

ROBERT J. MOORE (5764)
Assistant Attorney General
STEVEN W. SNARR (3022)
Special Assistant Attorney General
Utah Attorney General
160 East 300 South, Fifth Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0312
Facsimile: (801) 366-0101
Email: rmoore@agutah.gov
stevensnarr@agutah.gov
Attorneys for Utah Office of Consumer Services

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Application of Rocky Mountain Power to)	DOCKET NO. 17-035-61
Establish Export Credits for Customer)	
Generated Electricity)	Office of Consumer Services
)	Comments on Opening Statements
)	and Witness Summaries

On August 14, 2020, Vote Solar filed a request with the Public Service Commission of Utah seeking to allow parties to this Export Energy Credit proceeding to provide opening statements and witnesses to be able to provide testimony summaries in connection with the upcoming scheduled hearing.

On August 17, 2020, the Division of Public Utilities provided a response to Vote Solar's request.

On August 18, 2020, Vivint Solar provided a response to Vote Solar's request.

The Office of Consumer Services (Office) submits the following comments concerning the issues that have been raised and asks the Commission to provide clear guidance to all parties as it relates to the use of opening statements and witness testimony summaries.

The Office notes that it has not been the usual practice of this Commission to entertain opening statements in hearing proceedings. In many cases, where the issues have been clearly defined in pre-filed testimony, the use of opening statements would seem unnecessary – particularly when the Commission has followed the practice of allowing witnesses to provide a summary of their testimony prior to cross-examination. Whatever the Commission decides it should allow in this proceeding should be clearly set forth prior to hearing so that all parties will have notice as they prepare their case for hearing.

With respect to the use of witness summaries, the Office generally sees this practice as being helpful in providing focus on the issues that will be addressed by each witness prior to the commencement of cross-examination. However, the Office also notes that this practice has on occasion been abused with the presentation of lengthy summaries and arguments or covering matters not included in pre-filed testimony. Whatever the Commission determines it should allow with respect to the presentation of witness testimony summaries at hearing should be clearly set forth prior to the hearing so that all parties will have notice as they prepare their case for hearing.

As the Commission responds to and resolves Vote Solar's request, it should facilitate fairness and the opportunity for parties to present their cases under guidelines that will ensure a level playing field.

Respectfully submitted this 18th day of August 2020.

/s/ Steven W. Snarr

Steven W. Snarr
Special Assistant Attorney General
Attorney for the Office of Consumer Services