

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Investigation of the
Costs and Benefits of PacifiCorp's Net
Metering Program

DOCKET NO. 14-035-114
ORDER RE: CONCLUSIONS OF
LAW ON STATUTORY
INTERPRETATION AND ORDER
DENYING MOTION TO STRIKE

ISSUED: July 1, 2015

1. PROCEDURAL HISTORY

On August 29, 2014, the Commission opened this docket to examine the costs and benefits of the net metering program of Rocky Mountain Power, a division of PacifiCorp ("RMP"). The Commission previously explained the necessity of performing this analysis in stages. The first step occurred on November 5, 2014 when RMP presented its plan for performing a load research study focused on residential net metered customers and a schedule for the study's completion in September 2015. Recognizing that data from the load research study is relevant to the analysis and determinations the Commission is required to make under Utah Code Ann. § 54-15-105.1, and that such data will not be available until September 2015, the Commission issued a Notices of Comment Period and Scheduling Conference on November 21, 2014 explaining that the next step would involve "establish[ing] the appropriate analytical framework for making the required determinations." (November 21, 2014 Notice at 2.) The Commission further explained "[s]uch a framework will include the types of analyses that must be performed, the components of costs and benefits to be included in the analyses, and the sources and time period of data inputs." (*Id.*) At the January 12, 2015 scheduling conference, the

Commission adopted a schedule that provides for a hearing on the appropriate framework to commence on October 6, 2015.

On March 16, 2015, the Commission convened a follow-up Technical, Status and Scheduling Conference where the parties agreed to modify certain aspects of the previously established schedule. During the March 16 conference, the parties discussed the potential utility of obtaining preliminary conclusions of law from the Commission regarding the Commission's interpretation of Utah Code Ann. § 54-15-105.1 in advance of the deadline for filing Direct Testimony. The Presiding Officer expressed the Commission's amenability to hearing a round of motions in advance of the filing of Direct Testimony, and the parties agreed to a briefing schedule. On March 19, 2015, the Commission issued its First Order Amending Scheduling Order and Notices of Workgroup Meetings, Hearing and Public Witness Hearing memorializing the briefing schedule and other dates to which the parties agreed at the March 16 conference.

On May 6, 2015, RMP filed its "Legal Brief in Advance of the Deadline for Direct Testimony." On May 27, 2015, the Commission received Responses to RMP's filing from the following parties: the Division of Public Utilities ("Division"), the Office of Consumer Services ("Office"), Sierra Club, Utah Clean Energy ("UCE"), The Alliance for Solar Choice ("TASC") and Interstate Renewable Energy Council, Inc. ("IREC" and collectively with Sierra Club, UCE and TASC, "Intervenors"). On June 9, 2015, RMP, UCE and TASC filed Replies. RMP's Reply supported its initial filing and addressed arguments other parties raised in their Responses. UCE and TASC explained they filed Replies to address new arguments in support of RMP's position that the Division and the Office raised in their respective Responses. On June 19, 2015, RMP

filed a motion to strike (“RMP’s Motion to Strike”), requesting the Commission strike UCE’s and TASC’s Replies as procedurally improper. On June 25, 2015, UCE and TASC filed a Joint Response in Opposition to RMP’s Motion to Strike.

2. REQUESTED RELIEF AND ISSUES TO BE DECIDED

Given that RMP filed a legal brief without an accompanying motion, some ambiguity exists as to the specific relief RMP seeks. Nevertheless, we surmise from the contents of RMP’s brief that RMP desires the Commission to issue an order declaring, as a matter of law, RMP’s interpretation of § 54-15-105.1 is correct. Additionally, while their filings are styled as Responses to RMP’s brief, it is clear from the Responses of both the Division and the Office that these parties also seek conclusions of law from the Commission on this issue.

Essentially, RMP’s filing argues: (1) the benefits and costs the Commission is to consider under § 54-15-105.1 are limited to those accruing to RMP and its non-net metering customers; (2) those costs and benefits must be “actual” and “quantifiable”; and (3) the statute excludes consideration of studies relating to benefits or costs outside of Utah.

The Commission agrees that a preliminary determination on these issues will allow the parties to utilize more efficiently their resources in preparation for the hearing and will facilitate a more focused presentation of the evidence. Accordingly, the Commission will treat RMP’s filing (hereafter “RMP’s Motion”) as a motion for conclusions of law on these three issues.

