Bruce M. Plenk
Utah Bar No. 02613
2958 N. St. Augustine Place
Tucson, AZ 85712
Tele: (520) 795-8611
Email: solarlawyeraz@gmail.com

Thadeus B. Culley
Keyes, Fox & Wiedman LLP
401 Harrison Oaks Blvd, Suite 100
Cary, NC 27513
Tele: (510) 314-8205
Email: tculley@kfwlaw.com

Counsel for The Alliance for Solar Choice

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.	**Docket No. 13-035-184** **THE ALLIANCE FOR SOLAR CHOICE'S POST-HEARING BRIEF ON LEGAL ISSUES**

Pursuant to the July 29, 2014 bench ruling of Commissioner Clark allowing parties to file briefs to address legal issues related to Rocky Mountain Power's ("Company") proposed net metering facilities charge ("NEM charge"), The Alliance for Solar Choice ("TASC") respectfully submits this brief.

While the Commission faces many factual and legal issues brought to light during this proceeding, the question of whether the Company's proposed net metering charge is just and reasonable must follow the well-worn path of Commission and Utah Supreme Court precedent using fundamental ratemaking principles. The most important and determinative of these is the principle that the applicant seeking a rate increase bears the burden of proving with substantial

evidence that its proposals will result in just and reasonable rates. TASC believes that fidelity to established precedent will result in denial of the Company's proposed NEM charge.

In this brief, TASC addresses three legal issues, all of which relate to the Company's burden of proof:

- Enactment of SB 208 does not shift the burden of proof away from the Company;
- The proposed NEM charge constitutes undue discrimination and violates state law because the Company has failed to produce sufficient evidence that net metering customers are a distinct class; and
- The Commission's earlier PURPA[1] order does not provide substantial evidence to satisfy the cost/benefit analysis requirements of SB 208[2] since PURPA and net metering are distinct statutory programs.

TASC recommends that the Commission reject the Company's proposed NEM charge on the basis that the Company has failed to carry its burden of proof on the cost-causation grounds originally stated in its application and direct testimony. The Commission has ample discretion and the evidentiary record to reject the proposed NEM charge as inconsistent with the letter and intent of SB 208.

I. SB 208 AND THE COMPANY'S GENERAL RATE CASE

TASC acknowledges that the enactment of SB 208 during the pendency of this case injected additional complexity into the Commission's task of determining the proper procedural path to implement the law. At this point in the case (with the record closed and with no attempt by the Company to specifically address the cost/benefit requirements of SB 208), TASC urges

---

[1] Public Utilities Regulatory Policy Act of 1978, 16 U.S.C. § 824a-3; 16 U.S.C. § 2601 *et seq.*
[2] SB 208 provides: "The governing authority shall: (1) determine, after appropriate notice and opportunity for public comment, whether costs that the electrical corporation or other customers will incur from a net metering program will exceed the benefits of the net metering program, or whether the benefits of the net metering program will exceed the costs; and (2) determine a just and reasonable charge, credit, or ratemaking structure, including new or existing tariffs, in light of the costs and benefits."

the Commission to view SB 208 as further affirmation of the Company's burden of proof, albeit in the context of the cost/benefit analysis of the statute. In this way, the legal issues in the case are simplified and made sequential: if the Company has not carried its burden on the essential elements underpinning its proposed NEM charge request, then the charge must be denied, even before the Commission has to address its SB 208 duties. TASC suggests that the Commission reject the proposed NEM charge before September 2, 2014 and then separately make a determination on the proper means of implementing SB 208. A separate proceeding to consider the costs and benefit framework to be used for SB 208 is an idea that every party participating at the hearing (except the Company) supports to some degree.

If the Commission believes the Company has satisfied its burden of proof along traditional cost-causation principles—in spite of TASC's position that the Company's generic/anecdotal evidence and conclusory statements about net metering customers' usage and impacts are legally inadequate—TASC believes that it would then be necessary to consider whether approving the proposed NEM charge in this procedural context will interfere with full Commission implementation of SB 208. To ensure consistent administration of the net metering program, it would be reasonable to avoid implementing SB 208 in an *ad hoc* or incomplete manner (i.e., just focusing on one aspect of residential rate design), when the totality of the program (all classes and all aspects) will need to be investigated by the Commission to comply with the law going forward.

