

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Advice Filing No. 11-)
T03 of PacifiCorp d/b/a Rocky Mountain) DOCKET NO. 11-035-T03
Power for Changes to Schedule 114 - Cool)
Keeper Program) ORDER

ISSUED: June 22, 2011

By The Commission:

On March 28, 2011, PacifiCorp d/b/a Rocky Mountain Power (“Company”) submitted Advice Letter No. 11-03 regarding proposed modifications to the Cool Keeper Program (“Schedule 114”) requesting an effective date of April 27, 2011. The Company stated the proposed tariff modifications are designed to clarify the tariff and make the program administration more understandable. On March 29, 2011, the Commission issued an Action Request to the Division, requesting comments by April 20, 2011. On April 20, 2011, the Division of Public Utilities (“Division”) and the Office of Consumer Services (“Office”) filed comments on the proposed changes. Both the Division and the Office recommended the Commission approve the tariff but with modifications.

On April 27, 2011, the Commission issued an Order suspending the requested tariff revisions to give time for the Company to respond to the Office’s and Division’s suggested modifications. On May 16, 2011, the Company filed comments in response to the pleadings of the Division and Office along with revised tariff sheets requesting implementation by May 27, 2011. On May 17, 2011, the Commission issued an Action Request asking for comments on the revised filing by May 24, 2011. On May 24, 2011, the Division filed comments recommending the Commission adopt the revised tariff sheets along with the two instances of substitute

language suggested by the Company. Specifically, these changes are as follows. First, with respect to rental housing and permission to participate in the Program: “Permission from the owner, owner’s representative or property manager may be obtained by the Customer residing in the rental unit, the Company or its Contractor and may be in the form of a written or verbal approval.” Second, regarding system operation: “The Company will operate the System to manage peak loads within the Summer Peak Period.”

On May 25, 2011, the Office requested, and the Commission granted, an extension of time for the Office to file comments until two days after the Company provides answers to the Office’s outstanding data request. On June 1, 2011, the Office filed comments on the revised tariff sheets. The Office supports most of the changes the Company made to the proposed tariffs. The Office recommends three changes to the language as filed. The first two changes concur with the Company and Division on adopting the suggested substitute language for rental properties and the operation of the system. In its third recommendation, the Office asks the Commission to eliminate the term “partial use facilities” from the tariff, revising the language to reflect the Company’s desire to deny participation to those not regularly using their qualifying equipment during the summer control period. The Office recommends the following language: “Customers participate in the program during the summer control period. The summer control period is typically but not limited to high load, day time hours. Customers may be denied participation if they are not regularly operating qualified equipment during the summer control period.”

On June 9, 2011, the Company filed another revised tariff sheet which includes the substitute language recommended by the Division and Office noted above and an explanatory

letter responding to the Office's comments. In its letter the Company states: "Through its comments in this proceeding, the Company has agreed to new tariff language and/or proposed alternate language for the Commission to consider for all but one of the points of contention." [emphasis added.] The one point of contention is the language to address partial use facilities. The Company provides alternative language to address the Office's concerns regarding "partial use facilities." The Company proposes the following language to address this issue: "Program participation may be denied to Customers whose Qualifying Equipment is not regularly in operation during the Summer Peak Period at the discretion of the Company despite meeting all other Program requirements for participation." The Company represents this language is also acceptable to the Office and Division. On June 14, 2011, the Commission issued an action request to the Division to review the revised tariff sheets, due as soon as possible. On June 15, 2011, the Office filed comments expressing support for the Company's proposed language to address participation limitations for "partial use facilities." However, the Office also notes the June 9th revised tariff sheets did not contain the language relating to system operation proposed by the Company in its May 16th response. The Office continues to advocate adoption of this substitute language for clarity. Since the Company's June 9, 2011, letter indicates it accepts all of the proposed changes and does not oppose the substitute language the Commission infers that the non-inclusion of the system operation language must have been an inadvertent oversight on the Company's part. The Division filed comments on June 21, 2011, recommending approval of the Tariffs filed on June 9, 2011.

We find the Company's proposed revisions filed June 9, 2011, plus the substitute language as follows, "Company will operate the System to manage peak loads within the

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Summer Peak Period,” provide a reasonable resolution of the issues raised in this matter and are in the public interest. We hereby approve these changes and direct the Company to file corrected tariff sheets for compliance review.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the revised tariff sheets filed by the Company on June 9, 2011, as adjusted to include the additional language described herein, are approved with an effective date of May 27, 2011.

DATED at Salt Lake City, Utah, this 22nd day of June, 2011.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
D#207436