In its filing, the Company indicated that it is agreeable to replace the language in the Tariff Advice 11-03, “Company will operate the System as electrical system requirements or market conditions warrant,” with the following language.

“Company will operate the System to manage peak loads within the Summer Peak Periods.”

The Division believes that this proposed language is more in line with the original intent of the program. Therefore, the Division recommends that the Commission adopt this language.

Finally, regarding the rental housing permission language, the Office indicated in its April 27, 2011 filing that, although it does not oppose the content, the language in the last sentence of paragraph of Tariff Sheet 114.2 is confusing. In this filing the Company indicated that it believes that language is sufficiently clear in communicating its intent. However, the Company proposed the following language as replacement for the last sentence of the first paragraph of Tariff Sheet 114.3, should the Commission concur with the Office.

Permission from the owner, owner’s representative or property manager may be obtained by the Customer residing in the rental unit, the Company or its Contractor and may in the form of a written or verbal approval.

The Division believes that the proposed replacement language is clearer than the previously proposed language. It makes clear to the customers, whose permission is acceptable, which was not explicit in the previous language. Therefore, the Division recommends that the Commission adopt the replacement language proposed by the Company.

The Division reviewed the Company's comments and modifications of the tariff and concluded that it is reasonable. Therefore, the Division recommends that the Commission approve the Company's filing.

CC: Dave Taylor, RMP
Michele Beck, OCS