While the language of SB 208 is mandatory, the Commission should have confidence that SB 208 does not force it into making a hasty foray into modifying the state's net metering policy. SB 208 gives the Commission several procedural options, including: (1) to defer consideration of any NEM charge proposals to the next rate case and establish filing guidelines to satisfy the

evidentiary requirements of SB 208; (2) to open a separate proceeding to address the cost-benefit determination on the net metering program and develop an analytical framework for determining costs and benefits in future rate cases; or (3) to enter an interim order subject to modification after a full cost/benefit analysis is completed. Along any of these paths under SB 208, the current burden of proof remains the Company's to bear, not the intervening parties, not the thousands of Utahns that wrote letters in opposition to the proposed NEM charge in this docket, and not the numerous participants that spoke passionately about this issue late into the evening of July 29, 2014.

II. THE COMMISSION'S LONG-STANDING PRECEDENT ON THE APPLICANT'S BURDEN OF PROOF REQUIRES THE COMPANY TO PROVIDE SUBSTANTIAL EVIDENCE TO SUPPORT FINDINGS THAT THE PROPOSED CHARGE IS JUST AND REASONABLE.

The Commission and Utah courts have long held that a utility bears a heavy burden of proof in its rate cases. The underlying rationale for this burden is based on the fact that there is generally an information asymmetry between parties in a rate case, with the utility possessing superior and intimate knowledge of its operations and intervenors possessing only what has been publicly disclosed or obtained from the utility through discovery. In this case, there are numerous examples where data requests revealed the lack of specific studies on Utah net metered customers and the inability of the Company to provide thorough data to understand the potential costs and benefits of its net metering program. Likewise, the Company could not provide any data to support numerous assertions made within its testimony.

This suggests that the Company's case fails to meet the governing burden of proof standard. In its *Order on Motions to Dismiss or Address 240-Day Time Period* in Docket No. 08-035-38 (issued on September 23, 2008), the Commission recognized information parity

concerns, and observed that these concerns were also relevant to the Utah Supreme Court in defining the utility-applicant's burden of proof in a rate case:

> In the regulation of public utilities by governmental authority, a fundamental principle is: the burden rests heavily upon a utility to prove it is entitled to rate relief and not upon the commission, the commission staff, or any interested party or protestant to prove the contrary. A utility has the burden of proof to demonstrate its proposed increase in rates and charges is just and reasonable. The company must support its application by way of substantial evidence, and the mere filing of schedules and testimony in support of a rate increase is insufficient to sustain the burden. Rate making is not an adversary proceeding in which the applicant needs only to present a prima facie case to be entitled to relief. A state regulatory commission, whose powers have been invoked to fix a reasonable rate, is entitled to know and before it can act advisedly must be informed of **all relevant facts**. Otherwise, the hands of the regulatory body could be tied in such fashion it could not effectively determine whether a proposed rate was justified. *Utah Department of Business Regulation v. Utah Public Service Commission*, 614 P.2d 1242, 1245, 1246 (Utah 1980) ("Wage Case") [emphasis added].

According to this standard, TASC does not believe that the Company has satisfied its burden to provide the Commission with "all relevant facts" because it, admittedly, has failed to produce **all** relevant facts to understanding the relative impact of the NEM program on non-participating customers.

As the Utah Supreme Court held, "[t]he findings required by statute (of a just and reasonable rate, Section 54-7-12(2)) must be made in accordance with the evidence so presented. If there be no substantial evidence to support an essential finding, that finding cannot stand; and the rate order predicated upon it must fall." *Wage Case*, 614 P.2d at 1245 (citing *Mountain States Telephone & Telegraph Co. v. Public Service Comm'n*, 105 Utah 266, 271 (1944)).

