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To: The Public Service Commission of Utah

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Date: June 15, 2011

Subject: Advice No. 11-03, Schedule 114 – Cool Keeper Program Tariff Revisions,  
Docket No. 11-035-T03

### Background

On March 28, 2011, Rocky Mountain Power (the “Company”) filed proposed tariff sheet revisions for Schedule 114 – Air Conditioner Direct Load Control Program or “Cool Keeper” program (the “Program”). The Company’s stated purpose in filing these modifications is to (1) improve content from an organizational perspective, (2) add clarity to program delivery and participation requirements, and (3) eliminate outdated or program irrelevant language from the tariff. The tariff sheets are changed almost in their entirety to accomplish the three objectives above. On April 19, 2011 the Office submitted Office of Consumer Services (the “Office”) First Data Request for Docket 11-035-T03 (“OCS DR 1”). On April 20, 2011, the Office and Division of Public Utilities (the “Division”) submitted initial comments. In its comments, the Office raised concerns regarding partial use facilities, market conditions warranting system dispatch, program enrollment, incentive decrease communications and rental housing permission.

On April 27, 2011, the Public Service Commission of Utah (the “Commission”) ordered a suspension of tariff modification. On May 16, 2011, the Company filed a reply letter (the “Reply”) with revised tariff sheets to respond to comments from the Division and the Office. An action request was issued by the Commission for parties to respond to the Reply by May 24, 2011. In the Reply, the Company requested implementation of the

proposed tariff revisions by May 27, 2011. However, the Company did not respond to OCS DR 1 within 30 days, hence the Office requested a time extension until two days after the OCS DR 1 responses were received. The Commission granted the extension. The Office received responses to OCS DR 1 on May 26, 2011. The Office filed its reply to OCS DR1 on June 1, 2011. On June 9, 2011, the Company provided the Office language regarding denying participation to "partial use facilities." This language was also filed with the Commission on the June 9, 2011.

### Discussion

In its June 1 memo, the Office presented the following positions:

1. A recommendation to include the language proposed by the Company regarding system operation as follows, "Company will operate the System to manage peak loads within the Summer Peak Period."
2. The Office agreed to the language dealing with the Call Center elimination and participant enrollment as outlined in the Company's May 16<sup>th</sup> response letter.
3. The Office agreed to the Company's proposed language regarding rental housing and permission.

The Office also raised questions about the definition of partial use facilities. The Office proposed language for the Company to consider relating to partial use facilities. After discussions with the Company, the Office supports alternative language proposed by the Company relating to partial use facilities, as stated within paragraph one of third revision of Schedule 114.1 contained in the June 9, 2011 filing.

The Office notes that the June 9<sup>th</sup> filing did not contain the language relating to system operation proposed by the Company in its May 16<sup>th</sup> response. The Office continues to advocate that substitute language is necessary to for clarity of the tariff. Therefore, the Office recommends that the Commission accepts the Company's June 9<sup>th</sup> tariff language, but also require the substitute language relating to system operation contained in the Company's May 16<sup>th</sup> response be approved.

### Recommendations

1. The Office recommends that the Commission approve the proposed language in the first paragraph of the Third Revision of Sheet No. 114.1 filed on June 9, 2011.
2. The Office recommends that the Commission also require the substitute language cited above as follows, "Company will operate the System to manage peak loads within the Summer Peak Period."