

In the Matter Of:

In Re: RMP - Solar Photovoltaic Incentive Program

HEARING PROCEEDINGS DOCKET NO. 16-035-21

December 13, 2016

Job Number: 350782

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Rocky Mountain)
Power's Solar Photovoltaic)
Incentive Program (Schedule 107))
2016 Annual Report) Docket No. 16-035-21
)

HEARING PROCEEDINGS

TAKEN AT: Utah Public Service Commission
Fourth Floor
160 East 300 South
Salt Lake City, Utah
DATE: Tuesday, December 13, 2016
TIME: 9:00 a.m.
REPORTER: Mary R. Honigman, R.P.R.

Job Number: 350782

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APPEARANCES

ADMINISTRATIVE LAW JUDGE:
MELANIE REIF

FOR THE DIVISION OF PUBLIC UTILITIES:
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FOR ROCKY MOUNTAIN POWER:
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PROCEEDINGS

OFFICER REIF: Good morning. I'm Melanie Reif, legal counsel for the Utah Public Service Commission. And this is the date and time for the hearing in Docket No. 16-035-21. We'll be hearing the Stipulation that was filed on November 23rd. Let's start by taking appearances, please.

MS. HOGLE: Good morning. Yvonne Hogle on behalf of Rocky Mountain Power. With me here today in person is Mr. Bob Lively, who will be testifying in support of the Settlement Stipulation. And by phone is Mr. Eric Anderson, who, up until very recently, was in charge of implementing the USIP Program for the Company and is well versed in this proceeding. Thank you.

OFFICER REIF: Thank you, Ms. Hogle. Will Mr. Anderson be testifying as well?

MS. HOGLE: He will not be testifying except to the extent that there are any questions that Mr. Lively cannot answer.

OFFICER REIF: Okay. Thank you for that clarification. Mr. Jetter?

MR. JETTER: Good morning. I'm Justin Jetter with the Utah Attorney General's

1 Office, and I'm here today representing the Utah
2 Division of Public Utilities. With me at counsel
3 table is Robert A. Davis who will testify on behalf
4 of the Utah Division of Public Utilities.

5 OFFICER REIF: Thank you. Mr. Moore?

6 MR. MOORE: I'm Robert Moore with the
7 Attorney General's Office. I'm representing the
8 Office of Consumer Services. With me is Cheryl
9 Murray. She'll be testifying on behalf of the
10 Office.

11 OFFICER REIF: Thank you very much.
12 Ms. Hogle?

13 MS. HOGLE: Rocky Mountain Power
14 calls Mr. Lively, who needs to be sworn.

15 ROBERT C. LIVELY,
16 having been first duly sworn to tell the truth, was
17 examined and testified as follows:

18 EXAMINATION

19 BY MS. HOGLE:

20 **Q. Good morning, Mr. Lively. Can you please**
21 **state your name and your position with Rocky**
22 **Mountain Power for the record?**

23 A. My name is Robert C. Lively. My business
24 address is 1407 West North Temple Street, Salt Lake
25 City, Utah. I'm currently employed as the manager

1 of Utah Regulatory Affairs for the Company.

2 Q. And are you familiar with the USIP program
3 and the USIP docket?

4 A. Yes, I am.

5 Q. And are you familiar with and did you
6 review the Company's comments that were filed in
7 this docket?

8 A. Yes.

9 Q. And did you participate in the discussion
10 among the parties that led to the Stipulation that
11 we will be offering today?

12 A. Yes, I did.

13 Q. And what is the purpose of your testimony
14 here today?

15 A. I will briefly review the history of
16 events and the key elements of the Stipulation
17 entered into by the three signing parties,
18 including: Rocky Mountain Power; the Utah Division
19 of Public Utilities (the Division); and the Office
20 of Consumer Services (the Office). I will also
21 reconfirm Rocky Mountain Power's support of the
22 Stipulation and the Company's belief that the
23 Stipulation is in the public interest.