In justifying its proposed NEM charge, the Company alleged many essential facts.[3] The

---

[3] In making its prima facie case the Company asserted several essential facts: that net metering customers do not purchase enough kWhs to cover the fixed costs that are currently collected in volumetric rates; that net metering poses a near-term and long-term threat to rate stability by increasingly shifting costs onto other customers; that net metering produces no appreciable benefits to other ratepayers; that net metering customers are dissimilar to customers that lower

Company provided, at best, generic detail or anecdotal evidence in supporting these assertions. The recent evidentiary hearings laid bare the lack of substantial evidence on these essential points, leaving the Company's case precariously resting on the Commission's willingness to proceed without the required substantial evidence needed for an order to withstand judicial scrutiny. TASC suggests that the Company's failure to bring forward sufficient evidence to justify its request requires the NEM charge proposal be rejected.

III. NO AMOUNT OF LEGAL ARGUMENT CAN OVERCOME THE COMPANY'S FAILURE TO MEET ITS BURDEN OF PROOF TO JUSTIFY THE PROPOSED NEM CHARGE.

In TASC's analysis, there is no legal theory capable of saving the Company's flawed evidentiary showing, but we appreciate the opportunity to explain why the Company's likely arguments distinguishing the burden of proof—and their inability to meet that burden through their direct case—are unavailing.

A. SB 208 Does Not Shift the Burden of Proof to Intervenors to Demonstrate that a NEM Facilities Charge Is Not Just and Reasonable.

> **Section 54-15-105.1. Determination of costs and benefits – Determination of just and reasonable charge, credit or ratemaking structure.**
>
> The governing authority shall:
>
> (1) determine, after appropriate notice and opportunity for public comment, whether costs that the electrical corporation or other customers will incur from a net metering program will exceed the benefits of the net metering program, or whether the benefits of the net metering program will exceed the costs; and
>
> (2) determine **a just and reasonable charge**, credit, or ratemaking structure, including new or existing tariffs, in light of the costs and

---

their consumption through energy efficiency; that net metering systems only contribute minimally to distribution system peaks; and that net metering customers do not reduce their non-coincident peaks when compared to average residential customers.

benefits.[4]

SB 208, excerpted in relevant part immediately above, does not prescribe a particular process (rulemaking, ratemaking, etc.) or dictate a specific time by which the determination must be made. Moreover, the focus of SB 208 is on what the Commission must do at a general level. The bill does nothing to upset the burden of proof a Utah electric utility must carry when seeking any type of specific relief. TASC would agree that parties making specific proposals under SB 208—such as an additional net metering credit for non-residential net metering customers—would bear the burden of justifying those proposals. In this proceeding, no party (other than the derivative proposals of OCS and DPU on implementing the proposed NEM charge) put forward any net metering proposal that would shift the affirmative burden onto their shoulders.

SB 208 does create new obligations for the Commission. But, to understand the law's impact on a rate case, it is important to consider the impact of SB 208 on this case in the light of what it replaced. Of relevance here, SB 208 repealed the existing standard protecting net metering customers against specific charges by requiring utilities to meet a cost-benefit standard in an application for a NEM charge. Former Section 54-15-105 provided that an electrical corporation could impose a charge (also after public comment), if it could demonstrate that the electrical corporation will incur direct costs as a result of administering a net metering program that exceed the benefits of that program. This standard is not unlike the one included in the current language of Section 54-15-105.1 (i.e., SB 208 cost-benefit standard). Thus, according to the former law, an electrical corporation had the burden of showing that the costs exceeded the benefits of net metering when applying for a NEM-specific charge. That standard was the law of

[4] New Utah Code Section 54-15-105.1 [emphasis added]. All statutory references herein are to the Utah Code (2014), unless otherwise noted.

the land when the Company submitted its application. and SB 208 just recast it as the standard to evaluate the net metering program as a whole.

