

January 19, 2021

***VIA ELECTRONIC FILING***

Utah Public Service Commission  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84114

Attention: Gary Widerburg  
Commission Administrator

RE: **Docket No. 20-035-01**  
Application to Increase the Deferred Rate through the Energy Balancing Account  
Mechanism

In accordance with the Notice issued by the Utah Public Service Commission on January 19, 2021, PacifiCorp, d.b.a. Rocky Mountain Power, hereby submits for filing its Opposition to the Motion to Amend the Scheduling Order in the above referenced matter.

Rocky Mountain Power respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)  
[utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com)  
[jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
[emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com)

By regular mail: Data Request Response Center  
PacifiCorp  
825 NE Multnomah, Suite 2000  
Portland, OR 97232

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,



Joelle Steward  
Vice President, Regulation

cc: Service List – Docket No. 20-035-01

**CERTIFICATE OF SERVICE**

Docket No. 20-035-01

I hereby certify that on January 19, 2021, a true and correct copy of the foregoing was served by electronic mail to the following:

**Utah Office of Consumer Services**

Michele Beck [mbeck@utah.gov](mailto:mbeck@utah.gov)  
[ocs@utah.gov](mailto:ocs@utah.gov)

**Division of Public Utilities**

[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)

**Assistant Attorney General**

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)

**Utah Association of Energy Users**

Phillip J. Russell (C) [prussell@jdrsllaw.com](mailto:prussell@jdrsllaw.com)

**Western Resource Advocates**

Sophie Hayes (C) [sophie.hayes@westernresources.org](mailto:sophie.hayes@westernresources.org)  
Nancy Kelly (C) [nkelly@westernresources.org](mailto:nkelly@westernresources.org)  
Steven S. Michel (C) [smichel@westernresources.org](mailto:smichel@westernresources.org)  
Callie Hood (C) [callie.hood@westernresources.org](mailto:callie.hood@westernresources.org)

**Rocky Mountain Power**

Data Request Response Center [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)  
Jana Saba [jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
[utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com)  
Emily Wegener [emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com)



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Mary Penfield  
Adviser, Regulatory Operations

Emily Wegener (#12275)  
1407 West North Temple, Suite 320  
Salt Lake City, Utah 84116  
Telephone: (801) 220-4526  
Facsimile: (801) 220-3299  
[emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com)

*Attorney for PacifiCorp*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER TO INCREASE THE DEFERRED EBA RATE THROUGH THE ENERGY BALANCING ACCOUNT MECHANISM	Docket No. 20-035-01  <b>OPPOSITION TO MOTION TO AMEND THE SCHEDULING ORDER</b>
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PacifiCorp dba Rocky Mountain Power (“RMP” or the “Company”) hereby submits this Opposition to Motion to Amend the Scheduling Order filed by the Office of Consumer Services (“OCS”) in the above-captioned action, pursuant to Utah Administrative Rules R746-1-105, R746-1-301, and Utah Rules of Civil Procedure, Rule 7, and the Public Service Commission of Utah’s (“Commission”) Notice issued on January 19, 2021.

**INTRODUCTION**

In spite of ample notice that the Company was conducting a second root cause analysis (“RCA”) on the cause of the Lake Side 2 Unit 3 outage, OCS now objects to its inclusion in evidence and seeks additional time to conduct discovery on its contents. OCS seeks to delay the scheduled hearing on January 21, 2021, which does not comport with Electric Service Schedule No. 94 and puts the March 1, 2021 rate effective date at risk. Given that the Company was not required to perform a second RCA and does not rely on the contents of the second RCA to justify its actions in regards to the Lake Side outage, it is the Company’s position that it is appropriate to move forward with the hearing as filed and as scheduled. The Company is willing to withdraw the second RCA as an exhibit if the Commission prefers. Alternatively, the Company does not

oppose a short delay to the hearing so long as any delay does not compromise the March 1 rate effective date.

