

Gary A. Dodge (0897)  
Phillip J. Russell (10445)  
HATCH, JAMES & DODGE  
10 West Broadway, Suite 400  
Salt Lake City, UT 84101  
Telephone: 801-363-6363  
Facsimile: 801-363-6666  
Email: gdodge@hjdllaw.com  
prussell@hjdllaw.com

*Attorneys for the Utah Association of  
Energy Users*

---

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

---

In the Matter of Rocky Mountain Power's Proposed Changes to Schedule 73, Subscriber Solar Program Rider Optional	Docket No. 19-035-T08
--	-----------------------

---

**UAE COMMENTS**

---

Pursuant to the Commission's May 10, 2019 Notice of Filing and Comment Period, , the Utah Association of Energy Users ("UAE") files the following Comments regarding Rocky Mountain Power's ("RMP") proposal to modify the Subscriber Solar Program ("Program") administered through Electric Service Schedule 73.

**I. UAE OPPOSES THE REMOVAL OF RATE SCHEDULES 8, 9, AND 9A FROM THE SUBSCRIBER SOLAR PROGRAM**

UAE opposes RMP's proposal to remove Schedule Nos. 8, 9 and 9A from the Program.<sup>1</sup>

UAE opposes the removal of these Schedules from the Program for several reasons, as set forth below.

---

<sup>1</sup> RMP also proposes removing Schedule 2 from the Program. UAE neither supports nor opposes RMP's proposal to remove Schedule 2 from the Program. UAE does not represent the interests

A. RMP Has Not Demonstrated That Removal of Schedules 8, 9 or 9A is in the Public Interest

As an initial matter, RMP has failed to demonstrate that removal of industrial customers from the Program is prudent or will benefit the Program or ratepayers in any meaningful way or is otherwise in the public interest. The only statement RMP offers in support of removing these schedules from the Program is as follows:

Due to lack of customer interest in subscribing to the Program under Schedule Nos. 2, 8, 9 and 9a, the Company proposes removing these schedules from the Program. The Company has been developing improved economic and attractive options for the industrial customer classes (Schedules 8, 9 and 9a) and Schedule 2 customers have not expressed interest at this time. Maintaining the billing accommodation needed for these rate schedules is a needless financial burden on the Program.

This statement offers very little support for the notion that removal of Schedules 8, 9 and 9A is in the public interest, for several reasons. First, RMP does not quantify the alleged “lack of customer interest in subscribing to the Program.” Does RMP’s statement simply refer to the fact that there are not currently any customers in these rate classes that have subscribed to the Program? Or does RMP mean that few customers in these rate classes have expressed an interest in subscribing? Whether it is the former or the latter (or some combination of the two), RMP does not offer any support for the notion that this amounts to a “lack of customer interest in subscribing to the Program,” and either can be explained by the fact that the Program has been fully subscribed since 2017, as noted by RMP’s website on the Program.<sup>2</sup> While blocks occasionally become available, only a few blocks become available at a time and this may be too

---

of Schedule 2 customers and focuses its comments herein on the proposed removal of Schedule Nos. 8, 9 and 9A. UAE notes, however, that most of its Comments would also apply to the proposed removal of Schedule 2 from the Program.

<sup>2</sup> See <https://www.rockymountainpower.net/subscriber>.

few to interest an industrial customer that wants to obtain a meaningful portion of its load from solar resources through the Program.<sup>3</sup> Moreover, as discussed in Section I.B., below, multiple UAE members are interested in reaching renewable portfolio goals and the Program is a tool to assist them in those goals and, therefore, there is customer interest in the Program among the industrial customers.

Second, RMP's assertion that it "has been developing improved economic and attractive options of the industrial customer classes" does not demonstrate that removing Schedules 8, 9 and 9A from the Program is in the public interest. It is unclear to UAE whether this ambiguous statement refers to existing programs or to planned programs that RMP has not yet proposed. If the statement is intended to refer to existing programs, RMP has not identified the programs to which it refers or otherwise demonstrated why existing programs available to industrial customers are sufficient to support the removal of industrial customers from the Program. If the statement is intended to refer to programs not yet proposed, RMP should first identify those programs and allow parties and the Commission to evaluate and understand those programs before it makes a decision as to whether keeping industrial customers in the Program makes sense. It would be premature to remove industrial customers from the Program before an alternative is identified and made available.

