



State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

CHRIS PARKER
Director, Division of Public Utilities

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

ACTION REQUEST RESPONSE

To: Utah Public Service Commission

From: Utah Division of Public Utilities
Chris Parker, Director
Artie Powell, Energy Section Manager
Charles Peterson, Technical Consultant

Date: February 9, 2015

Re: Docket Nos. 14-035-55 and 14-035-T04. Rocky Mountain Power's Utah Schedule 37 Compliance Filing.

Recommendation (Postpone)

The Division of Public Utilities ("Division") recommends that the Public Service Commission ("Commission") postpone approval Rocky Mountain Power's ("Company") Schedule 37 tariffs pending the receipt of final tariffs from the Company on this matter.

Issue and Discussion

On January 26, 2015, the Commission issued an Action Request to the Division asking the Division to review the January 23, 2015 compliance filing and to make recommendations by February 9, 2015. This memorandum represents the Division's response to the Commission's Action Request.

On January 23, 2015 the Company filed with the Commission its Schedule 37 tariffs in compliance with the Commission's Order in this matter dated December 30, 2014. Immediately prior to the Company's tariff compliance filing the Commission issued an Order in this matter

dated January 16, 2015 entitled “Notice of Intent to Alter Order on Review and Order Staying Portion of Order on Review.” In its January 16, 2015 Order, the Commission requested comments from parties by February 2, 2015. The Division’s legal counsel filed the Division’s comments to the January 16, 2015 Order on or about February 2, 2015.

Also on January 26, 2015, the Division and other parties filed responses to the Company’s Petition for Review of the December Order. On January 29, 2015 the Commission issued another Order entitled “Order Addressing Rocky Mountain Power’s Petition for Reconsideration, Review or Rehearing of the Commission’s December 30, 2014 Order on Review and Motion for Stay.” This latest Order “addresses only the portion of the Petition for Review of the December Order that asks the Commission to modify the portion of the December Order relating to the SCCT capacity cost component during the resource sufficiency period.”¹ In this Order the Commission concluded that it would maintain the SCCT in Schedule 37 tariffs pending re-valuation in future proceedings. The Commission continued its stay in the January 16, 2015 “Notice of Intent.”

The Division understands the Commission’s partial stay to effectively mean that there is no complete Schedule 37 tariff currently in operation. Further, given the ongoing procedural activities in these (combined) dockets that may result in further modifications to the Schedule 37 tariffs, the Division believes that it is premature to evaluate the current tariff compliance filing.

Conclusion

Given the foregoing discussion, the Division recommends postponing the Company’s Schedule 37 tariff compliance filing until there is a final determination of the on-going issues before the Commission in this matter. In the alternative, if the Commission continues to want the Division’s evaluation of the January 23, 2015 compliance filing before the conclusion of the procedural matters before the Commission, the Division requests a 30 day extension of the Action Request due date.

CC: Bob Lively, RMP
Michele Beck, OCS

¹ January 29, 2015 Order pages 2-3.