

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Rocky Mountain Power's
Proposed Tariff Revisions to Electric Service
Schedule No. 73, Subscriber Solar Program

DOCKET NO. 17-035-T06
NOTICE OF ALLOWING TARIFF
CHANGES TO BECOME EFFECTIVE
BY OPERATION OF STATUTE

ISSUED: April 24, 2017

1. Background

On March 28, 2017, PacifiCorp dba Rocky Mountain Power ("PacifiCorp") filed Advice No. 17-06, proposing revisions to Electric Service Schedule No. 73. Specifically, PacifiCorp proposes to make the following changes to Special Conditions 7 and 8 of the schedule:

Special Condition 7: Subscribers ~~will~~ may pay a cancellation fee if they cancel within three years of subscribing. The cancellation fee will equal up to \$50 per block

Special Condition 8: The Company ~~will~~ may not accept enrollments for accounts that have a time payment agreement in effect

PacifiCorp requests the change to Special Condition 7 to allow it the flexibility to negotiate a reduced early cancellation fee on a case by case basis where the cost to replace the customer is minimal or where the cancellation is the result of extenuating circumstances, such as military service or medical reasons. Similarly, PacifiCorp seeks the revision to Special Condition 8 to clarify that PacifiCorp may decline enrollments for customers who have specified payment issues as opposed to mandating PacifiCorp decline all such applications. PacifiCorp asserts this revision aligns Schedule 73 with Schedules 70 and 72. PacifiCorp further asserts the modification will provide greater flexibility in accepting enrollments from customers that have a temporary credit problem or where a time payment agreement arose due to no fault of the

customer. The latter may arise, for example, when a builder incorrectly labels meter bases and causes crossed-meter billing problems.

The Division of Public Utilities ("Division") supports both the revisions PacifiCorp proposes, but the Office of Consumer Services ("Office") opposes them. The Office asserts the cancelation fee should not be subject to negotiation or otherwise waivable at PacifiCorp's discretion. The Office would support a tariff change providing "subscribers **will** pay a cancelation fee unless the full relinquished subscription amount can be immediately filled from the waiting list or the customer is facing the circumstances of severe medical issues or active military duty." (Office Comments at 2. Emphasis in original.) The Office similarly opposes allowing PacifiCorp discretion to waive the 12-month waiting period for customers who have experienced the enumerated billing issues. The Office asserts the waiting period is not onerous and that PacifiCorp has failed to support its request for the change.

PacifiCorp responds that it "cannot foresee" every circumstance in which it would be appropriate to waive the cancelation fee under Special Condition 7 or the 12-month waiting period under Special Condition 8. (PacifiCorp Reply Comments at 1-2.) PacifiCorp further argues "[i]t is a common industry standard for fees to be waived or reduced for customers, when warranted" and that the change to Special Condition 7 will minimize PacifiCorp's charging unnecessary fees and serve the best interests of customers. (*Id.* at 1.) PacifiCorp maintains requiring the 12-month waiting period in every circumstance is unduly punitive and unjust.

2. Discussion

Under Title 54, revised schedules that do not increase rates "take effect 30 days after the date of filing ... subject to the authority of the commission, after a hearing, to suspend, alter or

modify the schedule" Utah Code Ann. § 54-7-12(6). Whenever we suspend a schedule, we must "hold a hearing ... before issuing [our] final order." *Id.* at § 54-7-12(5)(b).

We agree with the Division's conclusion that PacifiCorp's requested revisions appear to be reasonable on their face. Moreover, we expect any impact of the changes on customers will be *de minimis*. While we recognize the record is not sufficiently developed for us to make conclusive findings as to the propriety of the changes, we are not persuaded it would be a constructive use of the parties' resources to require them to participate in the statutorily mandated hearing to suspend the tariff. We find the most efficient and reasonable course is to allow the tariff changes to take effect under the statute. If the Office believes PacifiCorp's revisions merit a hearing, then it may file a request for agency action and we will set the matter for hearing.

3. Conclusion

Because, on their face, PacifiCorp's revisions appear to be reasonable and should have a *de minimis* effect on customers, we will allow them to take effect by operation of statute 30 days after filing. Any party who wishes to explore the matter further may file a request for agency action.

DATED at Salt Lake City, Utah, April 24, 2017.

/s/ Michael J. Hammer
Presiding Officer

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Approved and Confirmed April 24, 2017, as the Order of the Public Service Commission
of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#293545

CERTIFICATE OF SERVICE

I CERTIFY that on April 24, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

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