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## Action Request Response

**To:** Utah Public Service Commission

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Brenda Salter, Utility Technical Consultant Supervisor

Doug Wheelwright, Utility Technical Consultant Supervisor

Bhavana Venjimuri, Utility Analyst

**Date:** April 28, 2021

**Re:** **Docket No. 21-066-T03**, Dixie Power's Proposed Electric Service Tariff.

### Recommendation (Approve)

The Division of Public Utilities (Division) recommends the Public Service Commission of Utah (Commission) acknowledge Dixie Power's proposed Electric Service Tariff Schedules (Tariff).

The requested effective date for this filing is May 1, 2021.

### Issue

On April 14, 2021, Dixie Power filed tariff pages to introduce three new optional rate tariffs for retail electric customers. The Commission issued an Action Request on the same day, April 14, 2021, requesting the Division investigate the proposed tariff and report its findings and recommendation to the Commission by April 28, 2021. This memorandum represents the Division's response to the Commission's Action Request.

## **Background**

On April 14, 2021, Dixie Power filed tariff pages to introduce three new optional tariffs specific to retail electric customers in the Flowell area. The first is an interruptible irrigation rate discounted at the same percentage as the native Dixie service area with the same operating procedures. The second is a large commercial time of use rate, developed to provide more flexibility for large commercial customers with minimum demand of 50 kW and a maximum demand of 2,499 kW. The third tariff was developed for potential industrial customers with load sizes exceeding 2,500 kW.

In compliance with Utah Admin. Code 54-7-12(7), the notice for the public hearing was sent to its members in the Dixie Power service territory by mail on April 1, 2021.

Dixie Power held a public meeting on April 13, 2021, soliciting member's comments on the proposed additions. No comments were proffered at the hearing. Dixie Power's board approved the proposed schedule during the Board of Directors' meeting. Dixie Power filed notification of the new tariff additions with the Commission on April 14, 2021, with a desired effective date of May 1, 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, Dixie Power filed the new tariffs with the Commission on April 14, 2021 requesting a tariff effective date of May 1, 2021. Dixie Power 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 these are new rate schedules, not changes to existing ones.

The Division notes Dixie Power complied with timely notification of its members and held a public hearing. The new tariff rates appear to leave residential customers relatively the same as before the tariff changes.

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. Dixie Power has indicated these are new tariffs therefore, a marked-up version is not available.

## **Conclusion**

The Division recommends the Commission acknowledge Dixie Power's three proposed new tariff rates developed for the Flowell Division of Dixie Power effective May 1, 2021, without requiring the requisite 30-day Commission notice and make it available for public inspection. The Division recommends the Commission remind Dixie Power of allowing this 30-day notice in future filings.

cc: LaDel Laub, Dixie Power  
Michele Beck, Office of Consumer Services  
Jeff Peterson, Utah REA