24 Q. Thank you, Mr. Lively. Can you please
25 recount the key events that led to the agreement

1 **that is before us here today?**

2 A. The Stipulation resulted from issues
3 raised by the Office of Consumer Services in its
4 review of the Company's 2016 Annual Solar Incentive
5 Program report filed on June 1, 2016. Annually, in
6 reports filed with the Commission, the Company has
7 provided updates on key factors about the Utah Solar
8 Incentive Program. On June 29, 2016 and July 1,
9 2016, the Office and Division, respectively, filed
10 comments regarding the 2016 Report. The Office
11 expressed its continuing concern that eligible USIP
12 customers were not participating in the Cool Keeper
13 Program as required by the USIP tariff and the
14 Company's enforcement of the requirement that
15 participants in the Utah Solar Incentive Program
16 also participate in the Utah Cool Keeper Program.

17 While the Office expressed these concerns,
18 it recommended both acknowledgment of the 2016
19 Report and that the Commission open an investigation
20 on the Company's enforcement of the Utah Solar
21 Incentive Program Tariff or schedule an additional
22 round of comments in the docket. On September 2,
23 2016, parties filed comments regarding the Company's
24 enforcement of the requirement that all Cool
25 Keeper-eligible Utah Solar Incentive Program

1 participants must participate in the Cool Keeper
2 Program.

3 Subsequent to these comments, parties met
4 for settlement discussions on October 25, 2016 and
5 October 27, 2016 in an attempt to arrive at an
6 agreement that reasonably resolved the issues raised
7 by the Office. Following additional formal and
8 informal discussions, on November 23, 2016, the
9 parties entered into a Settlement Stipulation which
10 was filed with the Commission in this docket on the
11 same date.

12 **Q. Can you please describe the key terms in**
13 **the Settlement Stipulation?**

14 A. The Settlement Stipulation consists of
15 three major elements. First, the parties agreed to
16 revise Electric Service Schedule No. 107, Solar
17 Incentive Program, by deleting Special Condition 8
18 in its entirety. Special Condition 8 provides that
19 program participants are required to participate in
20 the Company's Cool Keeper Program in order to be
21 eligible to receive an incentive under the Solar
22 Incentive Program.

23 Second, the parties agreed that Rocky
24 Mountain Power will refund \$200,000 to the final
25 Solar Incentive Program balance. Rocky Mountain

1 Power agrees that it will not transfer this \$200,000
2 amount to other programs in the Sustainable
3 Transportation and Energy Plan Act.

4 Third, as part of the Stipulation, Rocky
5 Mountain Power acknowledges that it did not advise
6 the parties in a timely manner about the
7 implementation challenges of enforcing participation
8 in the Cool Keeper Program as set forth in the Solar
9 Incentive Program Tariff. Rocky Mountain Power
10 commits to work with parties to discuss
11 implementation challenges and identify possible
12 solutions related to tariff provisions that may
13 arise in the future.

14 **Q. Mr. Lively, what is your final**
15 **recommendation regarding the Stipulation?**

16 A. The Company believes that the Stipulation
17 is a reasonable and fair resolution of issues raised
18 by the parties and that it is in the public
19 interest. As such, we recommend that the Commission
20 approve the Stipulation.

21 **Q. Do you have any final comments that you**
22 **would like to make?**

23 A. Yes. The Company wishes to express
24 appreciation to parties for their cooperation and
25 willingness to work through these issues and

1 discussions that have resulted in an agreement that
2 meets the needs of participants in the USIP Program
3 and that is in the public interest.

4 MS. HOGLE: Thank you. Mr. Lively is
5 available for questions.

6 OFFICER REIF: Thank you. Any
7 questions, Mr. Jetter?

8 MR. JETTER: No questions from the
9 Division.

10 MR. MOORE: No questions.

11 OFFICER REIF: Thank you.

12 Mr. Lively, one question, please, for you.

13 Concerning paragraph 15 on page 3 of the Settlement
14 Stipulation, and it pertains to the \$200,000 refund
15 to the USIP balance. And my question is could you
16 please clarify the source of those funds?

