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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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Amended Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Director
Doug Wheelwright, Utility Technical Consultant Supervisor
Matthew Pernichele, Utility Analyst

Date: December 7, 2023

Re: **Docket No. 23-028-T01**, Garkane Energy Cooperative, Inc.'s Proposed Tariff Revisions.

Recommendation (Acknowledge)

The Division of Public Utilities (Division) recommends the Utah Public Service Commission (Commission) acknowledge Garkane Energy Cooperative, Inc.'s (Garkane) proposed Electric Service Tariff Schedule (Tariff). The requested effective date for this filing is January 1, 2024.

Issue

Garkane filed revised tariff pages for 22 rate schedules in its Utah tariff. Most of the changes are slight increases in base rates and energy charges, changes in peak and off-peak rates, and eliminating some minimum monthly charges. Garkane is requesting that the Commission acknowledge the revised Tariff with an effective date of January 1, 2024.¹

¹ Docket 23-028-T01, *Garkane Energy Cooperative, Inc.'s Proposed Tariff Revisions*, Cover Letter, November 17, 2023, [Hereinafter "2023 Cover Letter"], <https://pscdocs.utah.gov/electric/23docs/23028T01/330839CvrLtr11-17-2023.pdf>.

Background

On November 17, 2023, Garkane filed a Cover Letter,² Tariff,³ Tariff – Redline,⁴ and Affidavit of Publication.⁵ The Commission issued an Action Request to the Division on November 20, 2023, requesting the Division review the proposed Tariff changes and report its findings and recommendations to the Commission by December 1, 2023.

This Division amended this response because Garkane’s filing failed to mention that it properly noticed the meeting to approve the new tariffs to all its shareholders in a regular newsletter. The Division didn’t find out about this notice until December 1, 2023. This omission does not change the Division’s recommendation.

Discussion

Garkane is classified as a “distribution electrical cooperative” because it distributes electricity to retail customers⁶ (co-op) and thus regulated as a “public utility.”⁷ To acknowledge a co-op’s tariff changes the Commission should confirm that:

1. The proposed tariff was filed with the Commission and accessible to the public at least 30 days before going into effect.⁸
2. The proposed tariff is a “complete filing”⁹ in that it meets the criteria established in Utah Admin. Code R746-405-2.

In Garkane's recent tariff filings, the Division has recommended, and the Commission accepted,¹⁰ three weeks of newspaper ads and publishing on a public notices web page as

² Id.

³ Docket 23-028-T01, *Garkane Energy Cooperative, Inc.’s Proposed Tariff Revisions*, Tariff, November 17, 2023, [Hereinafter “2023 Tariff”], <https://pscdocs.utah.gov/electric/23docs/23028T01/330840Trf11-17-2023.pdf>.

⁴ Docket 23-028-T01, *Garkane Energy Cooperative, Inc.’s Proposed Tariff Revisions*, Tariff - Redline, November 17, 2023, [Hereinafter “2023 Tariff - Redline”], <https://pscdocs.utah.gov/electric/23docs/23028T01/330841TrfRdln11-17-2023.pdf>.

⁵ Docket 23-028-T01, *Garkane Energy Cooperative, Inc.’s Proposed Tariff Revisions*, Affidavit of Publication, November 17, 2023, [Hereinafter “2023 Affidavit of Publication”], <https://pscdocs.utah.gov/electric/23docs/23028T01/330842AfdvtPblctn11-17-2023.pdf>.

⁶ Utah Code Ann. §54-2-1(8).

⁷ Utah Code Ann. §54-2-1(23)(a).

⁸ Utah Code Ann. §54-3-3.

⁹ Utah Code Ann. §54-7-12(1)(b)(i).

¹⁰ See Docket 21-028-T3, Docket 22-028-T1, and Docket 22-028-T2.

proper notice for a meeting to approve a tariff. Section 54-7-12(7) still calls for notifying customers and members by mail at least 10 days prior to the meeting. The Division feels that updating §54-7-12(7) to include more modern methods of communicating with customers should be considered. The Division contacted Neal Brown of Garkane Energy and confirmed that Garkane had noticed the public meeting in a regular newsletter mailed to all their customers more than 10 days prior to the meeting, fulfilling the requirements of §54-7-12(7). Garkane did not mention this in its tariff filing.

Garkane filed its Tariff revisions and required documents with the Commission on November 17, 2023, for a tariff change intended to take effect 45 days later, on January 1, 2024. This is timely under Section 54-3-3.

Garkane's filing contained a Cover Letter, Tariff, Tariff-Redline, and Affidavit of Publication. The Division inspected these and determined that they conform to the requirements set out in Utah Admin. Code R746-405-2 with one exception. Tariff sheets that require multiple pages are not labeled with the word "Continued" as required by Utah Admin. Code R746-405-2(C)(3). The Division believes that this error is not substantial enough to warrant non-acknowledgement of the proposed tariff but recommends that Garkane remedy it in future filings.

Conclusion

The Division has reviewed Garkane's Tariff filing and finds it timely and substantially complete. The Division recommends that the Commission acknowledge the revised tariff.

cc: Neal Brown, Garkane Energy Cooperative, Inc.
Michele Beck, Office of Consumer Services