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Division of Public Utilities

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Comments

To: Utah Public Service Commission

From: Utah Division of Public Utilities
Chris Parker, Director
Artie Powell, Energy Section Manager
Bob Davis, Utility Analyst

Date: April 30, 2019

Re: **Division of Public Utilities Comments, Docket No. 19-R310-01** – Proposed rule amendment to clarify the distinction between a meter that fails to register correctly and a meter that completely fails to measure any usage.

The Division of Public Utilities (“Division”) supports the proposed amendments to Utah Administrative Code R746-310, Uniform Rules Governing Electricity Service by Electric Utilities, as proposed by the Public Service Commission (“Commission”) as stated herein.

Issue

On March 20, 2019, the Commission issued its Order Suspending Tariff and Notice of Rulemaking in Docket No. 19-035-T02. On March 26, 2019, the Commission issued its Notice of Proposed Rule Amendment. The Commission is seeking comments until end-of-business on May 15, 2019. The proposed effective date is May 22, 2019. This memorandum represents the Division’s comments to those amendments.

Background

The Division concluded in its original comments filed in the related Docket No. 18-035-T04 that Rocky Mountain Power’s (“RMP”) initial proposed changes to Regulation No. 7, Section 4(b) clarified the distinction between a meter that fails to register usage correctly and a meter that

completely fails to register any usage. The Division suggested a review of the language in Electric Service Regulation No. 8, Section 8, referenced in Regulation No. 7(4)(b).¹

The Division raised the concern of equity in backbilling. Customers whose meter failed to register the full use because of a subset of specific reasons can be billed for twenty-four months of prior estimated use as permitted by Regulation 8.8(d), but billing is allowed for only three or six months in the event of other metering failures.²

In its reply comments, the Division recommended that the Commission direct RMP to schedule a meeting at its earliest convenience to discuss the Division's concerns regarding the fairness of backbilling.³ RMP acknowledged the Division's request and agreed to review Electric Service Regulation Nos. 7 (Metering) and 8 (Billings).⁴

On January 15, 2019, the Commission issued its Order in Docket No. 18-035-T04 rejecting RMP's proposed changes to Electric Service Regulation No. 7. The Commission cited Utah Administrative Code R746-310, Uniform Rules Governing Electricity by Electric Utilities. The Commission concluded that the rule *"does not address the language change RMP seeks to implement for a meter which fails to measure correctly."* Further, the Commission states that *"we should not adopt PacifiCorp's proposal before rules addressing the issue are proposed by a party and ultimately adopted by the PSC."* In addition, *"we conclude this issue could be applicable to other electric utilities."*⁵

On February 7, 2019, RMP met with the parties to discuss the backbilling issue and proposed revised language to Regulation No. 7, Section 4(b) and Regulation No. 8, Section 8(c). RMP's proposed changes to Electric Service Regulation No. 7.4(b) clarify the types of meter registration errors that might occur. The proposed changes to Electric Service Regulation No. 8.8(c) clarify the time-frame RMP can render a backbill. The type of error is the determinant of the backbill duration.

¹ Division of Public Utilities, DPU Comments, November 20, 2018, Regulation 7 – Metering, page 3.

² Id.

³ Division of Public Utilities, DPU Reply Comments, January 10, 2019, Regulation 7 – Metering, page 2.

⁴ Rocky Mountain Power, Reply Comments, December 12, 2019, Regulation No. 7, Metering, page 3.

⁵ Utah Public Service Commission, Order, January 15, 2019, Regulation No. 7 Section 4(b), page 9.

Discussion

The Commission's proposed rule amendment to R746-310-3 addresses the time frame in which RMP may issue a backbill while R746-310-8 also addresses the duration of the backbill. Both of the proposed amendments align Regulation No. 7 and Regulation No. 8 to the Rule.

Conclusion

The Division reviewed the Commission's proposed amendments to Utah Administrative Code Rule 746-310 and concludes that the revised language in R746-310-3 and R746-310-8 aligns with the language in RMP's Electric Service Regulation No. 7.4(b) and Electric Service Regulation No. 8.8(c) and (d), respectively. The Division supports the proposed amendments.

Cc: Joelle Steward, RMP
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