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Application of Rocky Mountain Power for Approval of Billing for Other Entities Tariff, Electric Service Schedule No. 299	<u>DOCKET NO. 21-035-T10</u>
	<u>ORDER</u>

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ISSUED: October 1, 2021

### **PROCEDURAL HISTORY**

The Public Service Commission of Utah (PSC) reviewed the application (“Application”) submitted by Rocky Mountain Power (RMP) on August 31, 2021 to create a new Electric Service Schedule No. 299, Billing for Other Entities (“Schedule 299”). Schedule 299 provides terms and conditions under which RMP contracts to bill customers for a service provided by an eligible municipality or agency of a municipality, county, state, or the federal government (“Eligible Entity”) consistent with Utah Code Ann. § 54-4-37.

The Application states the fees collected under the proposed tariff will offset RMP’s cost of providing the service so RMP’s utility customers are not harmed by this offering, and that it adheres to rules governing customer information and marketing for large-scale electric utilities provided under Utah Admin. Code R746-460-1, et seq. Additionally, RMP states the proposed Schedule 299 is in the public interest because it formally establishes an already-existing program in a tariff so RMP can assist an Eligible Entity by including the fees for the Eligible Entity’s service in RMP customers’ utility bills.

The PSC also reviewed comments filed on September 15, 2021 by the Division of Public Utilities (DPU) and the Office of Consumer Services (OCS), and reply comments filed September 22, 2021 by RMP.

**PARTIES' COMMENTS**

DPU comments that the Application provides direction in the event RMP receives a partial payment from an Eligibly Entity's customer, does not appear to violate any statute or rule, and is just, reasonable, and in the public interest. Accordingly, DPU recommends the PSC approve the Application.

OCS indicates its general support for the Application and RMP's proposed Schedule 299 but requested that the PSC suspend the proposed tariff if RMP fails to clarify several aspects of its treatment of existing contracts under the proposed tariff. Specifically, OCS requests that RMP demonstrate its proposed treatment of existing contracts adheres to Utah Admin. Code R746-460-3 and is in the public interest. OCS also requested RMP provide a redlined tariff including language governing its proposed treatment of its existing contracts and clarity from RMP pertaining to the application of a carrying charge to Assigned Fees that are billed but not collected.

RMP addressed OCS's requests in its reply comments and provided a modified, redlined version of its proposed Schedule 299. RMP states that its plan to grandfather existing contracts at their current rates is in the public interest because the grandfathering results in only a \$3,000 reduction in annual revenue over the life of the existing contracts compared to its proposed Schedule 299 pricing, and that RMP will update the existing contracts' pricing consistent with Schedule 299 upon their expiration in 2026. RMP also clarified that its treatment of unrecovered fees assigned by an eligible entity does not require a carrying charge, and that the existing

contracts comply with Utah Admin. Code R746-460-3 because all provisions of Schedule 299 other than price will apply to the existing contracts.

**DISCUSSION, FINDINGS, AND CONCLUSIONS**

Based on the PSC's review of the RMP's Application, DPU's comments and recommendation, OCS's recommendations, and RMP's satisfactory responses to OCS's requests in its reply, the PSC finds and concludes that RMP's proposed tariff, as modified in reply comments, is in the public interest. Specifically, the PSC finds that RMP has implemented appropriate language to address contracts that existed prior to the enactment of the current version of Utah Admin. Code R746-460-3. The PSC concludes that to require those contracts to adhere to subsequently enacted rule language would risk implicating legal and constitutional issues that are not warranted by the relevant revenue.

**ORDER**

1. The PSC approves RMP's Application as modified in its reply comments.
2. RMP's proposed Schedule 299, as modified in its reply comments, takes effect October 1, 2021.

DATED at Salt Lake City, Utah, October 1, 2021.

/s/ Michael J. Hammer  
Presiding Officer

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Approved and Confirmed October 1, 2021, as the Order of the Public Service  
Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#320501

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this written Order by filing a written request with the PSC within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC does not grant a request for review or rehearing within 30 days after the filing of the request, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on October 1, 2021, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Data Request Response Center ([datareq@pacificorp.com](mailto:datareq@pacificorp.com)), ([utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com))  
PacifiCorp

Jana Saba ([jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com))  
Emily Wegener ([emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com))  
Stephanie Barber-Renteria ([stephanie.barber-renteria@pacificorp.com](mailto:stephanie.barber-renteria@pacificorp.com))  
Rocky Mountain Power

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))  
Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Alyson Anderson ([akanderson@utah.gov](mailto:akanderson@utah.gov))  
Bela Vastag ([bvastag@utah.gov](mailto:bvastag@utah.gov))  
Alex Ware ([aware@utah.gov](mailto:aware@utah.gov))  
([ocs@utah.gov](mailto:ocs@utah.gov))  
Office of Consumer Services

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Administrative Assistant