3. POSITIONS OF THE PARTIES

a. RMP

The statute at issue provides the Commission must:

- (1) determine, after appropriate notice and opportunity for public comment, whether costs that the electrical corporation or other customers will incur from a net metering program will exceed the benefits of the net metering program, or whether the benefits of the net metering program will exceed the costs; and
- (2) determine a just and reasonable charge, credit, or ratemaking structure, including new or existing tariffs, in light of the costs and benefits.

Utah Code Ann. § 54-15-105.1 (hereafter we refer to § 54-15-105.1(1) as “Subsection One” and § 54-15-105.1(2) as “Subsection Two” and to them collectively as “the Statute”).

In its motion, RMP argues Subsection One requires the Commission to analyze “whether the costs shifted to the Company and its other customers by net metered [customers are] offset in whole or in part by benefits provided by net metering to the Company or its other customers.”

(RMP Motion at 5.)

RMP asserts the “threshold to determine whether something is a benefit is taken from the point of view of the Company or its non-net metered customers.” (*Id.* at 3.) According to RMP, Subsection One precludes the Commission from considering “external benefits such as global health, social and environmental benefits that could theoretically be bolstered by net metering, but that are not directly enjoyed by the Company or its customers.” (*Id.* at 4.) RMP also asserts those benefits must be actual (as opposed to speculative or hypothetical), measurable and quantifiable. RMP maintains such “quantification ... must pertain to a measurable benefit enjoyed by a ratepayer or a cost saved from a power bill, even when the external value an

intervener wants to quantify is otherwise desirable.” (*Id.* at 5.) On the cost side, RMP similarly asserts the only relevant costs are those arising out of the net metering program.

Additionally, RMP urges the Commission not to consider studies relating to benefits or costs that arise outside Utah, asserting that “the only appropriate inquiry under the statute” relates to “the costs and benefits to *this* utility (i.e., the Company) and *these* customers (i.e., its Utah customers).” (*Id.* at 7 (emphasis in original).)

b. The Division

The Division generally supports RMP’s Motion, although the Division maintains “it is unnecessary to make a ruling at this time on exclusion of any specific evidence.” (Division Response at 6.) The Division asks the Commission to “hold that the statute does not require or authorize the Commission to consider evidence of benefits to entities other than the Company or its customers.” (*Id.*) Rather, according to the Division, “the proper interpretation of the statute limits the costs and benefits to be considered to those that directly impact the electric utility and its cost to serve its customers.” (*Id.* at 6.)

The Division argues the Commission should interpret Subsection One with an eye toward the charge in Subsection Two to “determine a just and reasonable charge, credit, or ratemaking structure ... in light of the costs and benefits [analyzed under Subsection One].” (*Id.* at 4.) The Division maintains the Commission must set rates “by applying a standard that is based on a utility’s cost of service.” (*Id.* (quoting *Stewart v. Utah Pub. Serv. Comm’n*, 885 P.2d 759, 767 (Utah 1994).) The Division argues “[e]xternal benefits that do not accrue directly to the utility or its ratepayers do not fit reasonably into the paradigm of rates as a mechanism of allocating

current actual costs of utility service to customers” and “[t]herefore ... have no value in setting rates” (*Id.* at 4.)

The Division also contends that quantifying external costs and benefits would be unreasonably difficult and would yield unreliable and imprecise results. The Division states “[g]overnments have other more appropriate mechanisms for capturing and distributing external costs and benefits” such as tax incentives and emission regulations. (*Id.* at 5-6.) According to the Division, the “subjective and politicized” issues raised by a consideration of the social benefits associated with net metering are “better left to the elected officials.” (*Id.* at 5.)

c. The Office

Like the Division, the Office supports RMP’s Motion. After endorsing RMP’s arguments, the Office goes on to argue that “[e]stablished rules of statutory construction compel the conclusion that the term ‘benefit’ only applies to factors normally considered in public utilities cases, i.e., factors affecting the costs of service.” (Office Response at 5.) The Office supports this argument, in part, by citing case law standing for the proposition that “just and reasonable” rates are necessarily premised on cost of service. The Office concludes the “Commission should only consider quantifiable factors that immediately relate to the economic relationship between the Company and its ratepayers, factors that relate to the costs of services and the cost of capital.” (*Id.* at 8.)

