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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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| <p>In the Matter of the Application of Rocky Mountain Power to Establish Export Credits for Customer Generated Electricity</p> | <p>DOCKET NO. 17-035-61</p> <p>Joint Reply to the Office of Consumer Service’s and Rocky Mountain Power’s response to Joint Motion to Amend Scheduling Order and Request For Technical Assistance</p> |
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Pursuant to Rule 7 of the Utah Rules of Civil Procedure and Utah Administrative Code R746-1-301, Utah Clean Energy, Vote Solar, Vivint Solar, the Utah Solar Energy Association, and Auric Solar (“the Joint Parties”) hereby reply to the Office of Consumer Services’ (“Office”) and Rocky Mountain Power’s (“RMP”) respective December 17, 2018 responses to the Joint Parties November 30, 2018 Joint Motion to Amend Scheduling Order and Request For Technical Assistance (“Motion”).

Response to the Office

The Office “believes that technical assistance focused on specific methods to calculate potential benefits and costs associated with rooftop solar, including the appropriate data to seek and collect, could provide specific value to the current process.”¹ The Office also states that “given the unique nature of the Utah settlement and the progress that has already been made in the various dockets addressing net metering including the current export credit proceeding,” some topics would not be helpful to discuss because they have already been discussed or are well within the parties’ capability to examine, and are therefore unnecessary to include in the technical conference.² For these reasons, the Office suggests that the Commission exercise its “gatekeeper” authority and limit the scope of topics that may be addressed.³

The Commission is the only entity that may solicit technical assistance from the national laboratories.⁴ As such, we agree with the Office’s characterization of the Commission as the gatekeeper of information that is of value to this process. The purpose of involving the national labs is to provide the Commission and the parties participating in this docket with free, objective, research-based technical assistance. The ultimate goal of this request is to cultivate a common understanding of the technical components of costs and benefits associated with rooftop solar, and the methods used to calculate them. Technical assistance on this topic is a useful resource that will be available for all parties to draw from during the Phase II process.

We believe it is appropriate to consider input from all parties when developing the scope of issues to be discussed. The Joint Parties believe that as a third-party subject matter expert, the

¹ The Office’s Reply filed December 17, 2018, page 3.

² Id at 2.

³ Id at 3.

⁴ “National laboratories” refers primarily to the Lawrence Berkeley National Laboratory (“LBNL”) but may also refer to other national laboratories who can provide relevant technical expertise, as described in our November 30, 2018 Motion.

speaker identified to provide technical assistance should not be restricted from presenting information that they find to be relevant to the calculation of costs and benefits related to the export of solar energy. We have endeavored to define a scope of work that recognizes the need for an efficacious process while also addressing topics and issues the Joint Parties believe may be relevant to Phase II. We do not presume that this list is exhaustive of topics that may be of interest to other Parties and welcome the opportunity to work collaboratively to further refine the scope.

To the extent that the Commission limits the scope of a technical assistance request by excluding topics that some parties believe to be relevant in calculating the export credit, the Commission is preventing those parties from obtaining information that they find relevant for purposes of calculating the export credit. This contradicts the settlement agreement, which allows each party the right to propose its own export credit rate based on information it finds relevant.⁵ The Commission reinforced this point in its Phase I order when it said “the parties will proceed without a common understanding of what information is needed and what information, in part, will be considered by the PSC in Phase II of this proceeding.”⁶

Technical assistance at this point in the docket is purely for the purpose of providing information and allowing parties to gain a common understanding of the issues. In order for the technical assistance to be as useful as possible, it is critical that the technical assistance provider be a third-party entity who is not a party to the docket and is not employed by one of the participating parties. Given that the parties do not have a common understanding of what information is necessary to calculate the export credit, it is also critical that all parties work with the Commission to design a scope of topics that benefits all parties.

⁵ Docket 14-035-114, Rocky Mountain Power’s Settlement Stipulation filed on August 28, 2017, page 10.

