

STEVEN W. SNARR (3022)
Special Assistant Attorney General
ROBERT J. MOORE (5764)
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: (801) 366-0353
ssnar@utah.gov
rmoore@utah.gov
Attorneys for the Office of Consumer Services

Before the Public Service Commission of Utah

In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism	Docket No. 09-035-15 Reply Comments of the Office of Consumer Services
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Pursuant to Utah Code Ann. § 54-10a-301, the Office of Consumer Services (Office) submits these Reply Comments. Notwithstanding the fact that these Comments address matters grounded on this Public Service Commission's (Commission) April 7, 2017 Order on the Petition for Agency Review and Rehearing (April 7th Order), the Office has not abandoned its positions asserted in its March 20, 2017 Petition for Reconsideration and Rehearing. Accordingly, the Office does not waive its contention that the Commission does not have the authority to impose interim rates in Energy Balancing Account (EBA) proceedings nor does it waive any issue presented in its March 20, 2017 Petition for Reconsideration.¹ Subject to this reservation of rights and given

¹ March 20, 2017, Utah Industrial Energy Users, Utah Association of Energy Users and the Office of Consumer Services March 20, 2017 Petition for Reconsideration and Rehearing.

that RMP has proposed a refund to its customers, the Office proposes that this Commission should rule that any refund to ratepayers authorized in this year's EBA proceedings be immediately applied to the approximately \$9.6 million ratepayers owed to Rocky Mountain Power, pursuant to Utah Code Ann. §§ 54-7-12(5)(a) and (6). This statute provides "any schedule, classification, practice, or rule" filed by a utility that "does not result in any rate increase" takes effect in 30 days. Because RMP's Application and accompanying schedules implement a rate decrease, a decrease can and should be permitted to take effect on April 17, 2017, 30 days after the filing of RMP's Application.

This request would also be consistent with Commission's April 7th Order, which provides "that under some circumstances it may be desirable to apply a true-up rate adjustment for a period different than the 12-month amortization provided for in the Order." April 7th Order at pg. 7. Accordingly, the April 7th Order amended the initial February 16, 2017 Order to read: "Any true-up to interim rates for surcharges or credits will go into effect May 1, and be amortized through April 30 of the following year, *unless otherwise determined by PSC order.*" *Id.* (emphasis added.) Given this, the Office's proposal that any amortization be immediately credited against the current EBA balance owing ordered in Docket 16-035-01 is also consistent with the April 7th Order. as well as being authorized by sections 54-7-12(5)(a) and 6.

In sum, without waiving any argument contain in the Office's March 20th Petition for Reconsideration, the Office proposes that this Commission credit the entire refund from the 2016 EBA immediately and apply it to the remainder of the EBA balance ordered in Docket 16-035-01.

/s/ Robert J. Moore
Robert J. Moore
Assistant Attorney General