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Counsel for Energy Freedom Coalition of America

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

**PETITION TO INTERVENE OF
THE ENERGY FREEDOM
COALITION OF AMERICA**

Pursuant to Utah Code Ann. § 63G-4-207 and Utah Admin. Code § R746-100-7, the Energy Freedom Coalition of America (“EFCA”) hereby petitions to intervene in the above-captioned proceeding before the Public Service Commission of Utah (“Commission”). In support, EFCA states as follows:

1. On November 9, 2016, Rocky Mountain Power (“Company”) submitted a “Compliance Filing” in Docket No. 14-035-114, proposing specific rate structure changes to its currently effective net metering tariffs and submitted Advice No. 16-13 in the above-captioned docket. Advice No. 16-13 proposes to close Schedule 135 and open new, transitional Schedule 135-A for net metering customers that apply to interconnect a distributed generation system to the utility after December 9, 2016. The Commission issued an order suspending Advice No. 16-13 on December 9, 2016.

2. On November 18, 2016, the Commission issued the *Scheduling Order and Notices of Hearing and Public Witness Hearing* (“Scheduling Order”) and set a deadline of December 20, 2016 for petitions for intervention by parties that wish to participate in the phase of this proceeding that will address the Company’s Compliance Filing and “potentially dispositive legal issues” related to that filing. *Scheduling Order* at p. 2.

3. The Energy Freedom Coalition of America (“EFCA”) represents a broad range of businesses that include SolarCity Corporation, Silevo, LLC, Zep Solar, LLC, Go Solar, LLC, 1 Sun Solar Electric, LLC, and Ecological Energy Systems.¹ EFCA member companies manufacture, distribute, develop, and provide rooftop solar PV and other distributed energy equipment, systems, and services to millions of homeowners, businesses, schools, non-profits, and public sector customers in numerous states, including Utah. EFCA participates in utility commission proceedings around the country and advocates on behalf of its members and their customers on net metering and other issues to protect consumer choice and make solar energy available to all Americans.

4. EFCA has a direct interest in the Commission’s development and implementation of a framework to analyze the net metering program (“analytical framework”) pursuant Utah Code Annotated 54-15-105.1. The Company’s Compliance Filing asks, in part, that the Commission apply the cost-benefit framework adopted by its November 8, 2015 Order in this proceeding. EFCA has a direct interest in participating in this proceeding to ensure that the framework is applied appropriately and to offer such

¹ SolarCity, Silevo, and Zep Solar are no longer members of The Alliance for Solar Choice for purposes of this proceeding.

additional evidence as necessary to help build a complete record of the costs and benefits of net metering in Utah.

5. EFCA also has a direct interest in the Commission's eventual application of the analytical framework. The Commission is likely to use the framework to determine whether future net metering rate proposals are just and reasonable. Any rate design approved in this proceeding—either directed for immediate or eventual implementation (i.e., in the appropriate context of the Company's next general rate case)—will have a substantial impact on the ability of providers of solar services to effectively operate in Utah. EFCA's national perspective and technical expertise addressing matters of rate design for net metering customers will help contribute to a robust record in this proceeding.

6. EFCA seeks to intervene, in part, to seek the dismissal of the Company's compliance filing upon legal grounds that it is improper for the Commission to consider the rate proposal for net metering customers outside of a general rate case. To this end, EFCA believes that its participation could contribute to the efficient disposition of this case, saving the Commission and other interested parties time and resources.

7. EFCA's interests in the outcome of these proceedings will not be adequately represented by any other party. EFCA's participation will not delay the conduct of this proceeding. EFCA's Petition to Intervene is timely filed. EFCA's participation will promote the public's interest in a robust market for residential and non-residential customer-sited solar energy in the state of Utah. EFCA intends to work closely with other parties with related interests to avoid duplication of effort and to advance

judicial economy, but seeks independent party status to protect its interest in this proceeding.

8. EFCA requests that all communications regarding this matter to be directed, via electronic mail, to the following persons:

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* Mr. Culley and Mr. Van Nostrand will separately file a *Notice of Appearance of Attorney Licensed in a Foreign State* to appear as EFCA's Co-Counsel in this proceeding..

For these reasons, EFCA respectfully requests that the Commission grant its Petition to Intervene and permit EFCA to participate in this proceeding as a party with all of the rights attached thereto.

Respectfully submitted on this 14th Day of December, 2016.

/s/

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CERTIFICATE OF SERVICE

I hereby certify that I will cause a true and correct copy of the foregoing **PETITION TO INTERVENE OF THE ENERGY FREEDOM COALITION OF AMERICA** to be dispatched via overnight delivery to be filed with the Utah Public Service Commission on December 14, 2016 and to be served via email on that day upon the following persons:

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Dated December 14, 2016 at Tucson, Arizona.

 /s/
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