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May 8, 2020

**Via Federal Express and Via Email**

Utah Public Service Commission  
Heber M. Wells Building, 4th Floor  
160 East 300 South  
Salt Lake City, UT 84114

**Re: Docket No. 17-035-61 Phase 2 – *In the Matter of the Application of Rocky Mountain Power to Establish Export Credits for Customer Generated Electricity***

Dear Commissioners:

Our firm, Selendy & Gay PLLC, represents Vote Solar in the above-captioned action. On March 3, 2020, Vote Solar filed both confidential and redacted copies of its affirmative testimony and accompanying exhibits and workpapers.

The analysis contained in that affirmative testimony relied in part on data received from Rocky Mountain Power (“RMP”) in response to Vote Solar’s data requests. In particular, Vote Solar relied on RMP’s Confidential Attach 8.4 data that included, for each Schedule 135 customer, energy exports and deliveries in monthly intervals for the past four years. *See* Vote Solar, *Affirmative Testimony of Albert Lee*, line 191. This data was originally provided to Vote Solar on November 26, 2019, as part of RMP’s Responses to Vote Solar 8th Set Data Requests – Confidential Attach Vote Solar 8.4 (Nov. 26, 2019); however, the data request required that RMP supplement the data for the remainder of calendar year 2019 promptly after December 31, 2019.

Yet, on March 13, 2020—ten days *after* Vote Solar submitted its affirmative testimony—and nearly four months after the data was initially produced to Vote Solar—RMP provided a supplement along with a significant correction. *See* RMP’s 1st Supplemental Response to Vote Solar 8th Set Data Request 8.4.—Confidential Attachment Vote Solar 8.4 1st Supplemental.

Specifically, RMP stated that “[d]uring the process of compiling the supplemental information referenced in the Company’s original response to Vote Solar Data Request 8.4, it was determined that the data previously provided was inaccurately reporting monthly delivery data rather than monthly export data.” RMP’s 1st Supplemental Response to Vote Solar 8th Set Data Request 8.4. Therefore, despite being obligated to provide a supplement *promptly* after December 31, 2019, RMP failed to do so for over two months after the conclusion of the year and after Vote Solar had relied on the erroneously produced data in its affirmative testimony.

The supplemental data was analyzed as soon as it was received and Vote Solar noted several additional discrepancies that were not noted by RMP, including changes in customer numbers and in total delivery and export numbers that prevented Vote Solar from accurately incorporating the corrected data into its analysis. Vote Solar promptly reached out to RMP on March 19, 2020 to clarify these discrepancies. Counsel for RMP ultimately informed Vote Solar it would only respond if Vote Solar submitted a formal data request. Vote Solar submitted those clarifying questions as part of Vote Solar’s 11<sup>th</sup> Set of Data Requests (Mar. 27, 2020) and requested that it receive rolling responses given the likelihood that Vote Solar would need to amend its affirmative testimony. Yet, RMP did not respond to Vote Solar’s 11<sup>th</sup> Set of Data Requests until the due date of April 17, 2020. *See* Response to Vote Solar Data Request 11.1, RMP’s Responses to Vote Solar 11th Set Data Requests (Apr. 17, 2020).

Upon receipt of this additional information, Vote Solar’s experts were able to re-run their analyses, using the same methodology and procedures outlined in their affirmative testimony filed on March 3, 2020. The corrected data resulted in only minor changes to certain calculations. Thus, Vote Solar’s revised affirmative testimony, attached herein, reflects only minor adjustments to certain tables and figures, along with associated workpapers that reflect the changes to the underlying calculations. The original analyses and, in particular, the conclusions drawn from that analyses remain robust and consistent despite having initially been based on faulty RMP data.

Accordingly, please find attached with this letter revised affirmative testimony, and accompanying redlines, from Dr. Albert J. Lee, Dr. Michael M. Milligan, Mr. Curt Volkmann, Dr. Spencer Yang, and Dr. Carolyn Berry, along with a complete set of exhibits and workpapers. Those exhibits and workpapers that have been revised are reflected as such in the file name. In addition, Sachu Constantine has adopted the Affirmative Testimony of Briana Kobor and submits the attached revised testimony, workpapers, and exhibits.

Due to COVID-19, we are unable to access the Commission’s SFTP server. Therefore, please also see enclosed, pursuant to the Commission’s

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rules, a copy of a Motion to Deviate from the filing requirements along with DVD copies of all filings, both confidential and non-confidential.

Sincerely,

*/s/ Joshua S. Margolin*

Joshua S. Margolin  
Partner