

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Rocky Mountain Power for Approval of its Asset Transfer Agreement with the City of Blanding, Utah	)	<u>DOCKET NO. 13-035-58</u>
	)	<u>NOTICE OF FILING OF REQUEST FOR REVIEW OR REHEARING AND COMMENT PERIOD</u>

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ISSUED: July 17, 2013

By The Commission:

On April 19, 2013, Rocky Mountain Power, a division of PacifiCorp (“RMP” or “Company”), filed with the Commission an Application for Approval of Asset Transfer Agreement (“Agreement”) with the City of Blanding, Utah (“City”). The Agreement provides for the transfer of distribution facilities and 35 customers that are located within the Company’s service territory and outside the City’s municipal boundaries from RMP to the City. Section 8 of RMP’s application represents that “[c]ustomers have been informed of the proposed changes that will result in transfer of customers’ service to City. Customers have also been informed that the transfer is subject to Commission approval.”

On May 20, 2013, the Division of Public Utilities (“Division”) filed a response to the Commission’s April 23, 2013, Action Request, recommending approval of the Agreement. According to the Division, customers impacted by the transfer will experience no obvious change to their electric service, as RMP will continue to maintain the facilities through a separately negotiated utility services agreement with the City. The Division also indicated it was unaware of any opposition by the 35 customers to the proposed transfer of their service to the City.

Notwithstanding its recommendation for approval, the Division noted the Company should have done more to inform its customers of the potential impacts associated with the transfer.<sup>1</sup>

Based on the representations made in RMP's application and the Division's recommendation, we issued an Order Approving Asset Transfer Agreement on June 12, 2013 ("Order"). The Commission notes that it was never made aware of any complaints by RMP customers regarding the proposed Agreement.

On July 12, 2013, the Commission received email correspondence from Hal W. and Kammy L. Palmer ("Palmer's"); RMP customers impacted by the Agreement. Among other allegations, the email claims the Palmer's contacted RMP to complain about the Agreement and were referred to a "website, which had no information on it at the time." The email also complains the Agreement will result in higher power bills for the Palmers. The email concludes by stating, "please accept this as our official written response to request an Agency Review Order."

#### DISCUSSION AND NOTICE OF COMMENT PERIOD

We read the Palmer's correspondence as a timely request for review or hearing under Utah Code Admin. R746-100-11 and Utah Code Ann. § 63G-4-302.<sup>2</sup> As such, we request that any interested party submit comments regarding the Palmer's request for review or rehearing

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<sup>1</sup> The Division reports that the Company's sole effort to inform its customers of potential rate impacts of the transfer is the following line included in letters to the affected customers: "Blanding City's current rates and service rules can be found at: [www.blanding-ut.gov/services/electric.html](http://www.blanding-ut.gov/services/electric.html)." *Division Action Request Response*, p.3.

<sup>2</sup> The Commission also received email correspondence from Mr. Thomas Bradford, another City customer, on July 16, 2013. Mr. Thomas' email concurs with the Palmers' email, makes additional allegations against RMP and the City and generally protests the Agreement. We note that Mr. Thomas' correspondence was received by the Commission subsequent to the 20-day deadline for review of Commission order under R746-100-11 and Utah Code Ann. § 63G-4-302. As indicated above, however, the Commission treats the Palmers' correspondence as a timely request for review or rehearing.

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on or before Friday, July 26, 2013. Specifically, the Commission requests comments regarding the sufficiency of notice provided to RMP customers regarding the proposed Agreement and its potential effect.

DATED at Salt Lake City, Utah this 17<sup>th</sup> day of July, 2013.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
DH#245778

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17<sup>th</sup> day of July, 2013, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Data Request Response Center ([datarequest@pacificorp.com](mailto:datarequest@pacificorp.com))  
PacifiCorp

Dave Taylor ([dave.taylor@pacificorp.com](mailto:dave.taylor@pacificorp.com))  
Robert C. Lively ([bob.lively@pacificorp.com](mailto:bob.lively@pacificorp.com))  
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Rocky Mountain Power

Jeremy Redd ([jredd@blanding-ut.gov](mailto:jredd@blanding-ut.gov))  
Blanding City

By Hand-Delivery:

Division of Public Utilities  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, UT 84111

Office of Consumer Services  
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Administrative Assistant