17 THE WITNESS: The source of those
18 funds will be Company funds. Those are Company
19 funds and will not be funded by customers.

20 OFFICER REIF: Thank you for that
21 clarification, Mr. Lively. Are there any follow-up
22 questions? All right. Thank you, Mr. Lively.
23 Ms. Hogle, did you wish to call anyone else?

24 MS. HOGLE: At this moment, there is
25 no need to call anybody else. Thank you.

1 OFFICER REIF: Thank you.

2 Mr. Jetter?

3 MR. JETTER: The Division would like
4 to have sworn in Mr. Robert A. Davis.

5 ROBERT A. DAVIS,
6 having been first duly sworn to tell the truth, was
7 examined and testified as follows:

8 EXAMINATION

9 BY MR. JETTER:

10 Q. Mr. Davis, would you please state your
11 name and occupation for the record?

12 A. Robert Davis. I work for the Division of
13 Public Utilities.

14 Q. Thank you. And in the course of your
15 employment with the Division, did you have the
16 opportunity to review the filing in this docket
17 along with all the other comments that have been
18 filed?

19 A. Yes, I did.

20 Q. And you participated in the settlement
21 discussions and negotiations that led to the
22 stipulation; is that correct?

23 A. That's correct.

24 Q. Have you prepared a brief statement
25 summarizing the Division's position?

1 A. I have.

2 **Q. Please, go ahead.**

3 A. Good morning. Rocky Mountain Power filed
4 its Utah Solar Photovoltaic Incentive Program Annual
5 Report with the Public Service Commission of Utah
6 for the 2015 program year June 1, 2016. On June 1,
7 2016, the Commission issued an Action Request to the
8 Division of Public Utilities to review the Report
9 for compliance and make recommendations. The
10 Division filed its recommendation to acknowledge
11 Rocky Mountain Power's report on July 1, 2016. The
12 Office of Consumer Services and Utah Clean Energy
13 also filed comments on June 29, 2016 and July 1,
14 2016, respectively, recommending that the Commission
15 acknowledge the report. On July 15, 2016, the
16 Office filed reply comments requesting that the
17 Commission either extend another round of comments
18 in this docket or open a new docket to further
19 investigate Rocky Mountain Power's administering of
20 the Solar Incentive Program. On July 19, 2016, the
21 Commission issued a Notice of Filing and Comment
22 Period for any interested party to submit comments
23 on the Office's reply comments on or before
24 September 2, 2016 with reply comments due November
25 1, 2016. The Division filed its reply comments on

1 September 2, 2016 supporting the Office.

2 The Office identified two issues in its
3 original comments that followed up through data
4 requests to the Company. The first issue related to
5 requested generation data for large systems. The
6 second regarded Cool Keeper Program participation
7 data. Rocky Mountain Power resolved the first issue
8 of the generation data for large systems to the
9 approval of the Office and Division.

10 The Office, in its initial comments,
11 claimed Rocky Mountain Power was not following its
12 Schedule No. 107 Tariff, Special Requirement 8,
13 which states that residential customers on Schedules
14 1, 2, 3, and 25 and non-residential customers on
15 Schedule 6, 6A, 6B, 8, 9, and 23 that are eligible
16 to participate in Rocky Mountain Power's Cool Keeper
17 Program must participate in the Program to be
18 eligible to receive an incentive under the Solar
19 Incentive Program. The Division agreed with the
20 Office's claim. In response to the Office's data
21 request, Rocky Mountain Power confirmed that few of
22 the residential Solar Incentive Program participants
23 were also participating in Rocky Mountain Power's
24 Cool Keeper Program.

