

November 22, 2016

Utah Public Service Commission  
Heber M. Wells Building  
160 East 300 South, 4th Floor  
Salt Lake City, Utah 84111

**RE: DOCKET NO. 16-035-T14 In the Matter of PacifiCorp’s Revision to  
Schedule 135, Net Metering Service and Proposal for New Schedule 135A,  
Net Metering – Transition Service**

Dear Public Service Commission:

On November 9, 2016, Rocky Mountain Power (the “Company”) filed proposed tariff sheets associated with Tariff P.S.C.U. No 50 of PacifiCorp, d.b.a. Rocky Mountain Power, applicable to electric service in the State of Utah. This tariff filing is a proposed revision of Schedule 135 Net Metering Service to New Schedule 135A Net Metering Transition Service. On November 10, 2016 the Commission issued a Notice of Filing and Comment Period asking interested parties to comment on or before November 22, 2016. This letter constitutes comments on behalf of the Utah Solar Energy Association (“Association”) and its members.

The Utah Solar Energy Association’s mission is to champion the growth of Utah’s solar industry through policy advancement, education, advocacy and business services. Over the past 5 years Utah’s solar industry has added approximately 9,000 jobs in Utah, including manufacturers, installers, electricians and system suppliers. Additionally, the viability of the solar industry in this state has added value in recruiting and maintaining key companies that add to economic growth. The proposed tariff would have a direct negative impact to the members that make up the Association. The Association offers the following comments for your consideration:

**I. Revision to Schedule 135 and proposal for New Schedule 135A is premature and should be rejected or suspended.**

The Commission has been actively evaluating the Company’s residential net metering service since 2013. As pointed out by the Company in its filing, the Commission has recognized the importance of net metering and the costs and benefits analyses that must take place to adequately “determine a just

and reasonable charge, credit or ratemaking structure, including new or existing tariffs, in light of the costs and benefits". Utah Code Ann. § 54-15-105.1(2). Docket No. 14-035-114 was opened by the Commission with the express purpose of conducting further study and analyses prior to implementing changes in the net metering program. On November 9, 2016 the Company filed its Compliance Filing and Request to Complete All Analyses Required under the Net Metering Statute for the Evaluation of the Net Metering Program. Docket No. 14-035-114 is the proper forum for review and input by all of the stakeholders on the analyses presented by the Company prior to any changes being made in the underlying policy. To approve the tariff would be inconsistent with the public process now being conducted, and would undermine the legislative intent of Utah Code Ann. § 54-15-105.1.

**II. Adoption of the proposed tariff will signal uncertainty to the market and have a chilling effect on the installation of rooftop solar in Utah.**

The Company claims that proposed Schedule 135A5 facilitates transition to a new rate structure, and provides important data to help further refine rates and rate structures for the future. In truth, the proposed language does nothing more than create a segregated body of rate payers who have made a substantial investment but have no certainty or predictability on a return on investment. It is problematic for the Company to require a ratepayer to sign an agreement where the most crucial element of the agreement – the rate they will be charged or reimbursed for excess power – can be changed through a separate process at any given time upon filing of a new tariff. This is a significant deviation from Schedule 135 where the ratepayer calculates the value of the investment made to participate in net metering and is able to “lock in” the rate through an Agreement with the Company. Again, there may be merit to an Agreement that can be updated to accommodate changes in the existing tariff, but there must also be a level of certainty for the net metering residential rate payer. A decision as critical as this should be the product of the in-depth analyses being done on both the cost and benefit of the net metering program.

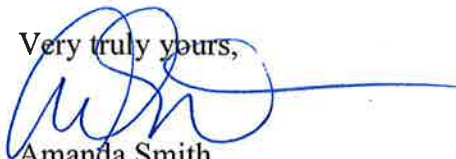
**III. Approval of the proposed tariff would set a negative precedent for future tariff filings.**

By approving Revision of Schedule 135 and New Schedule 135A, the Commission would be setting a precedent for allowing major shifts in underlying policy in an expedited process without the benefit of the analyses done in a General Rate Case or where there is a parallel open docket for the purpose of analyzing the underlying cost/benefit.