Third, RMP's assertion that "[m]aintaining the billing accommodation" needed to keep industrial rate classes in the Program "is a needless financial burden on the Program," is offered

---

<sup>3</sup> The Program's website indicates that there are currently 10 blocks available. *See id.* Each block represents 1 kW and is estimated to offset 200 kWh per month. By comparison, a Schedule 8 customer is defined as one with a load of 1,000 kW or more. So the currently-available 10 kW could be used to serve approximately 1% of a single Schedule 8 customer's load.

without any support or detail and, therefore, does not demonstrate that removal of those schedules from the Program is in the public interest. RMP does not explain either A) what is required to “maintain the billing accommodation” necessary to keep industrial customers in the Program, B) what the financial burden of doing so is, or C) how that financial burden compares to the financial burden of maintaining billing accommodations necessary to keep other schedules in the Program. Without that information, this Commission cannot conclude that there is any basis to conclude that keeping industrial rate classes in the Program constitutes a financial burden on the Program.

RMP has failed to demonstrate that there is any real reason to remove industrial customers from the Program or that doing so is in the public interest and, until RMP makes such a showing, the Commission should decline to modify the Program to exclude industrial customers.

B. Several UAE Members Are Interested in Meeting Renewable Portfolio Goals and the Program is a Useful Tool for those Industrial Customers

As noted above, RMP’s assertion that there is a lack of interest among industrial customers in subscribing in the Program is without support. Indeed, several UAE members who are industrial customers have recently adopted renewable portfolio goals and are exploring how to meet those goals. One UAE member is a Program subscriber for its Schedule 6A meters and is actively exploring whether to subscribe to the Program for its Schedule 8 and Schedule 9 meters if the Program is expanded. Another UAE member is exploring various methods to meet its renewable energy goals and an expanded Program that remains available to industrial customers is one of several tools that member is considering. UAE acknowledges that participation in the Program may not be the most effective or efficient way for industrial

customers to meet internal renewable energy goals—and the Program will not be attractive for some industrial customers as a result—RMP’s assumption that the Program is not attractive to *any* industrial customers is incorrect. It may be the case that RMP is developing other programs that may be more attractive to industrial customers, as its Application in this docket seems to indicate, but until those programs or their details are revealed the Program should remain open to industrial customers who have an interest in using the Program as a tool to meet renewable energy goals.

**II. UAE RECOMMENDS SUSPENDING THE PROPOSED TARIFF CHANGES TO PROVIDE AN OPPORTUNITY TO SUPPLEMENT THE RECORD IN THIS DOCKET**


UAE’s Comments in this docket assert that at least two of its members have an interest in participating in the Program. UAE includes a number of RMP’s industrial customers in Utah and UAE actively monitors Commission dockets in an effort to protect the interests of its members. UAE is, therefore, in a position to promptly respond to the Commission’s Notice of Filing and Comment Period and provide comments within the time contemplated therein. There are a large number of RMP industrial customers in Utah that are not UAE members, and those customers may also have an interest in commenting on this matter but do not actively follow Commission dockets and otherwise may not be in a position to provide comments within the time contemplated in the Notice of Filing or Comment Period. As a result, UAE believes it would be worthwhile for the Commission to A) suspend the tariff changes that PacifiCorp proposes in its application in this docket pending further order from the Commission, and B) set a notice of scheduling conference with the purpose supplementing the record in this docket to allow additional time for parties to provide comment.

**CONCLUSION**

For the foregoing reasons, UAE respectfully requests that the Commission decline to adopt RMP's proposed modification that would remove Schedule Nos. 8, 9 and 9A from the Subscriber Solar Program.

DATED this 23rd day of May 2019.

Respectfully submitted

By:   
\_\_\_\_\_  
Gary A. Dodge  
Phillip J. Russell  
HATCH, JAMES & DODGE, P.C.  
*Attorneys for UAE*

**Certificate of Service**  
Docket No. 19-035-T08

I hereby certify that a true and correct copy of the foregoing was served by email this 23rd day of May 2019, on the following:

**ROCKY MOUNTAIN POWER**

Michael Snow            michael.snow@pacificcorp.com  
datarequest@pacificcorp.com

**DIVISION OF PUBLIC UTILITIES**

Patricia Schmid        pschmid@agutah.gov  
Justin Jetter            jjetter@agutah.gov  
Chris Parker            chrisparker@utah.gov  
William Powell        wpowell@utah.gov  
dpudatarequest@utah.gov

**OFFICE OF CONSUMER SERVICES**

Steven Snarr            stevensnarr@agutah.gov  
Robert Moore           rmoore@agutah.gov  
Michele Beck           mbeck@utah.gov  
Cheryl Murray         cmurray@utah.gov

*Priscilla J. Russee*

---