

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Rocky Mountain Power to Increase the Deferred EBA Rate through the Energy Balancing Account Mechanism	<p style="text-align: center;"><u>DOCKET NO. 18-035-01</u></p> <p style="text-align: center;"><u>SCHEDULING ORDER, NOTICE OF HEARINGS, AND TARIFF STATUS</u></p>
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ISSUED: March 29, 2018

In accordance with the discussion at the scheduling conference held March 28, 2018, the parties agreed to the following schedule, which the Public Service Commission (PSC) adopts:

SCHEDULE

ITEM	DEADLINE/DATE/TIME/LOCATION
The Division of Public Utilities (DPU) to conduct a preliminary review of PacifiCorp's application and provide a preliminary conclusion if the EBA filing appears to not depart from prior years' filings, ¹ and comment on tariff filing. Comments from all parties.	Thursday, April 5, 2018
Replies, including issues raised for the first time.	Thursday, April 19, 2018
Hearing on interim rates ² (Responses allowed at hearing.)	Thursday, April 26, 2018, beginning at 1:30 p.m., Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

¹ See *In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism* (Order at 28, ¶ 2, issued February 16, 2017), Docket No. 09-035-15.

² See Utah Code Ann. § 54-7-12(4)(a)(ii) ("The [PSC], on its own initiative or in response to an application by a public utility or other party, may, *after a hearing*, allow any rate increase or decrease proposed by a public utility . . . to take effect on an interim basis within 45 days after the day on which the request is filed...." (Emphasis added)).

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DPU to file its audit report ³	Thursday, November 15, 2018
Direct testimony of all parties	Wednesday, December 19, 2018
Rebuttal testimony of all parties	Thursday, January 10, 2019
Intervention	Thursday, January 10, 2019
Surrebuttal testimony of all parties	Thursday, January 24, 2019
Hearing	Tuesday, February 5, 2019, beginning at 10:00 a.m., Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah. <u>NOTE: Parties also should reserve Wednesday, February 6, 2019, in the event the hearing lasts for more than one day.</u>

Additionally, to address the concern of one party at the scheduling conference to file public comments or to address legal issues, potentially in lieu of testimony, the PSC adopts the following:

ITEM	DEADLINE/DATE/TIME/LOCATION
<u>Public Comment</u> On the date rebuttal testimony is due, any intervening party may file unsworn public comment. If a party chooses to file unsworn public comment, it will not be subject to cross-examination and will not receive the same evidentiary weight as sworn testimony.	Thursday, January 10, 2019
<u>Dispositive Motions</u>	Thursday, January 10, 2019

³ See *supra* n.1 at ¶ 4 (“The DPU will . . . file its audit report by November 15[.]”)

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A party may file a dispositive motion addressing legal issues on or before the date rebuttal testimony is due.	
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In accordance with the PSC’s February 16, 2017 Order in Docket No. 09-035-15,⁴ the following schedule relates to the PSC’s 2018 report to the Public Utilities and Technology Interim Committee:

ITEM	DEADLINE/DATE/TIME/LOCATION
Comments	Tuesday, September 18, 2018
Replies	Tuesday, October 16, 2018

Comments and reply comments filed in accordance with the above schedule should address “whether allowing an electrical corporation to continue to recover [100% of the electrical corporation’s prudently incurred] costs under Subsection (2)(d) [of the EBA statute] is reasonable and in the public interest.”⁵

DISCOVERY

Discovery turn-around times are: best efforts until April 26, 2018; 21 calendar days until November 15, 2018; 10 calendar days until January 10, 2019; and 7 calendar days thereafter.

⁴ See *In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism* (Order at 6, issued February 16, 2017 (“Our extension of the EBA pilot period, and the reports required by S.B. 115, require further review of the EBA. We intend to allow input and comment with respect to the 2017 and 2018 reports required by S.B. 115 during the EBA dockets for those two years. We anticipate that the scheduling conferences and scheduling orders will provide a process to accommodate that input and that the review we conduct following the December 1, 2018 report will examine whether, and in what form, an EBA should be continued.”)), Docket No. 09-035-15.

⁵ Utah Code Ann. § 54-7-13.5(6). See also *id.* § 54-7-13.5(2)(d) (“Beginning June 1, 2016, for an electrical corporation with an energy balancing account established before January 1, 2016, the [PSC] shall allow an electrical corporation to recover 100% of the electrical corporation’s prudently incurred costs as determined and approved by the [PSC.]”).

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Parties shall serve copies of all filings on other parties by electronic mail at or before the time an electronic copy of the document is required to be filed with the PSC. In the event a document filed with the PSC or produced in response to a discovery request cannot reasonably be transmitted by electronic mail, the party filing the document shall file an electronic copy of the document on CD (or, if an electronic copy is not available, a paper copy) with the PSC by hand delivery and shall serve an electronic copy of the document on CD (or, if an electronic copy is not available, a paper copy) on each applicable party by hand delivery if the party being served is in the same metropolitan area as the serving party, or by overnight courier if the party being served is located in a different metropolitan area from the serving party.

NOTICE OF HEARINGS

The PSC will conduct hearings in this docket on **Thursday, April 26, 2018, beginning at 1:30 p.m.**, and on **Tuesday, February 5, 2019, beginning at 10:00 a.m.** The hearings will be held in the **Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah**. All parties must have their witnesses in attendance and prepared to testify. Parties also should reserve **Wednesday, February 6, 2019**, in the event the **Tuesday, February 5, 2019** hearing lasts for more than one day.

Individuals wishing to participate in the hearing by telephone should contact the PSC two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824) to receive a bridge number and participant passcode. Participants attending by telephone should then call the bridge number five minutes before the hearing, entering the passcode followed by the # sign to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

TARIFF STATUS

On March 15, 2018, PacifiCorp, doing business as Rocky Mountain Power (PacifiCorp), filed proposed revisions to Electric Service Schedule No. 94, Energy Balancing Account (EBA) Pilot Program (Tariff Changes) together with its application to increase the deferred EBA rate through the Energy Balancing Account Mechanism.⁶ According to PacifiCorp, its filing constitutes an increase in rates.⁷

Subsection 54-7-12(5)(a) of the Utah Code provides, “[n]otwithstanding any other provisions. . . , any schedule . . . filed by a public utility with the [PSC] that does not result in any rate increase shall take effect 30 days after the date of filing . . . subject to its authority after a hearing to suspend, alter, or modify that schedule[.]”⁸ Because the proposed tariff revisions would result in a rate increase, the statutory 30 day effective date is not applicable. Therefore, the proposed tariff revisions will not become effective unless they receive PSC approval.

DATED at Salt Lake City, Utah, March 29, 2018.

/s/ Melanie A. Reif
Presiding Officer

⁶ See Application, filed March 15, 2018.

⁷ See *id.* at 1 (“. . . PacifiCorp . . . [is] requesting approval to recover approximately \$2.8 million in deferred EBA [c]osts[.]”).

⁸ Utah Code Ann. § 54-7-12(5)(a).

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Approved and Confirmed March 29, 2018 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
PSC Secretary
DW#300985

CERTIFICATE OF SERVICE

I CERTIFY that on March 29, 2018, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Data Request Response Center (datarequest@pacificorp.com, utahdockets@pacificorp.com)
PacifiCorp

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By Hand-Delivery:

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Administrative Assistant