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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**In the Matter of the Application of
Rocky Mountain Power to Extend the
2017 Protocol through December 31, 2019**

Docket No. 17-035-06

**COMMENTS OF THE UTAH
ASSOCIATION OF ENERGY
USERS**

The Utah Association of Energy Users (“UAE”) files these initial comments in response to the Application of Rocky Mountain Power (“RMP”) to extend the 2017 Protocol through 2019.

UAE has no objections to a one-year extension of the current MSP 2017 Protocol *so long as* all the other States that have approved the 2017 Protocol similarly extend it for one year without any substantive changes. To the extent any State Commission fails for any reason to extend the 2017 Protocol by March 31, 2017, or extends it with any substantive change, the Commission should deny RMP’s Application and decline to extend the 2017 Protocol beyond 2018 for ratemaking purposes in Utah.

Section II of the 2017 Protocol as approved by the Commission for Utah ratemaking purposes provides that the 2017 Protocol “*will expire*” on December 31, 2018, “unless *all* State Commissions that approved the 2017 Protocol determine, by not later than March 31, 2017, that the term of the 2017 Protocol will be extended by an optional one-year extension through December 21, 2019.”¹ By these express terms, all participating MSP states must affirmatively extend the 2017 Protocol for one year prior to March 31, 2017, or it will expire. Moreover, implicit in this express condition to extension is that all participating States will extend the 2017 Protocol as is, without any substantive changes, including any changes to the “2017 Protocol Adjustments” included in the state-specific terms of Section XIV of the 2017 Protocol, which are designed to set each State’s responsibility for helping fill a portion of the “allocation hole” created by differences in approved interstate allocation procedures.²

A 2016 Order of the Oregon Commission raises doubts as to whether that State will extend the 2017 Protocol for an additional year.³ Moreover, several parties have recently filed pleadings with the Oregon Commission resisting the requested one-year extension or taking positions that may make it impracticable for the Commission to issue an extension order prior to

¹ See Exhibit RMP___(JKL-1), page 5 of 64, lines 5-7, UPSC Docket No. 15-035-86 (emphasis added), located at: <http://psc.utah.gov/2016/06/20/docket-no-15-035-86/>.

² See *id.*, page 14 of 64, line 9 – page 19 of 64, line 8.

³ See In re Petition for Approval of the 2017 PacifiCorp Inter-Jurisdictional Allocation Protocol, OPUC Docket No. UM 1050, Order No.16-319 at 6 (August 23, 2016) (stating that the Oregon Commission “do[es] not intend to adopt the one-year extension contemplated in the 2017 Protocol,” located at: <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=9802>).

the March 31 deadline.⁴ In addition, the Wyoming Industrial Energy Consumers has filed comments with the Wyoming Commission opposing continued deferral of Wyoming's \$1.6 million 2017 Protocol Adjustment.⁵

It would be inappropriate, unfair and contrary to the Utah public interest for Utah to unilaterally extend the 2017 Protocol for an additional year, or to require Utah customers to continue to pay Utah's \$4.4 million 2017 Protocol Adjustment, if any of the other State Commissions fails to extend the 2017 Protocol by the March 31 deadline, or makes any substantive change to that State's 2017 Protocol Adjustment or any other term of the 2017 Protocol. UAE respectfully submits that Utah customers should not be burdened with a non-cost-based addition to rolled-in rates for an additional year absent the agreement of all other participating MSP States to do the same.

DATED this 3rd day of March, 2017.

HATCH, JAMES & DODGE

/s/ _____
Gary A. Dodge
Attorneys for UAE

⁴ See Answers filed by Oregon Staff, Citizens Utility Board, and Industrial Customers of Northwest Utilities, among others, OPUC Docket No. UM 1050, located at: <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=9802>.

⁵ See Wyoming Industrial Energy Consumers' Petition to Intervene, WPSC Docket No. 20000-510-EA-17, Record Number 14644, located at: <https://dms.wyo.gov/external/publicusers.aspx>.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email this 3rd day of March, 2017, on the following:

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/s/ _____