As applied to the current case, SB 208 does not relieve the Commission of its duty to determine just and reasonable rates when a utility is moving for rate relief. If anything, the Commission has the discretion to consider the proposed NEM charge under the more demanding SB 208 standard that any charge, credit or rate structure must be "just and reasonable in light of the costs and the benefits" of the entire net metering program to the company and to other customers.

There Is No Credible Legal or Logical Argument that SB 208 Authorizes the Commission to Suspend the Net Metering Program if the Company Is Found to Have Failed to Meet Its Burden of Proof.

At the end stages of the proceeding, several parties put forward the curious theory that the Commission might be required by SB 208 to suspend the net metering program if it does not make specific findings on the costs and benefits of the net metering program. On its face, this assertion lacks any legal basis. Under the plain language of the law, the Legislature did not authorize the Commission to suspend the net metering obligation, which is separately imposed on electrical corporations through Section 54-15-103. Absent such authority in the plain language of the statute, the Company and DPU witnesses have made no suggestion that the legislative intent or history of SB 208 supports this suggestion. SB 208 leaves the Commission broad discretion to determine the time and manner in which it fulfills its statutory obligation under the law. Moreover, it would be absurd, and would provide for perverse incentives, if the Commission were to suspend the program because the Company failed to comply with its evidentiary burden.

B. A NEM FACILITIES CHARGE IS INVALID AS A DISCRIMINATORY CHARGE.

The Company's proposed NEM charge is, in essence, a proposal to charge certain individuals within the residential class a charge that goes above and beyond what is charged to similarly situated customers. The Utah Supreme Court has held that such disparate treatment of similarly situated customers is prohibited, discriminatory ratemaking where the basis of the difference is unreasonable. This holding reflects Utah statute:

> **Section 54-3-8. Preferences forbidden—Power of commission to determine facts.**
>
> (1) Except as provided in Chapter 8b, Public Telecommunications Law, a public utility may not:
>
> > (a) as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any person, or subject any person to any prejudice or disadvantage; and
> >
> > (b) establish or maintain any unreasonable difference as to rates, charges, service or facilities, or in any other respect, either as between localities or as between classes of service.
>
> (2) The commission shall have power to determine any question of fact arising under this section.

To meet this standard, the Company must put forward substantial evidence that would justify distinct treatment. In *Mountain States Legal Foundation v. Utah Public Service Commission*, 636 P.2d 1047 (Utah 1981), the Utah Supreme Court set aside a Commission order approving a rate preference for senior citizens, which was supported solely on Commission findings that "as a general proposition, senior citizens on the average receive less gross income and consume less power." 636 P.2d at 1057. It is necessary for the Commission to "articulate a rational connection between the facts found and the conclusions reached," a task the Commission failed to do in that case because it did not "explai[n] why the lower average income and smaller

consumption of senior citizens warrants treating them differently from other residential customers." *Id.* at 1058.

Here, the bulk of the Company's evidentiary justifications came in their responsive case. In rebuttal, the Company developed *post hoc* arguments that net metering customers may constitute a new "partial requirements" sub-class, based on generic arguments that the average net metered customer could be expected to have significantly different load factors and load curves than other residential customers. From a cost-causation perspective, however, the Company appears to have conceded that the cost-driver for distribution system costs for the residential class—the class average contribution to distribution system peak—does not justify disparate treatment in how distribution costs are allocated and collected among residential customers.

In this case the means do not rationally connect to the end. The "end" the Company seeks is to collect **all** of the distribution costs it would otherwise expect to collect from the average-consuming residential customer through volumetric rates. The "means" is a charge based on a calculation of the average kWhs purchased each month by net metering customers and the revenue that is being "undercollected" as a result of net metering customers having usage below the residential class average. Other residential customers have less than average consumption and would be identifiable as well, but the Company's "means" does not apply to them. The Company seems content to argue that the means matches the end for some customers (e.g., net metering customers), but does not for other customers (e.g., low-usage customers; customers who installed energy efficient equipment; second homes; possibly senior citizens, etc).

