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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**Application of Rocky Mountain Power for
Approval of Electrical Vehicle
Infrastructure Program**

DOCKET NO. 20-035-34
**PETITION FOR LEAVE TO INTERVENE AND
UTAH CLEAN ENERGY'S RESPONSE TO
ROCKY MOUNTAIN POWER'S MOTION FOR A
PROTECTIVE ORDER**

Pursuant to Utah Code Ann. § 63G-4-207 and Utah Admin. Code R746-1-108, Utah Clean Energy respectfully petitions the Public Service Commission (“Commission”) for leave to intervene in the above captioned docket. In addition, Utah Clean Energy opposes Rocky Mountain Power’s (“RMP”) Motion for a Protective Order (“Motion”).

I. PETITION FOR LEAVE TO INTERVENE

In support of our Petition for Leave to Intervene, Utah Clean Energy states as follows:
Utah Clean Energy is a state-based, non-profit, public interest organization working to create healthy, thriving communities empowered and sustained by clean energy. Utah Clean Energy’s mission is to lead and accelerate the clean energy transformation with vision and expertise. Our work focuses on preventing wasted energy, facilitating the use of clean energy, the beneficial

electrification of Utah, and creating a smart energy future. Utah Clean Energy and its supporters are specifically committed to improving air quality and electrifying transportation in Utah.

Utah Clean Energy's legal rights and interests may be substantially affected by this proceeding. The Electric Vehicle Infrastructure Program ("EVIP") is a critical piece of Utah's shift to electric vehicles and their associated air quality benefits. Our primary interest is to ensure that the EVIP program is designed to equitably expand EV charging infrastructure to facilitate the expansion of electric vehicles in Utah. Without admission to this proceeding as a party, Utah Clean Energy cannot meaningfully protect this and other interests as they arise.

Utah Clean Energy has not fully determined specific positions it will take or the relief it will seek. Utah Clean Energy seeks to intervene for purposes of protecting its interests as they arise.

The interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing Utah Clean Energy to intervene.

Utah Clean Energy's interests are not adequately represented by another party in this proceeding.

If Utah Clean Energy is granted leave to intervene in this proceeding, notices should be sent to the following:

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II. RESPONSE TO RMP'S MOTION FOR A PROTECTIVE ORDER

Concurrent with its Application, RMP moved for a Protective Order against all potential intervenors pursuant to Utah Admin. Code R746-1-602(2). RMP asserts that confidential information “if disclosed to the intervening parties, could be used to put [RMP] at a competitive disadvantage.” Application at ¶ 27. RMP identified two reasons why intervenor access to the confidential information may put it at a competitive disadvantage: (1) unfair competition due to the disclosure of profits and losses at RMP-owned charging stations, and (2) an unfair advantage during the selection of a charging station operator or alternative providers. Application at ¶¶ 27–28. Utah Clean Energy opposes RMP's Motion because RMP did not demonstrate how providing Utah Clean Energy access to confidential information in this docket would put RMP at a competitive disadvantage.

RMP's Motion is overly broad and applies to organizations that do not commercially compete with it. A “party that wishes to restrict or deny access to confidential... information under Utah Admin. Code Subsection R746-1-602(2)(a) has the burden to demonstrate the competitive disadvantage claimed.” Utah Admin. Code R746-1-602(2)(b). RMP has not demonstrated why Utah Clean Energy is a competitor with RMP, or how, through the performance of our normal job functions, RMP would be competitively disadvantaged if Utah Clean Energy gained access to the confidential information in this proceeding. Utah Clean Energy is a non-profit advocacy entity that relies on donations and grants for funding. Utah Clean Energy is not directly engaged in the sale of electricity, electric vehicles, or electric vehicle charging infrastructure and appliances. None of Utah Clean Energy's goals, nor any of its employees' normal job functions commercially compete with RMP in any way. The protective

order is overly broad because it would restrict access to confidential information to all parties, including those who do not compete with RMP.

Further, RMP did not satisfy its burden under Utah Admin. Code R746-1-602(2)(b). RMP did not provide any evidence that Utah Clean Energy, or any other advocacy or industry organization that may intervene in this docket, either competes with RMP, or that it would realize a competitive disadvantage if these organizations gained access to the confidential information in this docket. Without any such evidence, RMP has not demonstrated the competitive disadvantage that it claims, and as such, RMP has not met its burden under Utah Admin. Code R746-1-602(2)(b).

For the foregoing reasons, the Commission should not grant RMP's Motion as it pertains to Utah Clean Energy and should allow Utah Clean Energy access to confidential information within this docket consistent with Utah Admin. Code R746-1-602 and 603.

WHEREFORE, Utah Clean Energy requests:

- (1) leave to intervene in this proceeding to protect its interests as they may arise; and
- (2) that the Commission deny RMP's Motion as it relates to Utah Clean Energy.

DATED this 7th day of September 2021.

Respectfully submitted,

/s/ Hunter Holman

Hunter Holman
Attorney for Utah Clean Energy

CERTIFICATE OF SERVICE Docket No. 20-035-34

I hereby certify that a true and correct copy of the foregoing was served by email this 7th day of September 2021, on the following:

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