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## BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Rocky Mountain Power Proposed Schedule 94, Energy Balancing Account (EBA) Pilot Program Tariff Docket No. 11-035-T10

DIVISION OF PUBLIC UTILITIES' ISSUE STATEMENT

The Division of Public Utilities ("Division"), pursuant to the Scheduling Order, submits this Issue Statement identifying the issues to be addressed by the Commission in this docket.

On October 11, 2011, Rocky Mountain Power ("RMP") filed its proposed Schedule 94, Energy Balancing Account (EBA) Pilot Program tariff, in compliance with the Public Service Commission Order dated September 13, 2011 approving the Settlement Stipulation in Docket Nos. 10-035-124, 09-035-15, 10-035-14, 11-035-46, and 11-035-47 ("Order"). The Order stated, on page 51, that "[t]o ensure consistency of our ratemaking methods and the ability to determine whether future rates are just and reasonable as the EBA pilot ratemaking mechanism moves forward, we require reporting consistent with our March EBA Order."

The Division believes the issue for resolution in this docket is singular: Whether the proposed tariff, including the formula calculating the monthly EBA Accrual as set out in the proposed Schedule 94, is consistent and complies with the Order. Some stakeholders and parties may argue that the Order, in addressing the Energy Balancing Account ("EBA"), is subject to different interpretations and leaves various issues to be addressed prior to adoption of an EBA

tariff. It is the position of the Division that the Order and the Commission's March EBA Order<sup>1</sup>

provide sufficient clarity and direction for review and approval or rejection of the filed EBA

tariff in compliance with those orders. The Division further believes that any other issues were or

should have been addressed by the parties and resolved by the Commission in the other dockets

with the resulting orders and this docket is solely a compliance docket, limited to determining

whether the filed tariff complies with the relevant orders.

The Division also asserts that written comments and recommendations by the parties

regarding the proposed EBA tariff, since this docket is solely a compliance proceeding, will

provide ample opportunity for all parties to fully vet the proposed tariff and submit their opinions

regarding the proposed tariff's compliance with the Order, the March EBA Order, as well as

governing law to the Commission. The proposed rounds of written testimony would be an

inefficient use of time and resources, and serve no effective purpose in this proceeding. In this

regard, the Division anticipates filing comments and recommendations regarding the proposed

tariff as requested by the Commission.

DATED this 16<sup>th</sup> day of December, 2011.

/s/ Dahnelle Burton-Lee\_

Dahnelle Burton-Lee

**Assistant Attorney General** 

Attorney for the Division of Public Utilities

<sup>1</sup>Corrected Report and Order in Docket No. 09-035-15 issued on March 3, 2011, titled "Rocky Mountain Power Energy Balancing Account" ("March EBA Order"),

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## **CERTIFICATE OF SERVICE**

I Hereby certify that on this 16<sup>th</sup> Day of December, 2011, I caused to be transmitted electronically (email) a true and correct copy of the Division of Public Utilities' Issue Statement for the Utah Division of Public Utilities in Docket 11-035-T10: In the Matter of the Rocky Mountain Power Proposed Schedule 94, Energy Balancing Account (EBA) Pilot Program Tariff:

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