

- 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 DENYING INTERVENTION

ISSUED: January 9, 2017

On December 9, 2016, Brian C. Hall filed a petition to intervene in this docket ("Petition"). For the following reasons, we deny the Petition.

Pursuant to statute, we allow intervention where two criteria are met: (1) the petitioner's legal interests may be substantially affected by the proceeding; and (2) the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention. Utah Code Ann. § 63G-4-207.

As the Division of Public Utilities ("Division") and the Office of Consumer Services ("Office") emphasize in their respective objections to the Petition, Mr. Hall represents he is not currently affiliated with any business or entity profiting from or promoting the solar industry in Utah nor is he a net metering customer. (Petition at ¶ 5.) The only facts Mr. Hall proffers to support his request to intervene are that he (1) has considerable experience in the photovoltaic industry and (2) is a customer of PacifiCorp dba Rocky Mountain Power ("PacifiCorp"). (*Id.* at ¶¶ 1-5.)

The Division and the Office argue an individual's status as a ratepayer is an insufficient legal interest to warrant intervention. Regardless of whether a hypothetical ratepayer might ever demonstrate a legal interest in her capacity as such, Mr. Hall has failed to do so. The Petition does not describe his customer relationship with PacifiCorp or make any attempt to show how these proceedings might substantially affect him.

The Petition also fails the second criteria for intervention. In addition to the Division, the Office and PacifiCorp, this docket already includes more than a dozen intervening organizations. Cumulatively, these parties fairly represent stakeholders' interests, and the Office is statutorily charged with representing the interests of individual customers such as Mr. Hall. The matter is set for hearing the week of August 14, 2017, during which all of these parties may present testimony and cross-examine witnesses. Inclusion of so many parties also, of course, increases the volume and burden of discovery.

Notwithstanding his experience in the industry, Mr. Hall's interests are indistinguishable from PacifiCorp's other Utah customers, which number well over 800,000. We find granting intervention to individual customers, absent extenuating circumstances, in this docket would materially impair the orderly and prompt conduct of this crowded proceeding. Mr. Hall will have an opportunity to be heard, should he choose to be, at the noticed public witness hearing on August 9, 2017.

The Petition is denied.

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DATED at Salt Lake City, Utah, January 9, 2017.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#291081

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the Commission within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on January 9, 2017, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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