25 The Division, Office, and Rocky Mountain

1 Power agreed to meet to discuss a resolution to
2 Rocky Mountain Power's oversight of its Solar
3 Incentive Program. The parties conducted settlement
4 discussions on October 25, 2016, October 27, 2016,
5 and November 15, 2016. Those discussions led to
6 parties' agreement of the following: (1) The
7 parties agreed to revise Electric Service Schedule
8 No. 107, Solar Incentive Program, by deleting
9 Special Condition 8 in its entirety. (2) The
10 parties agree that Rocky Mountain Power will refund
11 \$200,000 to the final Utah Solar Incentive Program
12 balance. Rocky Mountain Power agrees that it will
13 not transfer this \$200,000 amount to other programs
14 in the Sustainable Transportation and Energy Plan
15 Act. (3) Rocky Mountain Power acknowledges that it
16 did not advise the parties in a timely manner about
17 the implementation challenges of enforcing
18 participation in the Cool Keeper Program as set
19 forth in the Utah Solar Incentive Program Tariff.

20 The Utah Legislature enacted what is
21 commonly called Senate Bill 115 during the 2016
22 General Session. A portion of that legislation,
23 Utah Code Section 54-7-12.8, paragraph 4, instructs
24 the Commission to end the Solar Incentive Program
25 and surcharge tariff on December 31, 2016. Rocky

1 Mountain Power will no longer accept applications
2 for the Solar Incentive Program after December 31,
3 2016. The Solar Incentive Program Tariff will
4 remain in place until all incentives have been paid
5 out.

6 The Division supports this Stipulation and
7 recommends that the Public Service Commission of
8 Utah approve the Stipulation and all of its terms
9 and conditions as a resolution to this matter.

10 MR. JETTER: Thank you. I have no
11 further questions for Mr. Davis, and he's available
12 for questions from the Commission or other parties.

13 OFFICER REIF: Thank you. Ms. Hogle,
14 any questions?

15 MS. HOGLE: No questions.

16 OFFICER REIF: Mr. Moore?

17 MR. MOORE: No questions.

18 OFFICER REIF: Thank you for your
19 testimony. Anything further, Mr. Jetter?

20 MR. JETTER: No, your Honor.

21 OFFICER REIF: Mr. Moore?

22 MR. MOORE: I would call Cheryl
23 Murray and ask that she be sworn.

24 CHERYL MURRAY,
25 having been first duly sworn to tell the truth, was

1 examined and testified as follows:

2 EXAMINATION

3 BY MR. MOORE:

4 **Q. Could you please state your name, business**
5 **address and occupation.**

6 A. My name is Cheryl Murray. My business
7 address is 160 East 300 South, Salt Lake City, Utah,
8 and I'm a utility analyst with the Office of
9 Consumer Services.

10 **Q. Did you prepare a comment or participate**
11 **in the preparation of comments in this document, and**
12 **did you participate in the settlement discussions**
13 **related to Rocky Mountain Power's Solar Photovoltaic**
14 **Incentive Program in the 2016 Annual Report?**

15 A. Yes, I did.

16 **Q. Have you prepared testimony in support of**
17 **this Stipulation?**

18 A. I have.

19 **Q. Please proceed.**

20 A. Although the caption for this docket and
21 settlement relates to the Utah Solar Photovoltaic
22 Incentive Program, USIP 2016 Annual Report, the
23 relevant issue is actually one of the terms of the
24 Company's tariff, Schedule 107, for the USIP.

25 Schedule 107 requires that customers on

1 specified schedules -- as identified by Mr. Davis a
2 few moments ago -- that are eligible to participate
3 in the Company's Cool Keeper Program are required to
4 participate in Cool Keeper in order to be eligible
5 to receive an incentive under Schedule 107. In our
6 comments related to the 2015 Annual Report and again
7 for the 2016 Annual Report, the Office pointed out
8 that this requirement was not being enforced and
9 that the Cool Keeper eligible customers were
10 receiving USIP incentives without Cool Keeper
11 participation.

12 In October of this year, the Company,
13 Office, and Division of Public Utilities began
14 meeting to discuss this issue and determine if there
15 was a mutually agreeable solution. In the course of
16 these discussions, it became apparent that not only
17 had the Company experienced difficulties enforcing
18 the Cool Keeper requirement, but there was also a
19 lack of clarity in the way the tariff had been
20 written. As a result of these discussions, parties
21 determined that this Stipulation presented a
22 reasonable resolution of the issues.