Without a rational explanation of why **all** customers who can be identified as low-usage should not have to contribute to these distribution costs through an additional fixed charge

(above and beyond the proposed $6 customer charge and/or the minimum bill), the classification of net metering customers as the only group subject to the charge exposes the flaw and discriminatory intent behind the charge. The proposed NEM charge does not relate to the amount of exported energy—the only characteristic that net metering customers exhibit that others in the class do not—rather, it relates solely to their lower-than-average usage. This premise violates good ratemaking and Utah precedent against imposing discriminatory charges without a reasonable basis for making such discriminatory distinctions.

Several suggestions were made at the hearing that net metering customers constitute a separate, identifiable class because they voluntarily take service under Schedule 135. While it may be true that net metering customers all have that fact in common, it is important to note that Schedule 135 is open to non-residential classes as well, and those classes have not been singled out for disparate treatment as a subclass within their respective rate classes. The record is simply too incomplete to conclude that net metering customers constitute a separate class simply because they net meter. Additionally, TASC expects that the Commission would disfavor the highly granular ratemaking required to establish a separate net metering subclass within each existing rate class.

C. NET METERING AND UTAH'S IMPLEMENTATION OF PURPA ARE LEGALLY DISTINCT STATUTORY PROGRAMS, AND IT WOULD CONSTITUTE LEGAL ERROR TO CITE AVOIDED COST, STANDING ALONE, AS SUFFICIENT TO SUPPORT A FINDING OF NET METERING PROGRAM BENEFITS.

In response to parties' critique that the Company's application did not include any information about the costs and benefits of net metering, as is required for a SB 208 determination in this case, the Company's witnesses boldly asserted that the Commission had previously determined the value of solar in its last avoided cost order and need not duplicate the effort now. While the record contains robust discussion of why this is a gross overstatement and

oversimplification as it applies to small, residential, distributed "rooftop" solar, the deeper issue is a legal one: is the avoided cost determination for a class of Qualifying Facilities ("QFs"), which have distinct eligibility requirements rooted in federal law, legally relevant or controlling over the value that the Commission might find in a policy-driven program (such as net metering), which is uniquely rooted in state law?

The most basic difference between net metering and the rules governing purchases from QFs is the fact that PURPA involves wholesale sales of electricity from a generating facility and net metering does not. This distinction is not trivial: it follows the contours of federalism, with net metering reflecting a policy sphere wholly reserved to state policy development.

The state-federal balance for regulation of electricity follows along the contours of the Federal Power Act ("FPA").[5] Under Section 201 of the FPA, the Federal Energy Regulatory Commission (FERC) has exclusive jurisdiction over wholesale sales of electricity in interstate commerce. States are preempted from interfering with FERC's wholesale sale jurisdiction in most instances.

One exception is PURPA. PURPA allows the state regulatory authority to establish a rate for purchases from QFs, so long as it does not exceed the utility's avoided cost. States have wide latitude in developing the methodology for determining avoided cost, but the types of costs that can be reflected in that rate are prescribed by federal regulations promulgated by FERC.

It is well established by FERC, however, that net metering does not involve the sale of electricity at all, unless there is excess generation at the end of the relevant billing period.[6] According to Utah statute, Section 54-15-102, the relevant billing period in Utah is the annual

---

[5] 16 U.S.C. 824, *et seq.*

[6] *See, e.g., MidAmerican Energy Co.*, 94 F.E.R.C. ¶ 61,340 (2001); *SunEdison, L.L.C.*, 129 F.E.R.C. ¶ 61,146 (2009).

billing period, at which point the utility will determine if there is any remaining "excess customer-generated electricity."[7] The process of monthly netting in Utah does not implicate a "sale" of electricity and the fact that "excess customer-generated electricity," as the term is defined, is surrendered by the customer at the end of the year means that FERC lacks jurisdiction over net metering in Utah.

