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Date: May 10, 2016

Subject: Docket No. 16-035-T05, Advice No. 16-04, Modifications to
Schedule No. 94, Energy Balancing Account

Introduction

The Utah Office of Consumer Services (Office) respectfully requests that the Public Service Commission (Commission) accept these comments in response to the Reply Comments filed by Rocky Mountain Power (RMP or the Company) on May 9, 2016. The Office acknowledges that the Commission's schedule established in this docket does not contemplate a third round of comments. However, the Office suggests that the record would benefit from this brief clarification to correct the misrepresentation of the Office's position contained in RMP's Reply Comments.

Clarification of Office's Position

RMP states: "The Company objects to the recommendation of the Office and UIEC that the EBA pilot program may terminate on December 31, 2016." (See Reply Comments, p. 2) However, the Office made no such recommendation. Although the Office did not concur with other parties that the legislation necessarily extended the pilot period of the EBA, the Office did not raise or address the possibility of the EBA terminating on December 31, 2016. In contrast to the Company's distortion of the Office's position, the Office's actual recommendation was: "While legislation has dictated the outcome of any potential sharing mechanism, other elements of program

design should still be evaluated as planned now that we are nearing the end of the pilot period.” (See the Office’s initial Comments, filed May 2, 2016)

Potential Discontinuation of EBA after December 31, 2016

The Office did not raise or address the possibility of the EBA being discontinued at the end of calendar year 2016. In fact, the Office asserts that the Commission would need to allow for a full legal briefing of the issues from all parties before making a determination on the issue. However, the Office does not believe that such a briefing schedule or determination is necessary at this time. Rather, the Office recommends this issue should be addressed if and when a party makes a specific request of the Commission to end the EBA.

The Office further notes that it is curious that the Company would raise objections about the Office’s reluctance to characterize the legislative impact as an extension of the pilot period of the EBA. It cannot be forgotten that the Company’s initial request for tariff changes removed all reference to the pilot nature of the program. It appears that the Company is now creating a controversy where none exists rather than simply agreeing that its initial request was inappropriate.

Restatement of Office’s Recommendations

The Office recommends that the Commission approve its alternate language recommendations for tariff changes as presented in its initial Comments and slightly revised in its Reply Comments. The Office further recommends that the Commission proceed with the evaluation of the EBA pilot as currently scheduled or provide guidance on an alternative process.