23 The Office views paragraphs 15 and 16 of
24 the Stipulation as essential to a just and
25 reasonable outcome. As agreed in paragraph 15,

1 Rocky Mountain Power will refund \$200,000 in Company
2 funds to the final USIP balance. This will reduce
3 the amount of USIP payments for which ratepayers are
4 still responsible. This money cannot be used as
5 additional STEP funding. In paragraph 16, Rocky
6 Mountain Power commits to work with parties to
7 discuss implementation challenges and identify
8 possible solutions related to tariff provisions that
9 may arise in the future. The Office believes that
10 parties working together earlier in tariff
11 implementation processes will help to minimize
12 unanticipated consequences of tariff terms and
13 language.

14 The Office has been advocating for more
15 inclusive and precise language in various tariffs,
16 and the issues of Schedule 107 have pointed out the
17 potential pitfalls which can result from a lack of
18 clarity and specificity. We will continue to work
19 toward careful wording of future tariffs to prevent
20 the kind of problems encountered in the USIP
21 Program.

22 The Office asserts that the Settlement
23 Stipulation is just and reasonable in result and in
24 the public interest. Accordingly, we recommend
25 Commission approval. That concludes my testimony.

1 MR. MOORE: Your Honor, at this time
2 we would move for the induction of the comments into
3 the record.

4 OFFICER REIF: Any objection?

5 MR. JETTER: No objection.

6 MS. HOGLE: No objection.

7 OFFICER REIF: And were those the
8 comments of all parties or just the comments filed
9 by the Office?

10 MR. MOORE: I think I can only move
11 the comments filed by the Office. I have no
12 objection to the comments by all parties.

13 OFFICER REIF: Okay. Does anyone
14 wish to amend that?

15 MS. HOGLE: The Company moves for the
16 admission of its own comments, although I'm not sure
17 that that's necessary given it's a pleading. But at
18 this time, we would also move for the admission of
19 the Company's comments. Thank you.

20 MR. JETTER: And I think I would
21 offer the same for the Division's comments.

22 OFFICER REIF: Okay, great. Seeing
23 no objection, they're all admitted. Anything
24 further, Mr. Moore?

25 MR. MOORE: Nothing further.

1 OFFICER REIF: Any questions for
2 Ms. Murray?

3 MS. HOGLE: No questions.

4 MR. JETTER: No questions.

5 OFFICER REIF: Thank you for your
6 testimony today, Ms. Murray. Is there anything
7 further to come before the Commission?

8 MS. HOGLE: There is. Thank you, Ms.
9 Hearing Officer. The Company respectfully requests
10 and moves that the Commission issue a bench order
11 approving the Settlement Stipulation in the matter.
12 There are no parties opposing this Settlement
13 Stipulation, and all of the signing parties have
14 testified here today that the Settlement Stipulation
15 is in the public interest.

16 OFFICER REIF: Okay. We'll adjourn
17 and be off the record for a few minutes. Thank you.

18 (A brief recess was taken.)

19 OFFICER REIF: Thank you for that
20 brief recess. The Commission has reviewed the
21 motion for a bench ruling to approve the Stipulation
22 in this docket, 16-035-21, and grants that motion.
23 And so this is a ruling -- a bench ruling pending
24 our written ruling. And with the aforementioned
25 note on tariffs, the tariffs -- the revised

1 tariff -- will be filed within the next ten days, if
2 not sooner, and the Company agrees to promulgate
3 that filing.

4 And it is the order of the Commission
5 that based on the Stipulation filed in this docket,
6 16-035-21, the Division's comments, the Office's
7 comments, and testimony presented at hearing and
8 there being no objection to the Stipulation, the
9 Commission concludes that it is just, reasonable,
10 and in the public interest to approve the
11 Stipulation.

