



State of Utah

Department of Commerce  
Division of Public Utilities

MARGARET W. BUSSE  
*Executive Director*

CHRIS PARKER  
*Director, Division of Public Utilities*

SPENCER J. COX  
*Governor*

DEIDRE HENDERSON  
*Lieutenant Governor*

## Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Brenda Salter, Utility Technical Consultant Supervisor

Jeff Einfeldt, Utility Technical Consultant

Bhavana Venjimuri, Utility Analyst

**Date:** April 22, 2021

**Re:** **Docket No. 21-028-T02**, Garkane Power Association, Inc.'s Proposed Tariff  
Revision for Schedule No. EV CHARGING.

### Recommendation (Approve)

The Division of Public Utilities (Division) recommends the Utah Public Service Commission (Commission) acknowledge Garkane Power Association, Inc.'s (Garkane) proposed Electric Service Tariff Schedule (Tariff). The requested effective date for this filing is April 29, 2021.

### Issue

On April 8, 2021, Garkane filed tariff pages to introduce a new voluntary time of use rate for EV charging station customers. The Commission issued an Action Request on April 9, 2021 requesting the Division investigate the proposed tariff and report its findings and recommendation to the Commission by April 23, 2021. This memorandum represents the Division's response to the Commission's Action Request.

## **Background**

On April 8, 2021, Garkane filed tariff pages to introduce a new voluntary time of use rate for EV Charging station customers. The service is limited to customers whose load requirements do not exceed 2,000 KVA of transformer capacity.

In compliance with Utah Admin. Code 54-7-12(7), weekly notices were published in the February editions of local newspapers throughout Garkane's service territory.

Garkane held a public hearing on March 29, 2021, soliciting member's comments on the proposed addition. No comments were proffered at the hearing. Garkane's board approved the proposed schedule during the public hearing. Garkane filed notification of the new tariff addition with the Commission on April 8, 2021, with a desired effective date of April 29, 2021.

Utah Admin. Code 54-3-3 requires utilities to provide at least 30 days' notice to the Commission prior to the effective date of changes to the utility's "...rate, fare, toll, rental, charge or classification...". As noted above, Garkane filed the tariff with the Commission on April 8, 2021 requesting a tariff effective date of April 29, 2021. Garkane did not provide the requisite 30 days' notice. However, Utah Code 54-3-3 allows the Commission to acknowledge the tariff changes without requiring the 30 days' notice for good cause. The Division sees no significant or material harm in having not allowed 30-day notice to the Commission, particularly because this is a new rate, not a change to an existing one.

The Division notes Garkane complied with timely notification of its members and held a public hearing. The new voluntary time of use rate is designed for commercial customers and appears to leave residential customers relatively the same as before the tariff change.

Utah Admin. Code §746-405-2(D)(6) requires utilities to provide both clean and marked-up versions of tariff sheets identifying the tariff sheet changes. Garkane has indicated this is a new voluntary time of use tariff therefore, a marked-up version is not available.

## **Conclusion**

The Division recommends the Commission acknowledge Garkane's EV tariff addition with an effective date of April 29, 2021, without requiring the requisite 30-day Commission notice and make it available for public inspection. The Division recommends the Commission remind Garkane of allowing this 30-day notice in future filings.

Cc: Neal Brown, Garkane Energy Cooperative, Inc.  
Michele Beck, Office of Consumer Services  
Jeff Peterson, Utah REA