It is also significant to note that the net metering program in Utah expressly focuses **only** on exported electricity. In other words, behind-the-meter consumption by customers with net metering facilities is not considered a part of the "compensation" provided by netting out consumption and production. Section 54-15-102 defines "customer-generated electricity" as that which "exceeds the electricity the customer needs for the customer's own use." Read together with subpart (6), defining "excess customer-generated electricity," customer-generated electricity can be understood to mean electricity exports, or those kWhs that exceed the "needs for the customer's own use" on an instantaneous basis rather than a monthly basis (defined separately as "excess customer-generated electricity").

Purchases from QFs at wholesale under PURPA, on the other hand, are for all instantaneous exports and the interconnected utility can be required by law to purchase every kWh exported. In contrast, "customer-generated electricity" is defined in Section 54-105-102(2)(c) as being "**supplied** to the electrical corporation administering the net metering program," not as being sold to the electrical corporation. Thus, it is critical to understand that a "sale" and the type of compensation that parties refer to (i.e., the retail rate credit for "customer-generated electricity" [intra-month netting] and "excess customer-generated electricity" [inter-

---

[7] Section 54-15-102(6) provides that "'Excess customer-generated electricity' means the amount of customer-generated electricity in excess of the customer's consumption from the customer generation system during a monthly billing period, as measured at the electrical corporation's meter."

month netting]) are legally distinct concepts from QF avoided cost, with independent sources of authorizing law.

Moreover, the physical differences between QFs selling output under PURPA and the net metering facilities subject to the Company's proposed charge are stark. QFs, by definition, involve a type of conforming technology (e.g., wind or solar) that may be sized up to 80 MW and are not limited by federal law in making siting decisions. Residential net metering systems, however, are limited in size to just 25 kW and are required to be sited on the premises of the participating customer and to be intended to meet all or part of the customer's needs.[8] For the most part, solar and wind QFs are exporting wholesale facilities. These differences have unavoidable impact on the relative value created by QFs and net metering systems, when examined at the program level.

It should not be overlooked that the Commission has previously considered the fact that small-scale renewable resources, which may be utilized to serve onsite load, should be evaluated consistent with other demand-side resources.[9] Indeed, while the retail credit for "exports" is the benefit to net metering customers, the net metering program provides both demand-side (behind-the-meter consumption) and supply-side (exports) benefits to the utility grid and non-participating customers. The Commission has, thus, already provided instruction to evaluate these resources as demand-side resources. Given the various, important legal distinctions between a net metering arrangement and a federally-governed purchase of wholesale electricity from a QF, the Company's suggestion that the last determined avoided cost rate for these QFs is

---

[8] Section 54-105-102(3).

[9] *See* October 7, 2009 *Order* issued in Docket No. 09-035-27 at p. 15: "We concur with the recommendation to evaluate small-scale renewable resources, such as solar photovoltaic projects, on a similar basis as energy efficiency and load management until other economic tests are available."

per se determinative of the benefits of net metering is misplaced. Net metering is a state policy-driven program that should be evaluated for its own merits along the broad range of cost-benefit criteria that SB 208 authorizes the Commission to consider.

Even if the Commission agreed with the Company that it can treat net metering systems as if they were just QFs, ignoring the state law basis for the "netting" mechanism, PURPA prohibits discrimination in the rates charged to QFs for retail electric service,[10] raising the specter of federal preemption if the proposed NEM charge is approved on an insufficient evidentiary basis to justify disparate treatment.

IV. CONCLUSION

For these reasons, TASC respectfully requests that the Commission deny the Company's request for a NEM charge in this proceeding and establish a forum for the full and transparent analysis of all costs and benefits of net metering in Utah, in compliance with SB 208.

Respectfully submitted on this 8th day of August, 2014,

/s/
Thadeus B. Culley
Keyes, Fox & Wiedman LLP
401 Harrison Oaks Blvd, Suite 100
Cary, NC 27513
Tele: (510) 314-8205
Email: tculley@kfwlaw.com

/s/
Bruce M. Plenk
Utah Bar No. 02613
2958 N. St. Augustine Place
Tucson, AZ 85712
Tele: (520) 795-8611
Email: bplenk@igc.org

Counsel for The Alliance for Solar Choice

[10] 18 C.F.R. § 292.305(a)(1) provides that rates for sales to QFs shall be "just and reasonable" and "shall not discriminate against any [QF] in comparison to rates for sales to other customers served by the electric utility."

