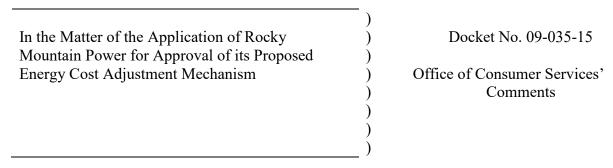ROBERT J. MOORE (5764)
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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

	)	
In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism	)))))))	Docket No. 09-035-15 Office of Consumer Services' Comments

Pursuant to Utah Code § 54-10a-301, Utah Admin. Code r. 746-1 and the Public Service

Commission of Utah's ("Commission") August 1, 2019 Request for Comments, the Utah Office

of Consumer Services ("Office") submits these Comments on whether Rocky Mountain Power's

EBA pilot program should be terminated or whether the EBA should continue as a permanent

program. As the Public Service Commission of Utah ("Commission") is aware, the Office has

submitted numerous Comments, written testimony and hearing testimony on the EBA pilot

program during the course of this docket. *See, e.g.,* Transcript of January 17, 2017 Hearing;

December 15, 2017 Surrebuttal Testimonies of Philip Hayet and Danny Martinez; November 16,

2016 Rebuttal Testimony of Philip Hayet and Danny Martinez; September 21, 2016 Direct

Testimony of Philip Hayet and Danny Martinez; Office's Comments of October 23, 2014 and

September 18, 2016. The Office reasserts the arguments made in this testimony and comments

and incorporates them into the instant filing.

The Office believes that for the program to continue the Commission must make a finding that the continuation of the EBA program is in the public interest. The Commission has ample evidence and input before it on which to base a decision. If the Commission makes such a finding, the Office is confident that the parties can agree on tariff modifications to effectuate the Commission's findings and the requirements of the recent Supreme Court decision of *Office of Consumer Servs. v. Pub. Serv. Comm'n*, 2019 UT 26.

Respectfully submitted, September 16, 2019.

_Robert J. Moore___
Robert J. Moore
Attorney for the Office of Consumer Services