12 That is our ruling, and we will
13 execute a written order that will be forthcoming.
14 So this hearing is adjourned, and have a very nice
15 rest of your day.

16 (The proceedings concluded at 9:30 a.m.)

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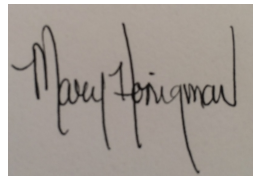
REPORTER'S CERTIFICATE

STATE OF UTAH)
COUNTY OF SUMMIT)

I, Mary R. Honigman, a Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I have subscribed my name on this 15th day of December, 2016.



Mary R. Honigman
Registered Professional Reporter

<p>\$</p> <hr/> <p>\$200,000 8:24 9:1 10:14 14:11,13 18:1</p> <hr/> <p>(</p> <hr/> <p>(1) 14:6 (2) 14:9 (3) 14:15</p> <hr/> <p>1</p> <hr/> <p>1 7:5,8 12:6,11, 13,25 13:14 107 8:16 13:12 14:8 16:24,25 17:5 18:16 115 14:21 1407 5:24 15 10:13 12:15 14:5 17:23,25 16 17:23 18:5 16-035-21 4:5 20:22 160 16:7 19 12:20</p> <hr/> <p>2</p> <hr/> <p>2 7:22 12:24 13:1,14 2015 12:6 17:6 2016 7:4,5,8,9, 10,18,23 8:4,5,</p>	<p>8 12:6,7,11,13, 14,15,20,24,25 13:1 14:4,5,21, 25 15:3 16:14, 22 17:7 23 8:8 13:15 23rd 4:7 25 8:4 13:14 14:4 27 8:5 14:4 29 7:8 12:13</p> <hr/> <p>3</p> <hr/> <p>3 10:13 13:14 300 16:7 31 14:25 15:2</p> <hr/> <p>4</p> <hr/> <p>4 14:23</p> <hr/> <p>5</p> <hr/> <p>54-7-12.8 14:23</p> <hr/> <p>6</p> <hr/> <p>6 13:15 6A 13:15 6B 13:15</p> <hr/> <p>8</p> <hr/> <p>8 8:17,18 13:12,15 14:9</p>	<p>9</p> <hr/> <p>9 13:15</p> <hr/> <p>A</p> <hr/> <p>accept 15:1 Accordingly 18:24 acknowledge 12:10,15 acknowledges 9:5 14:15 acknowledgme nt 7:18 Act 9:3 14:15 Action 12:7 actually 16:23 additional 7:21 8:7 18:5 address 5:24 16:5,7 adjourn 20:16 administering 12:19 admission 19:16,18 admitted 19:23 advise 9:5 14:16 advocating 18:14 Affairs 6:1 aforementione d 20:24</p>	<p>after 15:2 again 17:6 ago 17:2 agree 14:10 agreeable 17:15 agreed 8:15,23 13:19 14:1,7 17:25 agreement 6:25 8:6 10:1 14:6 agrees 9:1 14:12 ahead 12:2 all 7:24 10:22 11:17 15:4,8 19:8,12,23 20:13 along 11:17 also 6:20 7:16 12:13 13:23 17:18 19:18 although 16:20 19:16 amend 19:14 among 6:10 amount 9:2 14:13 18:3 analyst 16:8 Anderson 4:13,18 Annual 7:4 12:4 16:14,22 17:6,7 Annually 7:5</p>	<p>another 12:17 anybody 10:25 anyone 10:23 19:13 anything 15:19 19:23 20:6 apparent 17:16 appearances 4:7 applications 15:1 appreciation 9:24 approval 13:9 18:25 approve 9:20 15:8 20:21 approving 20:11 arise 9:13 18:9 arrive 8:5 asserts 18:22 attempt 8:5 Attorney 4:25 5:7 available 10:5 15:11</p> <hr/> <p>B</p> <hr/> <p>balance 8:25 10:15 14:12 18:2 became 17:16 before 7:1 12:23 20:7</p>
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