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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

<b>Notice of Proposed Rule Amendment</b>	<b>Docket No. 17-R001-01</b> <b>COMMENTS FROM THE</b> <b>DIVISION OF PUBLIC UTILITIES</b>
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Pursuant to Utah Code Ann. Section 54-4a-1, the Utah Division of Public Utilities (Division) submits these Comments in response to the Public Service Commission of Utah's (Commission) July 31, 2017 Notice of Proposed Rule Amendment in this docket. The Division generally supports the proposed changes and in particular believes that the Commission's proposed language will provide clarity regarding the rights and duties of intervening parties. In addition, other proposed language will facilitate electronic meetings and detail how certain Commission obligations under the Open Meetings Act will be met.

The Division generally supports the proposed changes to R746-1-108, R746-1-401, and R746-1-704. These proposed rules, acting in concert, provide clarity regarding the rights and responsibilities of those granted intervention in a particular

docket, thus making them “parties” to that docket. Importantly, the proposed rules differentiate between parties to a proceeding and public witnesses.

Proposed R746-108 addressing intervention specifies that “a person that is granted intervenor status: (a) shall comply with the scheduling order issued in the docket; and (b) may not file public comments unless the Commission’s scheduling order provides for the filing of comments by a party.” The changes found in proposed R746-1-401 make it clear that parties’ filings must comply with the scheduling order or Commission direction, and that deviating filings are impermissible.

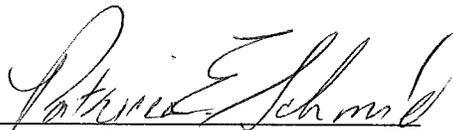
In addition, a change proposed to R746-1-704 specifies that “[a] party to a docket may file comments only if the Commission’s scheduling order provides for the filing of comments by a party.” The Division believes that these proposed changes offer needed direction. For example, occasionally parties have spontaneously filed comments instead of testimony, causing other parties to seek a Commission decision regarding whether the filing complies with the Commission’s rules and scheduling order, the weight to be given such a filing, and what, if any response, is permitted. These spontaneous comments in lieu of testimony deprive other parties of the opportunity to question and cross-examine witness, allowing the positions set forth therein to go effectively unchallenged and untested.

Proposed R746-1-110, a completely new rule addressing electronic meetings, is supported by the Division. It will allow needed flexibility while maintaining the integrity of the administrative process. The specifics provided in the proposed rule serve to answer procedural questions that may arise.

Proposed R7460-1-111, another completely new rule, is also supported by the Division. This rule sets forth how the Commission complies with the Open and Public Meetings Act's requirement that minutes must be provided and includes provisions specifically addressing the role of hearing transcripts.

The Division appreciates the Commission's efforts to clarify and provide direction regarding its rules, particularly those addressing the rights and responsibilities of parties to a docket compared to those of public witnesses and the treatment of filings deviating from the scheduling order or not made pursuant to a Commission order.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of September 2017.

  
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of Public Utilities