d. Intervenors

i. Sierra Club

Sierra Club “agrees that it is a sensible interpretation of the statute to compare the costs and benefits on equal terms.” (Sierra Club Response at 4.) However, Sierra Club urges the Commission to adopt a broad understanding of the term “other customers” as used in the Statute such as to include costs and benefits applicable to customers in their capacity as residents of Utah as opposed to merely ratepayers of RMP. (*Id.*) Sierra Club argues “[a]ll of the Company’s customers are residents of the state of Utah, and all customers experience, to some degree, benefits or costs related to the state’s air quality, water quality and supply, and economic health.” (*Id.*) Sierra Club maintains “there is no reason to interpret the statute to preclude the Commission from considering non-utility benefits that accrue to Utah citizens as a result of net metering.” (*Id.* at 6.)

Like the Division and the Office, Sierra Club looks to the Commission’s obligation to establish “just and reasonable” rates and specifically refers to the statute defining a utility’s obligation to charge “just and reasonable” rates. *See* Utah Code Ann. § 54-3-1. Sierra Club argues § 54-3-1 authorizes the Commission to “take into consideration the well-being of the state of Utah, which may include public health and economic development considerations.” (*Id.* at 6.)

Sierra Club also cautions that simply because some “benefits and costs of net metering may be difficult to quantify ... that does not render them speculative,” citing potentially reduced exposure to energy price spikes that occur during high load periods as one example. (*Id.* at 7.) Sierra Club urges the Commission to “refrain from deciding, at this time ... whether certain

benefits and costs are too speculative or hypothetical to be included in the analytical framework.” (*Id.* at 8-9.) Finally, Sierra Club asserts that while “the Commission should not base its determination ... on the *conclusions* reached in studies on other states or utilities ... the approaches that other regulators have used in reaching these conclusions, and the types of data they have considered, are certainly relevant and helpful to the Commission.” (*Id.* at 10 (emphasis in original).)

ii. UCE

UCE echoes others’ arguments in asserting the Commission’s obligation to set “just and reasonable” rates should inform the analysis it performs under Subsection One. Like Sierra Club, UCE relies on § 54-3-1 and asserts the Commission should consider the “well-being of the state of Utah” in assessing costs and benefits of net metering. (UCE Response at 4.) UCE argues “the legislature has explicitly allowed for consideration of factors that are external to the Company’s own accounting (that is, externalities) where rate-setting is concerned and, therefore, these considerations may be included in the analysis of costs and benefits that will be used to set net metering rates.” (*Id.*)

UCE also encourages the Commission to refrain from precluding broad categories of information at this stage in the proceeding to allow the parties an opportunity to work collaboratively and, presumably, come to a stipulated agreement to narrow the issues. UCE also discourages the Commission from excluding non-quantifiable factors, asserting a “more prudent approach would be to retain placeholder costs or benefits until more sophisticated measurement methods are available.” (*Id.* at 7.) Finally, like Sierra Club, UCE argues that “[w]hile other

states' studies should not determine the costs and benefits of net metering in Utah ... we can learn about processes and methods employed in other states ... before embarking on our own, Utah-specific endeavor to evaluate the costs and benefits of net metering.” (*Id.*)

iii. TASC

TASC agrees, in principle, with narrowing the issues for hearing and advocates for putting “legal and policy issues on a separate comment or briefing track.” (TASC Response at 1-2.) However, TASC urges the Commission to deny any request for relief at this time and “allow parties to use the collaborative process to develop ... a proposed recommendation.” (*Id.* at 3.)

In its Reply, TASC reiterates the earlier arguments of Sierra Club, suggesting that “direct economic benefit ... that accrues to citizens of Utah also accrues directly to ‘other customers’” as that term is used in Subsection One. (*Id.* at 6.) TASC goes on to argue that other parties’ arguments concerning the standard for “just and reasonable” rates are premature. TASC rejects the necessity to “prospectively limit [the Commission’s] discretion in setting [just and reasonable] rates” in this proceeding, which TASC asserts is limited to determining the cost-benefit framework to be utilized in performing the analysis under Subsection One. (*Id.* at 8.) TASC notes that other parties’ arguments concerning the parameters of the Commission’s discretion to set “just and reasonable” rates also exceed the relief RMP sought in its Motion.