⁶ Docket 17-035-61 Phase I Order, filed on May 21, 2018, page 17.

Response to Rocky Mountain Power

RMP opposes the Joint Parties' Motion in part because "[t]he Parties considered holding technical conferences during the Scheduling Conference and determined to hold informal workshops and meetings instead, as reflected in the Scheduling Order. Therefore, it is not necessary to amend the Scheduling Order."⁷

At the January 10, 2018 scheduling conference, the Joint Parties were in favor of informal workshops and meetings because it was our understanding that these workshops and meetings would provide an opportunity for parties to share and request information. Over the course of nearly a year, there have been no productive informal meetings or workshops despite the best efforts of the Joint Parties to facilitate meetings. At the first scheduled informal workshop, RMP would not respond to any of the Joint Parties' questions out of a reluctance to be subject to live discovery.⁸ The second informal workshop, scheduled for May 22, was cancelled. Rather than collaborate informally, RMP has pursued a litigation approach rendering informal workshops useless.

In response, the Joint Parties proposed scheduling a technical workshop and inviting a third-party expert who is not a party to the docket to present on topics critical to this case. The Division solicited availability from parties in order to set a date for this technical workshop and the Joint Parties requested assistance from LBNL. It was at this time that the Joint Parties confirmed that LBNL will only provide technical assistance if requested by a Commission. The Joint Parties filed the Motion because the original consensus on informal meetings and workshops has clearly evolved to something different than what the scheduling order currently contemplates.

⁷ Rocky Mountain Power's Reply filed December 17, 2018, page 2.

⁸ This workshop was held on May 14 2018 at Rocky Mountain Power's North Temple Office.

At this point, the Joint Parties believe that technical conferences are the best avenue for all parties to develop a common understanding of the issues relevant to Phase II, without subjecting any party to live discovery. Yet RMP objects to the Joint Parties' motion to amend the schedule to hold technical conferences and involve the Commission even though technical conferences address RMP's concern over live discovery. A third-party presenter will allow technical conference participants to ask questions and gather information without requesting information of the Company. Further, technical conferences are standard in matters that are fully litigated. The Joint Parties believe LBNL is an appropriate entity to provide all parties with technical assistance because it is a research-based laboratory that provides free, objective expertise that is intended to educate Commissions on relevant technical capabilities and methods, not to advocate for positions.

The Company also states that “[t]he Commission should continue its practice of not participating in informal technical workshops and of excluding any materials provided at such meetings from the record.”⁹ In this case, the Commission itself would be requesting technical assistance from LBNL, who would provide objective information about the relevant factors and methods associated with calculating export credit rates. Parties are not required to attend the technical conferences or use the information provided to them, but there is no need to exclude objective information provided by a third-party from the record. Additionally, the Commission has already expressed its desire to help develop an objective record through technical conferences. In the Phase I order, the Commission expressed a willingness to host a Commission-sponsored technical conference to assist parties who wish to construct their own load-research study sample.¹⁰ The Joint Parties are asking for something similar. LBNL will

⁹ Id.

¹⁰ Docket 17-035-61 Phase I Order, filed on May 21, 2018, page 19.

provide information on relevant factors for calculating all costs and benefits associated with rooftop solar and will provide guidance on the sources of data that are necessary to perform those calculations. These technical conferences will be a resource for all parties to draw from when crafting positions in Phase II of this docket.

Conclusion

The requested technical conferences would provide free technical assistance to allow all parties the opportunity to obtain a better understanding of the methods for calculating the costs and benefits of rooftop solar. Affording each party access to this resource will improve the efficacy of identifying a just and reasonable export credit in Phase II.

DATED December 27, 2018.

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CERTIFICATE OF SERVICE
Docket No. 17-035-61

I hereby certify that a true and correct copy of the foregoing was served by email this 27th day of December, 2018, on the following:

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