Jeremy R. Cook
PARSONS KINGHORN HARRIS, P.C.
111 East Broadway, 11th Floor
Salt Lake City, UT 84111
jrc@pkhlawyers.com

Gary A. Dodge
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, UT 84101
gdodge@hjdlaw.com

Sophie Hayes
Utah Clean Energy
1014 2nd Avenue
Salt Lake City, UT 84111
801-363-4046
sophie@utahcleanenergy.org

David Wooley
Keyes, Fox & Wiedman LLP
436 14th Street Suite 1305
Oakland, California 94612(510) 314-8200
dwooley@kfwlaw.com

Roger Swenson
E-Quant Consulting LLC
1592 East 3350 South
Salt Lake City, UT
Telephone: 801-541-2272
Facsimile: 801-534-1407
roger.swenson@prodigy.net

Peter J. Mattheis
Eric J. Lacey
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
800 West TowerWashington, D.C. 20007
pjm@bbrslaw.com
elacey@bbrslaw.com

Karen White
USAF UTILITY LAW
FIELD SUPPORT CENTER
139 Barnes Ave, Suite 1
Tyndall AFB, FL 32403
karen.white.13@us.af.mil

Meshach Y. Rhoades, Esq.
Greenberg Traurig
1200 17th Street, Suite 2400
Denver, Colorado 80203
Phone: (303) 572-6500
Fax: (303) 572-6540
rhoadesm@gtlaw.com

Travis Ritchie, Staff Attorney
Gloria D. Smith, Senior Attorney
Sierra Club
85 Second Street, Second floor
San Francisco, CA 94105
(415) 977-5727
(415) 977-5532
travis.ritchie@sierraclub.org
gloria.smith@sierraclub.org

Brian W. Burnett, Esq. (3772)
Callister Nebeker & Mccullough
Zions Bank Building
10 East South Temple, Suite 900
Salt Lake City, Utah 84133
Ph: 801-530-7300 Fax: 801-364-9127
brianburnett@cnmlaw.com

Kevin Higgins
Neal Townsend
Energy Strategies
215 S. State Street, #200
Salt Lake City, UT 84111
Telephone: 801-355-4365
Facsimile: 801-521-9142
khiggins@energystrat.com
ntownsend@energystrat.com

Arthur F. Sandack, Esq
8 East Broadway, Ste 411
Salt Lake City, Utah 84111
801-595-1300
asandack@msn.com

Stephen J. Baron
J. Kennedy & Associates
570 Colonial Park Drive, Suite 305
Roswell, GA 30075
Ph: 770-992-2027
Fax: 770-992-0806
sbaron@jkenn.com

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
Boehm, Kurtz & Lowry
36 East Seventh Street, Ste 1510
Cincinnati, Ohio 45202
Ph: 513-421-2255
Fax: 513-421-2764
kboehm@BKLlawfirm.com
Jkylercohn@BKLlawfirm.com

Anne Smart
THE ALLIANCE FOR SOLAR CHOICE
595 Market St, 29th Floor
San Francisco, CA 94105
anne@allianceforsolarchoice.com

Steve W. Chriss
WAL-MART STORIES, INC.
2001 SE Tenth Street
Bentonville, AR 72716-0550
stephen.chriss@wal-mart.com

Capt. Thomas A. Jernigan
USAF UTILITY LAW
FIELD SUPPORT CENTER
139 Barnes Ave, Suite 1
Tyndall AFB, FL 32403
thomas.jernigan@us.af.mil

Dated August 7, 2014 at Cary, North Carolina.

/s/ Thadeus B. Culley
Keyes, Fox & Wiedman LLP
401 Harrison Oaks Blvd, Ste. 100
Cary, NC 27513
tculley@kfwlaw.com
510-314-8205