## ARGUMENT

### **I. THE COMPANY DOES NOT INTRODUCE NEW EVIDENCE ON SURREBUTTAL.**

The Commission should proceed with the hearing as scheduled because the Company introduces the second RCA only to show that it has been completed and is willing to withdraw it from evidence as the Commission sees fit. It is well known by the parties and the Commission that the Company has been working on obtaining a second RCA of the Lake Side outage. The issue was raised at the Company's General Rate Case proceeding and acknowledged in the Commission's order in that docket.<sup>3</sup> It was mentioned in the Company's earlier testimony in this docket.<sup>4</sup> Furthermore, the Company has been in touch with the Utah Division of Public Utilities and OCS informally concerning the timing of this second RCA. The second RCA was finalized on January 15, 2021. Because of the significant interest in the second RCA, the Company attached it to its Sur-Rebuttal Testimony.<sup>5</sup> Concerning the second RCA, the Sur-Rebuttal states only: "The Company's second RCA, which is provided as Confidential Exhibit RMP\_\_\_DMR-1S), also makes a determination that the root cause of the outage is inconclusive."<sup>6</sup> This is consistent with Mr. Dana M. Ralston's earlier testimony on rebuttal and does not introduce any

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<sup>3</sup> *Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations*, Docket No. 20-035-04, Order at 35-36 (Dec. 30, 2020) ("2020 GRC Order") ("We find that RMP acted prudently by engaging a disinterested third party to perform a second RCA, and we will not penalize RMP for doing so because the results of that second RCA are not complete.").

<sup>4</sup> Rebuttal Testimony of Dana M. Ralston at 6, lines 113-119 (January 5, 2021) (stating that the second RCA "is expected to be completed by the middle of January 2021, though preliminary results indicate no additional conclusions from that of the Siemens RCA"); *see also* Response Testimony of Dana M. Ralston at 9, lines 175-186 (December 10, 2020) (responding to Daymark's concerns about the timeliness of the second RCA).

<sup>5</sup> The second RCA is attached as Exhibit RMP\_\_\_(DMR-1S) to the Sur-Rebuttal Testimony and was also provided in a supplement to discovery requests made in this matter on January 15, 2021. The Company is not sure why OCS had not received a copy at the time they filed their Motion.

<sup>6</sup> Sur-Rebuttal Testimony of Dana M. Ralston at 6, lines 105-107 (January 15, 2021).

new argument supporting the Company's position that it acted prudently with respect to the Lake Side outage. Rather, it substantiates that the Company continued to prudently investigate the cause of the outage. Because the Company is not relying on the contents of the second RCA to support its position in this case, the Company is willing to withdraw it as an exhibit, refer to it only for the purpose of showing it was completed, or discuss in detail, depending on the preference of parties and the Commission. Its inclusion as an exhibit does not, however, justify delaying the hearing.

**II. ANY DELAY TO THE HEARING SHOULD MAINTAIN THE MARCH 1 RATE EFFECTIVE DATE.**

The Company does not oppose a short delay in the proceeding to allow parties to conduct discovery, so long as the rate effective date remains March 1, 2021. The Company's Electric Service Schedule No. 94 states that the hearing on the Company's EBA application will be held "on or about January 21" on the year following the application, and requires the Commission to issue an order "on or about February 21," which allows for a rate effective date of March 1.<sup>7</sup> The Commission has already determined that it does not want to "provide a disincentive" for the Company to conduct a second RCA or to "penalize" the Company for the timing of the second RCA.<sup>8</sup> Delaying the rate effective date would provide such a disincentive and would penalize the Company for behaving prudently. Moreover, the Company is not required to perform a second RCA to be considered prudent.<sup>9</sup> It would be illogical to penalize the Company for the timing of a second RCA that it was not required to perform. Therefore, any delay must maintain the March 1 rate effective date.

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<sup>7</sup> Electric Service Schedule No. 94 at page 3.

<sup>8</sup> 2020 GRC Order at 35-36.


<sup>9</sup> See Rebuttal Testimony of Dana M. Ralston at page 6, lines 120-125.

**CONCLUSION**

For the foregoing reasons, the Commission should deny OCS's Motion to Amend the Scheduling Order. If it grants the Motion, it should only allow a short delay to ensure that the March 1 rate effective date can be met.

DATED this 19<sup>th</sup> day of January, 2021.

PACIFICORP

By: 

Emily Wegener (#12275)  
1407 West North Temple, Suite 320  
Salt Lake City, Utah 84116  
Telephone: (801) 220-4526  
Facsimile: (801) 220-3299  
[emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com)  
*Attorney for PacificCorp*