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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Doug Wheelwright, Utility Technical Consultant Supervisor

Eric Orton, Utility Technical Consultant

Date: February 8, 2022

Re: **Docket No. 22-022-T01**, Bridger Valley Electric Association's Proposed Tariff Revisions.

Recommendation (Acknowledge)

The Division of Public Utilities (Division) recommends that the Utah Public Service Commission (Commission) acknowledge the upcoming rate changes with the accompanying tariff sheets for certain customers that receive service from Bridger Valley Electric Association (Bridger). The proposed effective date for the new rates is April 1, 2022.

Issue

On January 28, 2022, Bridger sent a copy of its new tariff rate schedule to the Commission along with a cover letter informing the Commission of its approval from the Board of Directors (Board). Bridger's Board approved the rate schedule changes in a meeting held December 21, 2021, with an effective date for the new rates of April 1, 2022. Three tariff rates are affected by this change, Small General Service Single-Phase, Irrigation, and Small General Service Heating Incentive rates. Bridger is requesting the Commission accept and file the new rate schedules.

Background

On January 28, 2022, Bridger sent the Commission a cover letter and attached its tariff informing it of some upcoming tariff changes. The Commission issued an Action Request to the Division on February 3, 2022, directing it to perform an investigation and issue a response on or before February 17, 2022. This is the result of the Division's investigation and its Action Request Response.

Discussion

In 2018 the Utah Legislature established the criteria by which an out-of-state distribution electric cooperative would be exempt from some Utah Commission regulation ([Utah Code 54-2-202](#)). The out-of-state cooperative must certify to the Commission, that it is subject to the applicable laws, rules, and regulations of the state where it principally operates or is headquartered and meet the other requirements of 54-2-202(2). If the electric cooperative meets these requirements it can expect to be exempt from general Utah Commission oversight (exclusions apply). Bridger is headquartered in Mountain View, Wyoming, has certified that it is subject to the Wyoming laws, rules and regulations. It also notified the Commission that it has filed these same tariff sheets with the Wyoming Public Service Commission on January 28, 2022.

Conclusion

Bridger meets the above requirements, and as such is exempt from Utah Commission rate regulation jurisdiction. The Division will keep a copy of these tariff sheets as is customary. Given Bridger's position, the Division recommends that the Commission acknowledge and file this cover letter and attached tariff sheets as requested.

Cc: Jud Redden, Bridger Valley Electric Association.
Michele Beck, Office of Consumer Services
Jeff Peterson, Utah REA