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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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| In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism |) | Docket No. 19-035-T17 |
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| |) | The Office of Consumer Services' Comments |
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The Utah Office of Consumer Services (“Office”) files these Comments in response to the Public Service Commission of Utah (“Commission”) November 22, 2019 Notice of Filing and Comment Period regarding Rocky Mountain Power’s November 21, 2019 proposed revisions to Electric Service Schedule No. 94, Energy Balancing Account Pilot Program (“EBA”).

The Office has reviewed the proposed changes and found them to be generally consistent with the Commission’s November 14, 2019 Order, in Docket 09-035-15, approving the EBA as an ongoing program and modifying the EBA’s carrying charge. However, Second Revision of Sheet No. 94.1 reads: “EBA Carrying Charge: An annual interest rate as specified in Electric Service Schedule No. 300...” Electric Service Schedule No. 300 states: “The interest rate for accounts *shown below* shall be based on the average of the annual Aaa and Baa corporate bond interest rates for the previous year.” The only accounts identified are Residential Deposits and

Non-residential Deposits. Therefore, for the new 94.1 tariff to be compliant with the Commission's Order, Schedule 300 also has to be revised in a manner that will include the EBA.

Moreover, the proposed changes are consistent with the recent Utah Supreme Court decision *Utah Office of Consumer Services, et al. v. Public Service Commission, et al.*, 2019 UT 26, holding that the Commission does not have the statutory authority to interject interim rates into the EBA mechanism. Accordingly, under the condition that Schedule 300 is revised to include the EBA, the Office supports the changes to Schedule No. 94.

Respectfully Submitted, December 5, 2019.

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of Consumer Services*