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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	Docket No. 14-035-114 Vivint Solar, Inc.’s Responses to Rocky Mountain Power’s (“RMP”) Second Set of Data Requests
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RMP Data Request 2.1

On lines 38 through 40 of his Direct Testimony, Mr. Plagemann states that “[i]n the aftermath of the [Nevada] Commission’s ruling, Nevada lost thousands of jobs in the solar industry and there was a 99% decrease in net metering applications year-over-year.” Please provide any documents, research papers, studies, information or analyses relating to these claims.

Response to RMP’s Data Request 2.1

The Nevada solar advocacy website bringbacksolar.com (<http://bringbacksolar.org/faq/>) states: “The solar rate hike made solar unaffordable. Since the solar rate hike, rooftop solar applications *have fallen 99%, from 1,368 applications in December 2015 to just 15 in February 2016*. Without customers, the dozens of independent solar companies in Nevada are unable to do business here and have been forced to *lay off thousands of Nevada workers* or send those jobs out of state.” (Italics and bolding added.)

RMP Data Request 2.2

Please provide all documentation or other information relating to Vivint's claim that Rocky Mountain Power's "proposed three-part tariff would effectively destroy the solar industry in Utah, kill thousands of jobs, and impact economic growth with the state" as stated in Mr. Collins' Direct Testimony at lines 187-189.

Response to RMP's Data Request 2.2

Please see Thomas Plagemann's direct testimony on lines 145 to 167.

RMP Data Request 2.3

Please provide all documentation or other information reflecting the types of jobs that Vivint claims will be lost if Rocky Mountain Power's proposal is adopted. In responding to this request, please identify the extent to which (i.e. the percentage that) those expected job losses would impact full-time vs. part-time positions or independent contractors, and provide any documents or other information showing Vivint's estimates of the impact of the proposal on jobs, including the impact on specific positions or types of positions (i.e. managerial, sales, administrative, etc.) for the solar industry, if such information exists.

Response to RMP's Data Request 2.3

The types of jobs Vivint Solar will lose or relocate in another state are field jobs and include Sales Managers, Technicians, Electricians, Site Surveyors, Foremen, Warehouse Staff, Field Support Staff, Design Staff, Customer Support, and Corporate Support Staff. 90% of these jobs are fulltime and 10% are part-time. Vivint Solar would retain its headquarters in Lehi so those jobs would remain except for those who support the workers in the field. Local solar companies would lose additional field and administrative jobs because they operate almost exclusively in Utah.

RMP Data Request 2.4

On lines 40 through 41 of his Direct Testimony, Mr. Plagemann states “[t]he rooftop solar industry was essentially decimated, resulting in most companies (including Vivint Solar) withdrawing from [Nevada] and relocating employees.” Please provide any documents, research papers, studies, information or analyses relating to these claims.

Response to RMP’s Data Request 2.4

Please see Vivint Solar’s response to RMP’s Data Request 2.1.

RMP Data Request 2.5

Please provide the basis (including any documents or other information) for your claim that Rocky Mountain Power's proposed rate structure will "make it unlikely that any new solar customer would choose to purchase and install a rooftop solar energy system for economic reasons . . . [and] will eliminate customer choice," as stated in Mr. Plagemann's Direct Testimony at lines 192-194.

Response to RMP's Data Request 2.5

Please see Vivint Solar's response to RMP's Data Request 2.2. RMP's proposed rate structure would make rooftop solar uneconomic.

RMP Data Request 2.6

Please provide all documentation or other information showing how and what Vivint advises their customers or potential customers regarding the price of Rocky Mountain Power (or utility-provided) electricity versus the price of installing and using residential solar technology.

Response to RMP's Data Request 2.6

Vivint Solar informs and advises customers on RMP's current tiered rate structure, the designed system size and offset percentage of a customer's electric usage based on the customer's RMP bill, and the historical rate increases for the past 20 years to show there may be rate increases in the future. Vivint Solar also provides the customers with the cash price for the solar energy system and, if elected by the customer, the monthly loan payment.

RMP Data Request 2.7

Please provide the documentation or other information necessary to show employment data reflecting the number of Vivint employees who were full-time, part-time, or who were employed as independent contractors from January 1, 2012 to the present.

Response to RMP's Data Request 2.7

Vivint Solar objects to this data request on grounds that it is overly broad, unduly burdensome, irrelevant, and competitively sensitive. Notwithstanding these objections, Vivint Solar is providing a link to its SEC Form 10-Q filed March 16, 2016 with information about its workforce on page 8.

https://www.sec.gov/Archives/edgar/data/1607716/000156459017004608/vslr-10k_20161231.htm

RMP Data Request 2.8

Please provide the documentation or other information necessary to show the amount of compensation paid to Vivint sales force employees, including the hourly rates, monthly and yearly salaries, and any commissions paid from January 1, 2012 to the present.

Response to RMP's Data Request 2.8

Vivint Solar objects to this data request on grounds that it is overly broad, unduly burdensome, irrelevant, and competitively sensitive. Notwithstanding these objections, Vivint Solar is providing a link to its SEC Form 8-K and 8-K exhibits filed on May 09, 2016.

https://www.sec.gov/Archives/edgar/data/1607716/000156459017009833/vslr-8k_20170509.htm

https://www.sec.gov/Archives/edgar/data/1607716/000156459017009833/vslr-ex991_31.htm

RMP Data Request 2.9

Please provide the documentation or other information necessary to show the commission structure Vivint employs and the commission amounts Vivint pays or has paid to compensate its sales force for solar installations from January 1, 2012 to the present.

