



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF COMMERCE
Office of Consumer Services

MICHELE BECK
Director

To: The Public Service Commission of Utah

From: The Office of Consumer Services

Michele Beck, Director

Cheryl Murray, Utility Analyst

Date: November 29, 2016

Subject: Office of Consumer Services' Reply Comments: In the Matter of PacifiCorp's Revisions to Schedule 135, Net Metering Service and Proposal for New Schedule 135A, Net Metering – Transition Service. Docket No. 16-035-T14

Background

On November 9, 2016, Rocky Mountain Power (Company or RMP) filed with the Utah Public Service Commission (Commission) proposed tariff sheets revising Schedule 135, Net Metering Service and creating a new Schedule 135A, Net Metering – Transition Service. The Company requests an effective date of December 10, 2016.

On that same date the Company also filed what it titled a "Compliance Filing and Request to Complete All Analyses Required Under the Net Metering Statute for the Evaluation of the Net Metering Program" in Docket 14-135-114 which will be evaluated under a separate schedule.

On November 9, 2016 the Commission issued a Notice of Filing and Comment Period in the 16-035-T14 docket regarding the proposed changes to Schedules 135 and 135A, establishing November 22, 2016 and November 29, 2016 for comments and reply comments, respectively.

On November 22, 2016 comments regarding the Company's filing were submitted by the Division of Public Utilities (Division), the Office of Consumer Services (Office), Utah Solar Energy Association, Western Resource Advocates, University of Utah, Utah Clean Energy, Vivint Solar, Inc., Salt Lake City Corporation, Sunrun and Energy Freedom Coalition of America (Sunrun/EFCA), and Utah Citizens Advocating Renewable Energy.

Consistent with the Commission's Notice of Filing and Comment Period the Office submits the following reply comments.

Discussion

The Office notes a large degree of consistency among the initial comments responding to the Company's proposal to implement Schedule 135A. We maintain our same general position that the Commission should merge the issues contained in Docket 16-035-T14 into the concurrent, ongoing docket of 14-035-114. Although we will not address most of the specifics raised by other parties and interested stakeholders, the Office would like to comment further regarding messaging concerns.

In initial comments, three parties/entities raised concerns about messaging: the Office, the Division, and Sunrun/EFCA. Sunrun/EFCA specifically raised concerns about glaring misconceptions and anti-competitive undertones in the public communication pieces that have been published by the Company. The Office shares concerns regarding RMP's messaging. In particular, the Office is equally alarmed by assurances that RMP is making to existing customers about matters that will be litigated and over which the Company does not have the final say. The Office also notes that the Commission has in the past declined to actively manage the communications of its regulated utilities. Nonetheless, the Office asserts it would be appropriate for the Commission to now mandate the Company to clearly indicate in its customer communications what items will be at issue in the ongoing proceedings and therefore are not yet determined as actual rates or policies.

It does not appear that Sunrun/EFCA evaluated as carefully the messaging coming from other entities within the solar industry. The Office has also been concerned about equally misleading information that has been distributed by and for those in the solar industry. Of course the Commission has no jurisdiction over entities that aren't regulated utilities and the Office is not advocating an abridgment of anyone's free speech rights. The Office simply reiterates its request from its initial comments for the Commission to issue a statement regarding what will be at issue in the NEM related dockets and on what timeline decisions will be made. The parties and stakeholders to this proceeding will by definition have a bias in the information it presents and the public interest will be better served if the Commission provides objective information about the process. The Office is confident that the Commission will be able to do so in a way that does not prejudice any issues or impair the Commission's impartiality as the proceeding unfolds.

Recommendation

The Office recommends that the Commission take whatever procedural steps are necessary to merge the issues raised in this tariff docket into the concurrent proceeding of Docket 14-135-114 and order on all related issues at the same time.

The Office further requests the Commission to consider how it might take steps to provide clear guidance to interested parties regarding what types of changes will be reviewed on what timeline and how to participate in the appropriate docket.