

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Application of Rocky Mountain Power to Establish Export Credits for Customer Generated Electricity	<u>DOCKET NO. 17-035-61</u> <u>NOTICE RELATED TO QUESTIONS</u> <u>POSED BY VOTE SOLAR</u>
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ISSUED: August 19, 2020

On August 14, 2020, Vote Solar filed three requests with respect to the hearing in this docket that is scheduled to begin on September 29, 2020. On August 17 and 18, 2020, the Division of Public Utilities, Vivint Solar, the Office of Consumer Services, Rocky Mountain Power, and Utah Clean Energy commented on the requests. We provide the following guidance clarifying our intentions.

1. We do not consider opening statements to be necessary or helpful for this hearing. There is no jury, and Commissioners will have read all filed written testimony prior to the commencement of the hearing. The positions of the various parties will have been well established. However, we recognize that cross-examination may develop issues that warrant further summary by counsel. Accordingly, as the hearing progresses, we are willing to entertain a request to allow closing arguments. In the event a party makes that request, we will address time limits at that point.

2. Testimony summaries by witnesses prior to being cross-examined can be a useful tool to highlight significant points. When the Public Service Commission (PSC) grants a motion to enter the filed written testimony into evidence, that action, not the testimony summary, often prevents the need to present the testimony in full during the hearing. Given that, the PSC counsels that five minutes is almost always sufficient time for a witness to provide a brief summary of written testimony. Nevertheless, the PSC gives notice that it will not take action in this docket to

discontinue a summary because of its length until the summary exceeds fifteen minutes. Our scheduling orders in this docket do not provide for live sur-surrebuttal testimony, so these verbal summaries should not introduce new evidence not already in the filed testimony.

3. Dealing with confidential material in a hearing always provides some logistical challenges. We encourage parties, to the extent possible, to identify prior to the hearing whether any information that was filed with the PSC with a confidential designation is no longer confidential. We also encourage parties during the hearing, to the extent possible, to refer to page and line numbers of confidential material without requiring the material to be spoken into the record.

We recognize, though, that sometimes it may be necessary to close a hearing to discuss confidential testimony. If that becomes necessary, any party may make a motion and the PSC may consider whether to close the hearing to the public under Utah Code Ann. § 54-3-21(4). In that event, all participants in the video conference should be visible to each other, and we anticipate it may take a few moments to ensure that only appropriate participants are on the video conference. Streaming to the PSC YouTube channel discontinues while a hearing is closed to the public.

Vote Solar has filed non-redacted versions of its confidential testimony without complying with the requirements of Utah Administrative Code R746-1-601. We are typically accommodating when parties do not comply with every technical requirement of the rule. For example, we regularly accept filings without a universal yellow background as long as the existence of confidential material is apparent.

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However, to enable all participants to utilize the non-redacted testimony during the hearing and identify when discussion might entail confidential material, we direct Vote Solar to re-file its non-redacted testimony that contains confidential material. At the very least, the first page of such testimony must be labeled as confidential, and specific confidential information must be identified with some “conspicuous formatting” as required by Utah Administrative Code R746-1-601(1)(b). Yellow highlighting is the most common method to accomplish that rule requirement.

DATED at Salt Lake City, Utah, August 19, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#315048

CERTIFICATE OF SERVICE

I CERTIFY that on August 19, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Data Request Response Center ([datareq@pacificorp.com](mailto:datareq@pacificorp.com), [utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com))  
PacifiCorp

Jana Saba ([jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com))  
Joelle Steward ([joelle.steward@pacificorp.com](mailto:joelle.steward@pacificorp.com))  
Emily Wegener ([emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com))  
Rocky Mountain Power

Jennifer Selendy ([jselendy@selendygay.com](mailto:jselendy@selendygay.com))  
Joshua S. Margolin ([jmargolin@selendygay.com](mailto:jmargolin@selendygay.com))  
Philippe Z. Selendy ([pselendy@selendygay.com](mailto:pselendy@selendygay.com))  
Margaret M. Siller ([msiller@selendygay.com](mailto:msiller@selendygay.com))  
Co-counsel for Vote Solar  
Sachu Constantine ([sachu@votesolar.org](mailto:sachu@votesolar.org))  
Claudine Custodio ([claudine@votesolar.org](mailto:claudine@votesolar.org))  
Vote Solar

Stephen F. Mecham ([sfmecham@gmail.com](mailto:sfmecham@gmail.com))  
Counsel for Vivint Solar, Inc.

Hunter Holman ([hunter@utahcleanenergy.com](mailto:hunter@utahcleanenergy.com))  
Counsel for Utah Clean Energy  
Sarah Wright ([sarah@utahcleanenergy.com](mailto:sarah@utahcleanenergy.com))  
Kate Bowman ([kate@utahcleanenergy.com](mailto:kate@utahcleanenergy.com))  
Utah Clean Energy

Megan J. DePaulis ([megan.depaulis@slcgov.com](mailto:megan.depaulis@slcgov.com))  
Counsel for Salt Lake City Corporation  
Christopher Thomas ([christopher.thomas@slcgov.com](mailto:christopher.thomas@slcgov.com))  
Salt Lake City Corporation

Elias Bishop ([elias.bishop@auricsolar.com](mailto:elias.bishop@auricsolar.com))  
Auric Solar, LLC

Nancy Kelly ([nkelly@westernresources.org](mailto:nkelly@westernresources.org))  
Sophie Hayes ([sophie.hayes@westernresources.org](mailto:sophie.hayes@westernresources.org))  
April Elliott ([april.elliott@westernresources.org](mailto:april.elliott@westernresources.org))  
Western Resource Advocates

Amanda Smith ([asmith@hollandhart.com](mailto:asmith@hollandhart.com))  
Engels J. Tejada ([ejtejeda@hollandhart.com](mailto:ejtejeda@hollandhart.com))  
Chelsea J. Davis ([cjdavis@hollandhart.com](mailto:cjdavis@hollandhart.com))  
Counsel for Utah Solar Energy Association  
Ryan Evans ([revans@utsolar.org](mailto:revans@utsolar.org))  
Utah Solar Energy Association

Noah Miterko ([noah@healutah.org](mailto:noah@healutah.org))  
HEAL Utah

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Victor Copeland ([vcopeland@agutah.gov](mailto:vcopeland@agutah.gov))  
Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Alyson Anderson ([akanderson@utah.gov](mailto:akanderson@utah.gov))  
Bela Vastag ([bvastag@utah.gov](mailto:bvastag@utah.gov))  
Alex Ware ([aware@utah.gov](mailto:aware@utah.gov))  
[ocs@utah.gov](mailto:ocs@utah.gov)  
Office of Consumer Services

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Administrative Assistant