



State of Utah  
Department of Commerce  
Division of Public Utilities

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## REPLY COMMENTS

To: Utah Public Service Commission

From: Utah Division of Public Utilities  
Chris Parker, Director  
Artie Powell, Energy Section Manager  
Bob Davis, Utility Analyst  
Lori Shelton, Utility Analyst

Date: September 2, 2016

Re: Docket No. 16-035-21 – RMP SOLAR PHOTOVOLTAIC INCENTIVE PROGRAM 2016 ANNUAL REPORT In the Matter of Rocky Mountain Power's Photovoltaic Incentive Program (Schedule 107) 2016 Annual Report.

## ISSUE

The Company filed with the Commission its Utah Solar Photovoltaic Incentive Program Annual Report for the 2015 program year on June 1, 2016. On June 1, 2016, the Commission issued an Action Request to the Division to review the Report for compliance and make recommendations. The Division filed its recommendation to acknowledge the Company's report on July 1, 2016. The Office of Consumer Services (OCS) and Utah Clean Energy (UCE) also filed comments on June 29, 2016 and July 1, 2016, respectively, recommending that the Commission acknowledge the report. On July 15, 2016, the OCS filed reply comments requesting that the Commission either extend another round of comments in this docket or open a new docket to further investigate the Company's administering of the Solar Incentive Program. On July 19, 2016, the Commission issued a Notice of Filing and Comment Period for any interested party to submit comments on the OCS reply comments on or before September 2, 2016 with reply comments due on November 1, 2016.

## **DISCUSSION**

The OCS identified two issues in its original comments that it followed up through data requests to the Company. The OCS then submitted reply comments on July 15, 2016. The first issue relates to requested generation data for large systems. And the second regarded Cool Keeper Program participation data.

### *Generation Data for Large Systems*

Attachment B of the report filed by the Company contains large non-residential generation data. Previously, the Company admitted that there were discrepancies with the production meters on two large non-residential customers. The Company's response to OCS data request 2.5 acknowledges that the Company repaired the problem by installing production meters at the mentioned customers. Further, the Company responded saying that it still runs into challenges siting and installing the required production meters. The Company makes the first of five payments provided by the program after installation. The Company makes the second payment after the production meter is installed and data collected for twelve months. The OCS remains concerned regarding why the Company has difficulty siting and installing production meters and what impact this has on the end payments of the program.

The Division had similar concerns with Attachment B, as filed, which had entry errors. These concerns were satisfactorily resolved through phone conversations with Company personnel. The Division was unaware of the Company's difficulties in siting and installing production meters and is concerned about this as well.

### *Cool Keeper Program Participation*

The OCS, in its initial comments, claims the Company is not following its Schedule 107 Tariff requirements that residential customers on Schedules 1, 2, 3 and 25 and non-residential customers on Schedules 6, 6A, 6B, 8, 9 and 23 that are eligible to participate in the Company's Cool Keeper Program must participate in the Company's Cool Keeper Program in order to be eligible to receive an incentive under the Solar Incentive Program.<sup>1</sup> The Division concurs with

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<sup>1</sup> See Rocky Mountain Power P.S.C.U. No. 50, Schedule 107.6, Special Condition No. 8, effective on September 1, 2014.

the OCS's claim. In response to the OCS's data requests 1.2 and 3.1, the Company's data response confirms that few of the residential Solar Incentive Program participants are also participating in the Company's Cool Keeper Program.

The Division agrees with the OCS and concludes that the Company has acted imprudently since 2013 in the administering of Schedule 107 and suggests that the Commission instruct the Company to refund the associated Solar Program incentives to the rate classes as appropriate back to 2013 or pay a penalty or both.<sup>2</sup> The Division, OCS and any other interested party should meet with the Company to come to a consensus on the best mechanism to apply the surcharge credits across the relevant classes. The Division also suggests that the Commission order the Company to ensure that those customers participating in the Solar Incentive Program, under Schedule 107, participate in the Company's Cool Keeper Program.

The Utah Legislature enacted what was commonly called S.B. 115 during the 2016 General Session. A portion of that legislation, Utah Code Ann. Section 54-7-12.8 (4), instructs the Commission to end the Solar Incentive Program and surcharge tariff on December 31, 2016. The Company will no longer accept applications for the Solar Incentive Program incentive after December 31, 2016.

## **CONCLUSION**

The Company has the responsibility for administering the Solar Incentive Program. The OCS asserted that the Company has imprudently administered the Solar Incentive Program by not requiring customers participating in the program to also participate in the Company's Cool Keeper Program as prescribed in Schedule 107.

The Division suggests that the Commission order the Company to refund associated incentives to the other rate payer classes paid to those solar incentive customers who did not participate in the Company's Cool Keeper Program or signed up but then asked to be removed back to 2013. The refund would be recovered through a mechanism to be determined by the Division, OCS, other interested parties, and the Company. The Commission may also wish to seek penalties for the

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<sup>2</sup> See Utah Code 54-7-25 and 54-7-29.

Company's tariff violations. Even though the Solar Incentive Program will end in 2016, the Division suggests that the Commission order the Company to enforce the Cool Keeper requirements of Schedule 107 as part of its DSM initiative to those customers that have been participating in the Solar Incentive Program since its inception.

CC:

Jeffrey K. Larsen, RMP

Bob Lively, RMP

Michele Beck, OCS