In conclusion, the Association and its' members urge the Commission to reject or suspend the Company's request in Advice No. 16-13 regarding proposed revisions to Schedule 135, Net Metering Service and proposed new Schedule 135A, Net Metering –Transition Service. The Commission should

first determine whether the Company is required to file its request as part of a general rate case, a determination to be made in Docket No. 14-035-114.

Very truly yours,



Amanda Smith  
Of Counsel  
Holland & Hart LLP

AS/ju

CERTIFICATE OF SERVICE  
Docket No. 16-035-T14

I hereby certify that a true and correct copy of the foregoing was served by email this 22<sup>nd</sup> day of November, 2016, on the following:

ROCKY MOUNTAIN POWER:

Yvonne Hogle [yvonne.hogle@pacificorp.com](mailto:yvonne.hogle@pacificorp.com)  
Robert Lively [bob.lively@pacificorp.com](mailto:bob.lively@pacificorp.com)

DIVISION OF PUBLIC UTILITIES:

Patricia Schmid [pschmid@utah.gov](mailto:pschmid@utah.gov)  
Justin Jetter [jjetter@utah.gov](mailto:jjetter@utah.gov)  
Chris Parker [chrisparker@utah.gov](mailto:chrisparker@utah.gov)  
William Powell [wpowell@utah.gov](mailto:wpowell@utah.gov)  
Dennis Miller [dennismiller@utah.gov](mailto:dennismiller@utah.gov)

OFFICE OF CONSUMER SERVICES:

Rex Olsen [rolsen@utah.gov](mailto:rolsen@utah.gov)  
Robert Moore [rmoore@utah.gov](mailto:rmoore@utah.gov)  
Michele Beck [mbeck@utah.gov](mailto:mbeck@utah.gov)  
Cheryl Murray [cmurray@utah.gov](mailto:cmurray@utah.gov)

SUNRUN / ENERGY FREEDOM COALITION OF AMERICA:

Thad Culley [tculley@kfwlaw.com](mailto:tculley@kfwlaw.com)  
Jamie VanNostrand [jvannostrand@kfwlaw.com](mailto:jvannostrand@kfwlaw.com)  
Bruce Plenk [solarlawyeraz@gmail.com](mailto:solarlawyeraz@gmail.com)

SIERRA CLUB:

Casey Roberts [casey.roberts@sierraclub.org](mailto:casey.roberts@sierraclub.org)  
Travis Ritchie [travis.ritchie@sierraclub.org](mailto:travis.ritchie@sierraclub.org)  
David Bender [dbender@earthjustice.org](mailto:dbender@earthjustice.org)

UCARE:

Stan Holmes [stholmes3@xmission.com](mailto:stholmes3@xmission.com)  
Mike Rossetti [solar@trymike.com](mailto:solar@trymike.com)

UTAH ASSOCIATION OF ENERGY USERS:

Gary Dodge [gdodge@hjdllaw.com](mailto:gdodge@hjdllaw.com)  
Phillip Russell [prussell@hjdllaw.com](mailto:prussell@hjdllaw.com)

SALT LAKE CITY CORPORATION:

Tyler Poulson [tyler.poulson@slcgov.com](mailto:tyler.poulson@slcgov.com)

UTAH CLEAN ENERGY:

Sophie Hayes [sophie@utahcleanenergy.org](mailto:sophie@utahcleanenergy.org)  
Sarah Wright [sarah@utahcleanenergy.org](mailto:sarah@utahcleanenergy.org)  
Kate Bowman [kate@utahcleanenergy.org](mailto:kate@utahcleanenergy.org)

VIVINT SOLAR:

Stephen F. Mecham [sfmecham@gmail.com](mailto:sfmecham@gmail.com)

WESTERN RESOURCE ADVOCATES:

Jennifer Gardner [jennifer.gardner@westernresources.org](mailto:jennifer.gardner@westernresources.org)  
Nancy Kelly [nkelly@westernresources.org](mailto:nkelly@westernresources.org)  
Penny Anderson [penny.anderson@westernresources.org](mailto:penny.anderson@westernresources.org)

/s/ Amanda Smith