iv. IREC

In its Response, IREC emphasizes its expertise in the valuation of solar and net metering issues, attaching a copy of its publication, *A Regulator’s Guidebook: Calculating the Benefits and Costs of Distributed Solar Generation*. IREC disagrees with the parties who contend the

Commission's Subsection One analysis is limited to costs and benefits affecting RMP and its ratepayers. IREC asserts "the Commission has the authority to determine which benefits and costs are appropriate for consideration, and what methodologies should be used to value those benefits and costs." (IREC Response at 2-3.) IREC states the Commission should rely on the "several other regulatory commissions [that] have undertaken similar exercises and ... rely on these efforts in other states to inform" its analysis. (*Id.* at 3.) IREC concedes the results of other states' solar valuation exercises are "not necessarily relevant in Utah," but "urge[s] the Commission to distinguish these [results] from the underlying *methodologies and assumptions* used in those studies." (*Id.* (emphasis in original).)

4. ANALYSIS

As a preliminary matter, it is important to recognize the Statute directs the Commission to undertake two distinct tasks. First, the Commission is to perform a cost-benefit analysis and determine whether the benefits of the net metering program will exceed the costs ("Step One"). Second, the Commission is to determine a "just and reasonable" ratemaking structure in light of the results of the analysis performed in the first step ("Step Two"). As discussed above, the purpose of this phase of the docket is to create an analytical framework to accomplish Step One. (*See* November 21, 2014 Notice at 2.)

Broadly, to decide the issues before it, the Commission must interpret Subsection One to identify what categories of costs and benefits are eligible for consideration.

a. **The Commission’s Statutory Obligation under Step One to Conduct a Cost-Benefit Analysis of Net Metering is Separate from and Preliminary to Its Obligation to Establish a “Just and Reasonable” Rate under Step Two.**

Although several parties have argued the Commission’s charge to set “just and reasonable” rates should inform the Commission’s understanding of its Step One task, the Commission is not persuaded that its responsibility to establish a “just and reasonable” rate structure meaningfully informs the specific, quantitative cost-benefit analysis the legislature has instructed the Commission to undertake in Step One.

The Commission recognizes it has a certain amount of discretion in setting “just and reasonable” rates. However, debating the parameters of that discretion in this docket is premature and unnecessary. As further discussed below, the Commission interprets Subsection One of the Statute to require the Commission to perform a cost of service analysis that weighs the costs and benefits of net metering. While the results of the Step One analysis will significantly influence any rate setting that occurs under Subsection Two, the influence is not reciprocal.¹ That is, whatever discretion the Commission possesses in setting just and reasonable rates does not inform the quantitative analysis the legislature has tasked us to perform under Subsection One.

The Commission need not make conclusions of law in this phase of the docket concerning the scope of our discretion in setting just and reasonable rates and we decline to do so.

¹ The results of the Subsection One analysis will be highly relevant to any rate setting that might occur under Step Two because Subsection Two expressly directs the Commission to “determine a just and reasonable charge ... *in light of the costs and benefits*” the Commission finds under Step One. (Emphasis added.)

b. The Plain Language of § 54-15-105.1(1) Limits the Commission's Consideration to Costs Incurred and Benefits Enjoyed by the Company and Its Other Customers.

Step One requires the Commission to “determine ... whether costs that the electrical corporation or other customers will incur from a net metering program will exceed the benefits of the net metering program, or whether the benefits of the net metering program will exceed the costs.” Subsection One unambiguously states the Commission is to consider costs “that the electrical corporation or other customers will incur,” but arguably the statute is ambiguous as to whether benefits are limited to those that will accrue to the “electrical corporation” and “other customers” or to some broader group. The Office and RMP argue the phrase “electrical corporation or other customers” modifies the term “benefits” in addition to the term “costs.” The Division does not articulate this reasoning but agrees with the Office and RMP’s conclusion. Sierra Club and TASC agree that this is a “sensible interpretation of the statute” because it “compare[s] the costs and benefits on equal terms.” (Sierra Club Response at 4; TASC Reply at 5 (conceding the same and stating “[t]here is no apparent controversy regarding whether the phrase ‘electrical corporation or other customers’ modifies the term ‘costs’ **and** the term ‘benefits’ in subpart (1)”) (Emphasis in original).) No party has advocated for a reading of the statute that narrows the range of relevant costs without a similar restriction on the range of relevant benefits.

