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Department of Commerce Division of Public Utilities

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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Doug Wheelwright, Utility Technical Consultant Supervisor

JJ Alder, Utility Analyst

Trevor Jones, Utility Analyst

Date: April 20, 2020

Re: **Docket No. 20-031-T01**, Mt. Wheeler Power, Inc.'s New Rate Large General Service KWH EV Rate.

Recommendation (Acknowledge)

The Utah Division of Public Utilities ("Division") recommends the Utah Public Service Commission ("Commission") acknowledge Mt. Wheeler Power, Inc.'s ("Mt. Wheeler") new Rate Large General Service KWH EV Rate, and make the tariff available for public inspection.

Issue

Mt. Wheeler's new rate is for permanent electric vehicle charging facilities. These facilities will be used by the general public solely for the purpose of vehicle charging with no other intended electrical service. The new rate has an effective date of March 17, 2020.

Background

Mt. Wheeler is a cooperative providing power to Ely, Nevada and surrounding areas including extreme western parts of Utah. It currently has approximately 8,000 members in total with approximately 415 members in Utah.

The Mt. Wheeler Board of Directors met on February 14, 2020, and March 17, 2020, and approved the changes. The Board notified the Commission and requested approval of the proposed changes pursuant to a letter received on April 10, 2020. On April 10, 2020, the Commission issued an Action Request to the Division directing it to perform an investigation. Mt. Wheeler desires an effective date for the proposed changes of March 17, 2020. This is the Division's response to that action request.

Discussion

The Division has reviewed Mt Wheeler's filing with the attached rule sheets. According to Utah Code (54-3-3) and Commission Rule (R 746-405-2-E.2) the effective date of tariff changes may be no sooner than 30 days after the date that a notice is filed with the Commission and customers are informed. Members/customers of Mt. Wheeler were notified between February 14, and March 17, 2020, however, the Commission was not notified until April 10, 2020. Since the rates were scheduled to take effect on March 17, 2020, the Commission notification requirement has not been met. The Commission for good cause shown may allow changes, without requiring the 30 days' notice herein provided for, by an order specifying the changes so to be made, the time when they shall take effect and the manner in which they shall be filed and published. Without minimizing Mt. Wheeler's obligation to adhere to the filing requirements, officially notifying the Commission at least 30 days prior to implementing any such rate change is not as critical as notifying its customers.

Conclusion

Although the Commission was not given timely written notification as it should, the proposed rate is new with no current customers. The Division recommends the Commission acknowledge the filed tariff sheets with an effective date of March 17, 2020 and make them available for

public inspection. The Division has again advised Mt. Wheeler of its obligation to officially notify the Commission at least 30 days prior to implementing new rates.

Cc: Kevin Robison, CEO, Mt. Wheeler Power Co.
Michele Beck, Office of Consumer Services
Jeff Peterson, Director Utah Rural Electric Association