Response to RMP's Data Request 2.9

Vivint Solar pays commissions to its sales force but objects to this data request on grounds that it is overly broad, unduly burdensome, irrelevant, competitively sensitive, and not calculated to lead to any useful information in this proceeding.

RMP Data Request 2.10

Please provide the documentation or other information necessary to show what Vivint has told or shown to its customers about the period of time in which they will be able to recoup their costs for purchasing solar power equipment and installation costs in the state of Utah. In responding to this Data Request, please provide all brochures, handouts, flyers, or other documents reflecting any such information ever used by Vivint or its contractors in this state.

Response to RMP's Data Request 2.10

Please see response to RMP's Data Request 3 in RMP's first set of data requests to Vivint Solar.

RMP Data Request 2.11

Please provide the documentation or other information showing the cost to install solar panels and the associated system supplied by Vivint to residential customers and showing the payment options Vivint's customers are given to either pay for the system or pay to use the system in this state.

Response to RMP's Data Request 2.11

Vivint Solar objects to this data request on grounds that it is overly broad, irrelevant, and competitively sensitive. Notwithstanding these objections Vivint Solar states that its installation costs per watt are provided on Form 8-K filed on May 09, 2016 provided in response to RMP's data request 2.8. Also see Vivint Solar's response to RMP's Data Request 3 in RMP's first set of data requests to Vivint Solar in which Vivint Solar provided its form System Purchase Agreement. Payment options are dictated by a customer's finance provider or by contract terms.

RMP Data Request 2.12

Does Vivint provide or has it ever provided its sales force with suggested topic lines or scripts to utilize when making sales pitches to potential customers regarding the purchase of solar power? If so, please provide all documentation relating to any suggested topic lines or scripts.

Response to RMP's Data Request 2.12

Training varies over time. Vivint Solar does not provide sales scripts to its sales force.

RMP Data Request 2.13

Please provide the documentation or other information necessary to show the profit margins Vivint earns or has earned on solar installations before owner or management compensation from January 1, 2012 to the present. Your response to this information should provide sufficient data to determine Vivint's actual costs to purchase or manufacture materials for a residential solar system and Vivint's sale or use price for that system. Recognizing that different systems will be priced differently based on size and configuration please provide sufficient information to determine profit margins per panel or per system, including but not limited to any work-ups Vivint has or has done of "typical" systems.

Response to RMP's Data Request 2.13

Vivint Solar objects to this data request on grounds that it is overly broad, unduly burdensome, irrelevant, and competitively sensitive. Notwithstanding these objections, please see Vivint Solar's SEC Form 8-K filed on May 09, 2016 provided in response to RMP's data request 2.8.

From: [Moscon, Matthew](mailto:Matthew.Moscon@stoel.com)
To: [Tolbert, Rachel](mailto:Rachel.Tolbert@stoel.com)
Subject: Fwd: Meet and Confer -- In the Matter of the Investigation of the Costs and Benefits of PacifiCorp's Net Metering Program
Date: Thursday, August 03, 2017 4:47:35 PM

Begin forwarded message:

From: "Moscon, Matthew" <matt.moscon@stoel.com>
Date: August 3, 2017 at 4:47:24 PM MDT
To: Steve Mecham <sfmecham@gmail.com>
Subject: **Re: Meet and Confer -- In the Matter of the Investigation of the Costs and Benefits of PacifiCorp's Net Metering Program**

Steve I look forward to discussing the requests and any suggestions you have for responses at your earliest convenience. Because we are down to 3 business days until surrebuttal is due, I feel like we must get a motion on file. I'm happy to withdraw the motion if something can be resolved.

Thanks

Matt

On Aug 3, 2017, at 4:04 PM, Moscon, Matthew <matt.moscon@stoel.com> wrote:

The data requests we are needing responses to are 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, and 2.13. We need the data requested that was not responded to describing Vivint's sales force, margin, and other economic information to test the veracity of your client's claim that modifying the NEM structure will cause economic turmoil for your client and the solar industry.

Thanks

Matt

From: Steve Mecham [<mailto:sfmecham@gmail.com>]
Sent: Thursday, August 03, 2017 3:58 PM
To: Moscon, Matthew
Subject: Re: Meet and Confer -- In the Matter of the Investigation of the Costs and Benefits of PacifiCorp's Net Metering Program

Matt,

Could you tell me for which of Vivint Solar's responses RMP is

seeking more information and what information do they need for surrebuttal? Knowing that would help me know how quickly the issue can be resolved.

Steve

On Thu, Aug 3, 2017 at 1:17 PM, Moscon, Matthew

<matt.moscon@stoel.com> wrote:

Hi Steve

With the fast approaching deadline for surrebuttal I thought I would reach out as well. Any chance of resolving this today?

Thanks

Matt

On Aug 2, 2017, at 2:09 PM, Sabin, Cameron

<cameron.sabin@stoel.com<mailto:cameron.sabin@stoel.com>>

wrote:

Steve:

We are in receipt of Vivint Solar, Inc.'s Responses to Rocky Mountain Power's Second Set of Data Requests. In those responses, Vivint has in some cases refused to provide requested information or documents. Pursuant to the Commission's rules and Utah law, we would like to meet and confer with you regarding those responses to determine whether we can reach an agreement regarding the production of necessary information. Rocky Mountain Power is willing to agree that confidential information should be subject to a protective order, but we are uncertain whether that will resolve Vivint's objections.

Please let us know when you are available by phone to meet and confer on this issue.

Cameron L. Sabin | Partner

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