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Before the Utah Public Service Commission

In the Matter of the Application of Rocky Mountain Power to Implement Programs Authorized by the Sustainable Transportation and Energy Plan Act	Docket No. 16-035-36 The Office of Consumer Services' Motion to Amend the Scheduling Order and Request for Scheduling Conference.
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Pursuant to Utah Code Ann. § 54-10a-303 and Utah Admin. Code r. 746-100, the Office of Consumer Services (“Office”) submits this Motion to Amend the Scheduling Order and Request for Scheduling Conference seeking a modification in the Utah Public Service Commission’s (“Commission”) October 21, 2016 Scheduling Order to allow the parties sufficient time to conduct discovery to enable them to more fully present their positions on the issues raised in PacifiCorp’s (“Rocky Mountain Power” or “Company”) January 31, 2017 Supplemental Application to Implement Electric Vehicle Incentive and Time of Use Pricing Programs Authorized by the Sustainable Transportation and Energy Act (“Supplemental Application.”)

BACKGROUND

On October 21, 2016, this Commission issued its Phase Two Scheduling Order, Notice of Phase Two Technical Conferences and Notice of Phase Two Hearing, setting dates for Technical

Conferences, Written Testimony and a Hearing to adjudicate all issues not decided in Phase One of this Docket, “with the potential exception of PacifiCorp’s proposed Electric Vehicle Incentive Program (“EV Program.”) (October 21, 2016, Phase Two Scheduling Order, at pg. 1.) In this Order, this Commission directed the Company to “file a request for scheduling conference or other document in December 2016 to address the schedule for the EV Program.” (*Id.*) The Order also provided that if “no party files a request for scheduling conference or other document to request an adjudication schedule and hearing date with respect to PacifiCorp’s proposed EV Program on or before December 30, 2016, then the schedule and hearing date established in this Order will apply to PacifiCorp’s proposed EV Program.” (*Id.* at pg. 2.) Neither PacifiCorp nor any other party made any filing related to the EV Program in December of 2016. Accordingly, the dates provided in the October 21st Scheduling Order presently apply to PacifiCorp’s EV Program, including a March 7, 2017 date for Direct Testimony and Hearing dates of April 18-19, 2017. (*Id.* at 2-3.)

On January 31, 2017, a month after the deadline for requesting a scheduling conference to address the EV Program, PacifiCorp filed its Supplemental Application to Implement Electric Vehicle Incentive and Time of Use Pricing Programs (“Supplemental Application.”) Together with the Supplemental Application, PacifiCorp filed the Direct Testimony of William J. Comeau, which addresses the EV Program generally and attached a proposed tariff, Schedule 120, with the effective date of July 1, 2017. PacifiCorp also attached the Direct Testimony of Robert M. Meredith, which specifically addresses the proposed Time of Use Pilot program, together with numerous exhibits and a proposed tariff, Schedule E2, also with the effective date of July 1, 2017. July 1, 2017, is the date Utah Code Ann. § 54-20-103 requires this Commission to authorize PacifiCorp “to establish a program that promotes customer choice in electric vehicle

charging equipment and services.”

Although not styled as a Motion to Amend the October 21st Scheduling Order, the Supplemental Application seeks to modify the Scheduling Order in that it “requests that the Commission schedule a technical conference for the week of February 13, 2017, to allow the parties time to review the Supplemental Application, and issue discovery that can be addressed at the technical conference.” (Supplemental Application, at pg. 3.) Today, February 7, 2017, this Commission issued a Notice of Phase Two Technical Conference setting February 16, 2017 as the date to address issues arising from PacifiCorp’s Supplemental Application.

ARGUMENT

This Commission should allow the Amendment of the October 21st Scheduling Order setting a separate track for consideration of the EV Program to allow the parties sufficient time to conduct adequate discovery and give careful consideration to this important and complex program. Although this Commission must authorize the program by July 1, 2017, sufficient time exists to schedule a supplemental hearing after the Phase Two April 18th and 19th hearing to fully adjudicate issues concerning the EV program prior to the July 1, 2017 statutory deadline. Accordingly, the Office respectfully request that this Commission conduct a scheduling conference, possibly in conjunction with the February 16th technical conference, to set a separate track for evaluating the EV Program.

While the Office did not request a scheduling conference in December of 2016 pursuant to this Commission October 21st Scheduling Order, without the Supplement Application a scheduling conference would have been premature because parties were not in a position to determine the amount of time needed to address the Company’s proposal. With the filing of the Supplemental Application a month after the deadline for requesting a scheduling conference, the

parties are left with a truncated time line under the October 21st Scheduling Order to address the EV Program. With the technical conference scheduled for just eight days out, the Office only has a few days to file any discovery to allow the Company enough time to prepare to address the Office's concerns in the technical conference. This is an insufficient time to conduct meaningful discovery. While discovery may be conducted after the technical conference, at that time the deadline for Direct Testimony under the October 21st Phase Two Scheduling Order will be less than a month away and the parties will be preparing testimony addressing all the Phase Two issues. (*See* October 21, 2016 Scheduling Order, at pg. 2.)

Moreover, the complexity and importance of the EV program argue in favor of a separate track that will provide the parties sufficient time to evaluate the program. For example, the Company proposes a complex load research study with up to 1,000 participants as part of its EV pilot program along with the other aspects of the program, such as outreach and awareness of EV issues, the selection of a vendor to administer the EV program, and incentives for "Residential TOU participation, Commercial Level 2 Charges and Level 3 DC Fast Charges, as well as a custom incentive for project/partnership." (Supplemental Application at pg. 4.)

The complexity and importance of the EV program is demonstrated by the fact that a full 1/5 of the \$50,000,000 of the total funds provided for the programs in the STEP programs is allocated to the EV program. Utah Code Ann. § 54-7-12.8(6)(a). The time left to conduct discovery, analyze the program, and present the parties positions in testimony is insufficient given this complexity and the importance of the issue. Indeed, the parties had over three months since the Phase One Hearing to prepare for testimony for the other issues in Phase Two, significantly more than the time allowed for the EV program if it were to remain on the same schedule. Finally, there is adequate time for this Commission to schedule a supplemental

hearing solely on the EV Program after the April 18th and 19th hearing on the remaining Phase Two issues and prior to the July 1, 2017 statutory deadline to authorize a PacifiCorp EV incentive program.

CONCLUSION

The Office respectfully requests that this Commission Amend the October 21st Scheduling Order to provide for a separate track for evaluating PacifiCorp's EV Program and to schedule a scheduling conference, possibly in conjunction with February 16th technical conference, for this Commission and the parties to determine the appropriate dates for the adjudication of the EV Program.

DATED February 7, 2017.

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Services*