



T 801.359.9000 : F 801.359.9011 : www.mgpclaw.com
170 South Main Street, Suite 850, Salt Lake City, Utah 84101

Jason A. McNeill*
mcneill@mgpclaw.com

*Also Admitted in Nevada

July 25, 2014

Via Electronic Mail

Utah Public Service Commission
psc@utah.gov

Re: *Notice of Complaint-Rocky Mtn Power 14-035-T08, Proposed Revisions to Electric Service Schedule No 111, Home Energy Savings Incentive Program*

Dear Utah Public Service Commission,

This firm represents Codale Electric Supply, Inc. ("Codale"), a Utah corporation. Among other things, Codale is an electrical distributor including for LED down lights. Codale is headquartered in Salt Lake City, Utah, and has served Utah residents and companies since 1975.

Codale has been recently alerted that the Utah Public Service Commission ("UPSC") has proposed, or is entertaining, changes to the current rebate incentive system that will change the rebate program to a "Up Stream" model that would effectively only allow retailers, and not electrical distributors like Codale, to participate in the rebate program. Codale is in the process of reaching out to the UPSC and looking into whether and what the specifics are in connection with any suggested changes to the rebate program, and reserves the right to supplement this notice. However, in the meantime, please be advised of the following:

Codale hereby notifies the UPSC that it objects to and complains of any changes in the rebate program that would allow for retailers to take advantage of the rebate incentive program, while electrical distributors are not afforded the same opportunity.

Such conduct would improperly discriminate against companies like Codale, and other similarly situated electrical distributors, and provide a clear and unfair pricing and otherwise competitive advantage to retail companies like Lowes or Home Depot. Such conduct may give rise to claims for unfair competition and other anti-competitive practices prohibited by Utah law. If any policy or program is implemented that allows for certain retailers to take advantage of a rebate program to the detriment of electrical distributors, Codale will pursue whatever lawful measures it has available to remedy the

Utah Public Service Commission
July 25, 2014
Page 2

situation. Therefore, we ask that the UPSC reject any changes or proposals that would effectively and unfairly benefit retailers to the detriment of electrical distributors like Codale.

Thank you for your time and consideration.

Sincerely,

MAGLEBY & GREENWOOD P.C.



Jason A. McNeill

JAM/jk

Enclosure

cc: James E. Magleby (via electronic mail only magleby@mgpclaw.com)

ACTION REQUEST

Date: July 9, 2014

TO: Division of Public Utilities
FROM: Public Service Commission

RESPONSE DUE BY July 25, 2014*
REQUESTED EFFECTIVE DATE August 8, 2014

SUBJECT: Rocky Mountain Power 14-035-T08
(Company Name, Case Number, etc.)

7/9/2014

14-035-T08

(6) TARIFF In the Matter of Rocky Mountain Power's Proposed Revisions to Electric Service Schedule No 111 Home Energy Savings Incentive Program

This is a request for the Division to provide analysis, evaluation results, and the basis for conclusions and recommendations regarding the following:

- Review Tariff Compliance
- Analysis of Complaint
- Investigation
- Other – Explanation and Statement of Issues to be Addressed (See Below):

*In the event the Commission issues an order or notice providing dates for comments and/or testimony in this docket:

- The Division shall respond consistent with the order or notice;
- The order or notice, including any deadlines, shall supersede and replace this action request; and
- This action request shall be deemed withdrawn.