

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Helen Taylor against Rocky Mountain Power	<u>DOCKET NO. 22-035-41</u> <u>ORDER DISMISSING COMPLAINT</u>
---	--

ISSUED: November 16, 2022

On August 15, 2022, Helen Taylor (“Complainant”) filed a Formal Complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP), objecting to RMP’s installation of an AMI meter at her residence in connection with her service under Schedule 136. On September 14, 2022, RMP filed its Response and Motion to Dismiss (“Motion”), asking the PSC to dismiss the Complaint because it fails to allege RMP violated any administrative rule, order, statute, or applicable provision of RMP’s tariff. On September 29, 2022, Complainant filed a Response and Motion to Hear Complaint (“Response”).

Having reviewed the Complaint, Motion, and Response, no material issue of fact appears to exist. RMP alleges it informed Complainant that service under Schedule 136 requires an AMI meter because Schedule 136 provides for compensation on 15-minute netting intervals and her current bi-directional meter does not allow for such netting. RMP further alleges it informed Complainant that she could switch to Schedule 137 to avoid installation of an AMI but that doing so would entail the associated, lower export credit rate. The Complaint similarly alleges RMP advised Complainant “the only way [Complainant] can ‘opt-out’ [of an AMI meter] is ... to terminate [service under] Schedule 136 ... and accept Schedule 137” at the lower export credit rate.

With respect to legal issues, the Response indicates that, being unrepresented by counsel, “it is beyond [Complainant’s] capacity to argue the applicable Utah tariffs.” Instead, the Response repeatedly asserts that requiring Complainant to install an AMI is somehow inconsistent with “RMP’s original intent.”

The PSC has jurisdiction to ensure that RMP’s service is non-preferential and consistent with its tariffs on file with the PSC. *See, e.g.*, Utah Code Ann. §§ 54-3-7, 54-3-8. The nature of Complainant’s legal argument concerning RMP’s “original intent” is not clear to the PSC.

The PSC notes, however, that 15-minute interval netting was a stipulated condition among stakeholders when the PSC initially approved Schedule 136.¹ The PSC expressly declined to require 15-minute interval netting when initially approving Schedule 137.²

In simplest terms, the higher rate paid for customer generation under Schedule 136 stems from a negotiated compromise in 2017 between RMP and many intervening parties (including solar and renewable energy advocates) pending the PSC’s years-long adjudication of an export credit rate. The parties’ negotiated agreement, which the PSC approved, specified Schedule 136 would be subject to 15-minute interval netting. Over the next three years, parties litigated the value of customer generation before the PSC. When the PSC ultimately approved an export credit rate and created Schedule 137, the PSC declined to require 15-minute interval netting but

¹ *See Investigation of the Costs and Benefits of PacifiCorp’s Net Metering Program*, Docket No. 14-035-114, Order Approving Settlement Stipulation issued September 29, 2017 at 15-17, available at <https://pscdocs.utah.gov/electric/14docs/14035114/29703614035114oass9-29-2017.pdf>.

² *See Application of RMP to Establish Export Credits for Customer Generated Electricity*, Docket No. 17-035-61, Order issued October 30, 2020 at 19-20, available at <https://pscdocs.utah.gov/electric/17docs/1703561/3161911703561o10-30-2020.pdf>.

DOCKET NO. 22-035-41

- 3 -

determined the value of exported generation was significantly less than customers were being compensated under Schedule 136.

The PSC appreciates Complainant's frustration, but — under the approved tariff that governs service to all customers — 15-minute interval netting is a condition of the more valuable rate Complainant receives for service under Schedule 136. Installation of a meter capable of such netting is appropriate and consistent with the tariff.

In sum, both Complainant's and RMP's representations demonstrate RMP has acted consistently with its tariff. Further, no allegation exists that RMP has violated any statute, administrative rule, order of the PSC, or other applicable law. The Motion is, therefore, granted and the Complaint is dismissed.

DATED at Salt Lake City, Utah, November 16, 2022.

/s/ Michael J. Hammer
Presiding Officer

Approved and Confirmed November 16, 2022 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#326182

CERTIFICATE OF SERVICE

I CERTIFY that on November 16, 2022, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Mail:

Helen Taylor
94 East 3275 North
Ogden, UT 84414

By Email:

Data Request Response Center (datareq@pacificorp.com),
(customeradvocacyteam@pacificorp.com)
PacifiCorp

Jana Saba (jana.saba@pacificorp.com)
Autumn Braithwaite (autumn.braithwaite@pacificorp.com)
Rocky Mountain Power

Patricia Schmid (pschmid@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

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

Administrative Assistant