The Commission agrees with the Office, RMP, Sierra Club and TASC that the plainest and most sensible reading of the statute is one wherein the range of applicable costs and benefits are the same, specifically those that apply to the “electrical corporation and other customers.”

- c. **As Used in Subsection One, “Other Customers” Refers to Non-Net Metering Customers in Their Capacity as Ratepayers, and the Costs and Benefits that are Relevant to the Subsection One Analysis are Those that Affect the Utility’s Cost of Service.**

Intervenors, specifically Sierra Club and TASC, ask the Commission to adopt an expansive understanding of “other customers” as used in Subsection One whereby the term refers not to customers in their capacity as such but in their broader capacity as residents or citizens of Utah. That is, according to Sierra Club and TASC, any cost or benefit that might potentially affect a resident of Utah (or more specifically, a resident who is also a customer of RMP) would be a candidate for consideration under Step One. Adopting such an expansive definition would open the Step One analysis to a broad variety of policy interests, such as environmental concerns, public health issues, and labor market conditions. For the reasons discussed below, we decline to adopt such an expansive definition of “other customers” and rather interpret the term as we believe the legislature intended: to refer to the utility’s non-net metering customers in their capacity as ratepayers.

First, we find interpreting “other customers” to mean non-net metering customers in their capacity as ratepayers to be more intuitive and consistent with the plain language of the statute than the interpretation that Sierra Club and TASC urge. If the legislature had desired the Commission to contemplate costs and benefits accruing to customers in their broader capacity as residents or citizens of Utah, it could have expressly said so. It did not.

Furthermore, we find limiting the cost-benefit analysis to RMP and its “other customers” in their capacity as ratepayers simply is more consistent with the Commission’s long-established role and, therefore, more likely consistent with the legislature’s intent. As a regulatory decision-

making body, the Commission exercises a delegated legislative power. Specifically, the Commission is tasked to “supervise and regulate every public utility in this state, and to supervise all of the business of every such public utility in this state” Utah Code Ann. § 54-4-

1. More than thirty years ago, the Utah Supreme Court articulated the Commission’s primary responsibilities:

The duty of the [Commission] is to exercise supervisory control over certain aspects of the businesses of public utilities for the purpose of securing two essential objectives in the promotion of the public interest. First, the Commission must deal with those subject to its jurisdiction in such a manner as to assure their continued ability to be able to serve the customers who rely upon them for essential services and products. Second, the Commission performs the extremely delicate, and not uncontroversial but nonetheless essential, function of balancing the interest of having financially sound utilities that provide essential goods and services against the public interest of having goods and services made available without discrimination and on the basis of reasonable costs.

Garkane Power Ass’n v. Public Serv. Comm’n, 681 P.2d 1196, 1207 (1984).

In other words, the Commission’s function is to regulate public utilities to ensure reliable service at a reasonable, non-discriminatory cost. We find nothing in Subsection One suggesting the legislature desired the Commission to conduct an all-encompassing analysis that extends to the kinds of broad societal concerns Intervenors assert are relevant in this docket. Indeed, Intervenors’ interpretation would require the Commission to act as a *de facto* legislative body, weighing all societal benefits and costs and attempting to assign some value to them without direction from the legislature as to how competing interests ought to be prioritized and no matter how attenuated they may be from the business of the electric utility which it is the Commission’s essential function to regulate. We are not persuaded the legislature intended the Commission to undertake such an unprecedented analysis, which would significantly extend the Commission’s

regulatory purview from the business of public utilities to, essentially, the entire arena of public policy.²

In sum, we interpret Subsection One in a manner consistent with its plain language and the Commission's traditional role as utility regulator. As a matter of law, we conclude Subsection One requires the Commission to consider costs and benefits that accrue to the utility or its non-net metering customers *in their capacity as ratepayers of the utility*. It necessarily follows that any cost or benefit to be included in the Subsection One analysis must be a cost or benefit that has some impact on the utility's cost of service. Therefore, costs and benefits that do not impact the utility's cost of service are not relevant to the Subsection One analysis and will not constitute part of the framework the Commission ultimately adopts in this docket.

d. Costs and Benefits that are Either Unquantifiable or Not Subject to Reasonable Verification are of Little Value in Conducting the Step One Analysis, but the Commission Makes No Conclusions at This Time as to Whether Any Particular Cost or Benefit is Quantifiable or Verifiable.

