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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
Abdinasir M. Abdulle, Technical Consultant

Date: January 17, 2013

Re: 12-035-101 – Revised Utah Schedule No. 38, Sheet No. 38.7. In the Matter of the Application of Rocky Mountain Power for Approval of Changes to Tariff Schedule No. 38, Qualifying Facility Procedures

RECOMMENDATION (Approval)

The Division of Public Utilities (“Division”) recommends that the Public Service Commission (“Commission”) approve Rocky Mountains Power’s (“Company”) application for approval of changes to Tariff No. 38, Qualifying Facility Procedures.

BACHGROUND

In its Order on Request for Agency Action in Docket No. 12-2557-01, the Commission directed the Company to file revised Schedule 38 sheets conforming to Ordering Paragraph 13 of the Commission Order in Docket No. 03-035-14 dated October 31, 2005 (“2005 Order”). On October 19, 2012, the Company filed with the Commission an application for approval of its proposed changes to Tariff Schedule 38. In response to Commission’s October 29, 2012 Action Request to the Division, the Division filed a memorandum on November 19, 2012 recommending approval.

In a letter to the Company dated October 5, 2012, The Commission recognized that the Company's filing was missing language informing QFs of available informal and formal dispute resolution procedures and directed the Company to work with parties to develop a proposed revision to Schedule 38 incorporating such language and to file this language within two weeks from the date of its letter.

Further, the Commission directed the Company to file a notice with the Commission when the website check list of the information required to obtain indicative pricing is complete.

In response to the Commission's letter, the Company filed, on December 19, 2012, its revised Schedule No. 38 with the Commission. On December 27, 2012, the Commission issued an Action Request to the Division requesting response by January 17, 2013. This memorandum represents the Division's response to the Commission's most recent Action Request.

DISCUSSION

In a letter to the Company, the Commission directed the Company to 1) incorporate in the schedule language informing QFs of available informal and formal dispute resolutions and 2) to file a notice with the Commission when the website check list is complete. The Company's filing responded to both of these issues.

In compliance with the above mentioned Commission direction, the Company discussed with the Division and other parties its proposed dispute resolution to be incorporated into Schedule 38. No party opposed the Company's proposed language. As a result, the Company incorporated the following section into Tariff Sheet No. 38.7.

III. Process for Filing a Complaint with the Commission on Contract Terms

Before filing a complaint with the Utah Public Service Commission on any specific power purchase agreement term not agreed upon between the counterparty and the Company, a counterpart must wait 60 calendar days from the date it notifies the Company in writing that it cannot reach agreement on a specific term. This includes but is not limited to any disputes that are not resolved through the procedures set forth in I. B. 6.

This language is the same as that used by the Company in Wyoming¹. The Company indicated that the 60 day waiting period is intended for the Company and the counterparty to continue to try resolving the dispute. The Division believes that the proposed language meets the Commission's language requirement.

Regarding the Commission required notice of the completion of the website check list, the Company indicated that "the existing tariff (Utah Schedule No. 38), which is readily available on the Company's website, meets this requirement since it clearly shows the list of items required to obtain indicative pricing in Section I. B. 2." The Division reviewed the section of the Tariff the Company referred to and concluded that this is the information in this section meets the Commission requirement and is already available in the Company's website. Therefore, the Division concludes that Company complied with this requirement.

CC: Dave Taylor, RMP
Michele Beck, OCS
Marialie Martinez, DPU

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http://www.rockymountainpower.net/content/dam/rocky_mountain_power/doc/About_Us/Rates_and_Regulation/Wyoming/Approved_Tariffs/Rate_Schedules/Avoided_Cost_Purchases_from_Non_Standard_Qualifying_Facilities.pdf