



# State of Utah

## Department of Commerce Division of Public Utilities

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### Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Doug Wheelwright, Utility Technical Consultant Supervisor

Brenda Salter, Utility Technical Consultant Supervisor

Gary Smith, Utility Technical Consultant

Joanna Matyjasik, Utility Analyst

**Date:** January 19, 2022

**Re:** **Docket No. 09-035-15**, Application to Establish Interim Rate Process in the Energy Balancing Account.

### Recommendation (Approval)

The Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) approve Rocky Mountain Power's (Company) modifications to Electric Service Schedule 94 filed on December 10, 2021, providing an interim rate process in advance of the Company's Energy Balancing Account (EBA) filing. The Division also recommends additional modifications to Electric Service Schedule 94 are needed to comply with Utah Code 54-7-13.5(2)(1)(ii).

### Background

On December 10, 2021, the Company filed its Application to Establish Interim Rate Process in the Energy Balancing Account. On December 10, 2021, the Commission issued an Action Request to

the Division to review the application and make a recommendation. Utah Code 54-7-13.5 was modified during the 2021 legislative session to “consider an interim rate request made as a part of an electrical corporation’s filing an energy balancing account.” Utah Code 54-7-13.5(2)(k)(i). The Company modified Electric Service Schedule 94’s EBA Procedural Schedule to provide for interim rates. The Division reviewed the Company’s modifications and found the Company’s modifications providing for interim rates are permissible.

However, additional modifications to Utah Code 54-7-13.5 made in the 2021 legislative session establish that “The commission may issue a final order...before the expiration of 300 days after the day on which the electrical corporation files a complete filing.” Assuming an application filing date of March 15, the following EBA Procedural Schedule dates included in Schedule 94, will need further review and modification to comply with the 300-day limitation:<sup>1</sup>

#### EBA PROCEDURAL SCHEDULE

1. Rocky Mountain Power will file its EBA application on or about **March 15**.
3. The DPU will complete its audit and file its report and supporting testimony by **November 7**.
4. The PSC will hold a hearing on or about **January 21** of the following year.
5. The PSC will issue an order on or about **February 21** of the following year before the next EBA filing is made.

The Company and the Division are reviewing and discussing options to overcome the challenges that this legislated time limitation imposes. The results of these discussions will be presented in future correspondence and filing.

#### **Conclusion**

Based on the Division’s review of the Company’s December 10, 2021, modifications to Schedule 94, the Division recommends that the Commission approve the Company’s proposed modifications to establish the interim rate process. The Division recommends additional

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<sup>1</sup> Utah Code 54-7-13.5(2)(l)(ii)

modifications to Schedule 94 are required to comply with the imposed 300-day imposed constraint.

Cc: Michele Beck, Office of Consumer Services  
Joelle Steward, Rocky Mountain Power  
Jana Saba, Rocky Mountain Power