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July 18, 2016

***VIA ELECTRONIC FILING
AND HAND DELIVERY***

Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Secretary

RE: In the Matter of Potential Amendments to R746-100
Docket No. 16-R-100-02

Dear Mr. Widerburg:

PacifiCorp dba Rocky Mountain Power (“Rocky Mountain Power” or “the Company”) hereby submits its comments in the above referenced Notice of Proposed Rule Amendment.

The Company appreciates the opportunity to provide comments to the Public Service Commission of Utah regarding Utah Administrative Code R746-100, titled “Practice and Procedures Governing Formal Hearings” (“Practice Rules”). The Company supports the Commission’s efforts to improve the Practice Rules by clarifying and streamlining the language to the extent it is overly complicated, duplicative, unnecessary and inconsistent.

As a general matter, the Company reiterates its May 24, 2016 recommendations in Docket No. 16-R-100-01 regarding potential amendments to R746-100-3, specifically the form of pleadings. The Company recommended the elimination of the requirement for paper copies of all pleadings. The Company further recommended modification of the time at which a filing is deemed a “Complete Filing.” Currently, a filing is not considered “complete” until both electronic and paper copies are received. The Company requests consideration of deeming a filing “complete” upon the filing and receipt of solely the electronic version. Other jurisdictions follow a similar practice whereby a filing is deemed “complete” upon receipt of an electronic version provided, however, that any required paper copies are delivered the following day. Finally, the Company reiterates its recommendation that a workshop be convened to discuss how a secure website for the filing of confidential materials, including in response to data requests, may enable the Commission’s goals to streamline, simplify and improve the Practice Rules.

The Company addresses below the Commission's proposed Practice Rules.

Proposed Rule R746-1-203

The proposed rule deletes the reference to "Portable Document Format" (PDF) as an acceptable filing format. The Company requests that the Commission reinstate PDF format as an acceptable form for filings, along with the required word processing or spreadsheet format. The justification for the Company's recommendation is that it is a convenient way for the Company and parties to print the entire filing, as well as redact confidential information. In addition, filings that are made in PDF format are not subject to change or reformatting, which is helpful when parties reference any part of the filing by line number or page number during a hearing.

Proposed Rules R746-1-103 and R746-1-104

Neither the definition of "proceeding" or "informal proceeding" appears to contemplate a tariff advice letter. The Company believes the language in the defined categories must be modified to clarify whether a tariff advice letter should be considered a "proceeding" or an "informal proceeding."

Proposed Rule R746-1-301

It appears that the briefing timeline for a motion has been extended from 15 to 30 days for responses and from 10 to 15 days for replies. The Company is concerned that the extension of time for a response to a motion to 30 days poses a risk of unreasonably compressing the expeditious administration of a proceeding for the other party, particularly when the proceeding is on a short suspension period. Accordingly, additional clarification on the need for this extended timeframe would be helpful.

Proposed Rule R746-1-501

The Company requests that the Commission delete the proposed requirement in R746-1-501(3) for a party that objects to a discovery request to file a motion to quash. The Company favors the current practice of requiring the requesting party to file a motion to compel. The Company believes this practice has worked well in the past.

Proposed Rule R746-1-601

The Company recommends additional language be added related to the option to petition the Commission for additional protective measures for a party that considers information to be highly confidential. The party requesting the information and the owner of the information can mutually agree (1) that the information should be highly confidential and (2) to a method of disclosure without the necessity of involving the Commission.

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Proposed Rule R746-1-602

The Company recommends that the rules continue to require that all parties that are not government agencies (i.e., the Commission, Division of Public Utilities, and Office of Consumer Services) must execute a non-disclosure agreement. The current proposed language in R746-1-601(1)(iv) and (v) appears to exempt counsel and experts that are hired by other parties, not government agencies. The current practice requires all parties that are not government agencies, including counsel and experts as well as their administrative staff, to execute non-disclosure agreements.

The Company appreciates the opportunity to provide these comments. In addition, the Company would support the Commission holding a technical workshop to work through the proposed changes, if so desired by the Commission.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey K. Larsen".

Jeffrey K. Larsen
Vice President, Regulation