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**BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Investigation of the
Costs and Benefits of Pacificorp’s Net
Metering Program

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**Docket No. 14-035-114
RESPONSE OF THE ALLIANCE
FOR SOLAR CHOICE TO ROCKY
MOUNTAIN POWER’S LEGAL
BRIEF IN ADVANCE OF THE
DEADLINE FOR DIRECT
TESTIMONY**

Pursuant to the First Order Amending Scheduling Order and Notices of Workgroup Meetings, Hearing and Public Witness Hearing, The Alliance for Solar Choice (“TASC”) respectfully submits its response to the legal brief of Rocky Mountain Power (“RMP” or “the Company”) regarding the proper legal interpretation and meaning of Utah Code Ann. § 54-15-105.1(1).

TASC does not fault the Company’s desire to seek guidance regarding the scope of issues to be determined in establishing an analytical framework. The potential scope of issues is broad and it would be cumbersome to comprehensively address the full spectrum of issues during the evidentiary hearing. TASC has previously advocated for putting legal and policy issues on a

separate comment or briefing track, leaving the hearing as the venue to resolve differences in positions that rest on factual assertions of the parties. To that extent, TASC continues to support narrowing the range of issues to be considered at the hearing prior to the filing of testimony.

TASC disagrees, however, that the appropriate means of narrowing the scope is through a request for declaratory relief or to limit evidence.¹ Since this proceeding began, it has been TASC's impression that the Commission prefers that collaborative efforts to find consensus should prevail whenever possible. The Company's brief predates the first true "settlement" meeting of the parties, but it does suggest a topic (i.e., externalities, societal benefits) that TASC believes is both ripe for discussion and capable of a consensus-based resolution. TASC welcomes such dialogue with the Company and other parties.

Notwithstanding the Company's argument that § 54-15-105.1(1) precludes the inclusion of externalities that are not "direct" and "quantifiable" benefits to Utah ratepayers, there remain significant factual questions that need to be resolved to determine what benefits are "direct" and "quantifiable." The Commission would still need to hear evidence before it could determine what values are reasonably capable of quantification and whether these benefits or costs "directly" apply to Utah ratepayers.² The scope of factual issues to be considered could be significantly narrower, however, if parties present a consensus recommendation on how externalities should be handled in respect to the net metering analytical framework.

¹ While the Company's filing is fashioned as a legal brief, it could be construed as a request for a declaratory order on the interpretation of § 54-15-105.1(1) or, alternatively, a motion in limine to exclude consideration of certain evidence of externalities. TASC does not believe the Company's brief is the appropriate vehicle for seeking such forms of extraordinary relief and believes that it is deficient in regards to meeting the pleading standards for each type of request.

² In this respect, Utah ratepayers also constitute the "society" of Utah, so there is no intuitive dividing line between direct ratepayer benefits and direct societal benefits.

TASC respectfully requests that the Commission deny any request for relief embodied in the Company's brief, at this time, and allow parties to use the collaborative process to develop such a proposed recommendation. By refusing to limit the inclusion of types of evidence at this stage, the Commission does not prejudice the legal issue raised by the Company's brief. Moreover, inaction on the Company's requests does not preclude parties from working to achieve the shared goal narrowing the scope of the hearing and could, in fact, encourage parties to put additional effort into finding collaborative solutions on externalities and other issues. If the Commission does choose to limit the introduction of specific categories of evidence for purposes of administrative efficiency, TASC recommends that the Commission refrain from declaring its interpretation of the statute until it issues a final order. TASC recommends that the Commission request legal briefing on specific topics identified throughout the course of this proceeding and reserve its legal determination until such time as parties have had the opportunity to provide such briefing in light of a more fully developed record.

Respectfully submitted this 27th day of May, 2015,

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