RMP asks the Commission to conclude as a matter of law that only "actual" and "quantifiable" costs and benefits qualify for consideration in the Step One analysis. No party argues that inherently unquantifiable or unreliable variables should be included in the analysis,

² As discussed above, we recognize the legislature has granted the Commission discretion in carrying out its duty to establish "just and reasonable" rates. We perceive a distinction between the Commission's statutory responsibility to avoid unjust or unreasonable rates through a general awareness and promotion of the public interest and the task the legislature has assigned us under Subsection One, *i.e.* to quantify and weigh the costs and benefits of net metering. Our analysis in this Order applies only to our interpretation of Subsection One and the specific, unique task it requires us to perform. Whatever parameters may exist relating to the Commission's discretion in setting "just and reasonable" rates, they are not at issue here and nothing in this Order should be construed as a self-imposed limitation on that discretion.

but Intervenors generally assert it is premature to find any particular cost or benefit cannot be quantified or empirically verified.

No grounds exist on the record before us to disqualify any cost or benefit from consideration because it is not quantifiable or verifiable. However, the parties should proceed with awareness that the Commission anticipates any cost or benefit not reasonably subject to quantification and verification will be of little use in conducting the Step One analysis and, therefore, unlikely to find a place in the final framework to be established in this docket. Parties advocating for the inclusion of any particular cost will bear the burden of establishing it will increase the utility's cost of service, and parties seeking to include any particular benefit will bear the burden of demonstrating it will decrease the utility's cost of service.

e. Another State's Adoption of Any Method for Valuing the Costs and Benefits Associated with Net Metering Neither Qualifies Nor Disqualifies Such Method from Inclusion in the Commission's Step One Analysis.

RMP asks the Commission to exclude evidence regarding "studies from outside Utah." UCE, IREC and Sierra Club generally argue that while the results of other states' analyses are not necessarily relevant, the methods other states have employed can and should inform the Commission's analysis.

The Commission declines to make any conclusion of law on this issue or to exclude any evidence at this time. However, the parties are advised that the mere fact that another state has used a particular method or included a particular variable in its own analysis has little probative value to the Commission as to whether the Commission should adopt that method or include that variable in performing its analysis under Subsection One. Of course, the fact that another state has adopted a particular method or variable will not function to dissuade us from considering it.

Rather, the Commission expects any party advocating for any method or for the inclusion of any cost or benefit in the analysis to meet its burden to establish the relevance and value of that method, cost or benefit on its own merit and consistent with the conclusions of law contained in this Order.

5. MOTION TO STRIKE

The Division's filing and the Office's filing were not limited to responding to RMP's Motion but contained new arguments in support of the relief RMP sought. The Commission agrees it was less than ideal, procedurally, for UCE and TASC to file "replies" to other parties' "responses" and it would have been appropriate for them to have sought leave to do so. However, we believe allowing UCE and TASC an opportunity to respond to those new arguments served the interests of fairness and justice and have considered them in this Order.

Moreover, the parties sought the opportunity to obtain conclusions of law from the Commission for the express purpose of narrowing the issues in advance of the deadline for filing Direct Testimony. To delay this Order pending full briefing and resolution of RMP's Motion to Strike would obviate this purpose. Therefore, we deny RMP's Motion to Strike without awaiting additional briefing.

ORDER

RMP's Motion to Strike is denied. Having considered RMP's Motion and the parties' respective Responses and Replies, the Commission makes the following conclusion of law: for purposes of performing the analysis under Utah Code Ann. § 54-15-105.1(1), the relevant costs and benefits are those that accrue to the utility or its non-net metering customers in their capacity

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as ratepayers of the utility. Costs or benefits that do not directly affect the utility's cost of service will not be included in the final framework to be established in this phase of the docket.

Any relief sought in RMP's Motion not expressly granted herein is denied.

This Order does not constitute final agency action pursuant to Utah Code Ann.

§ 63G-4-301, *et seq.*

DATED at Salt Lake City, Utah, this 1st day of July, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
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CERTIFICATE OF SERVICE

I CERTIFY that on the 1st day of July, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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