



1407 W. North Temple
Salt Lake City, UT 84116

January 24, 2024

VIA ELECTRONIC FILING

Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Administrator

**Re: Docket No. 24-035-05
In the Matter of the Application of Rocky Mountain Power for an Exemption by
Appeal under Administrative Code R746-210-4 and for Approval of a Temporary
Master Metering Contract**

PacifiCorp, dba Rocky Mountain Power (“PacifiCorp” or the “Company”), submits this application (“Application”) to the Public Service Commission of Utah (“Commission”) petitioning the Commission to grant an Exemption by Appeal under Utah Administrative Code R746-210-4 to allow the Company to provide a temporary master metering arrangement to a customer under a special contract due to extenuating circumstances as identified in the Application.

The Company’s filing includes two confidential attachments which have been uploaded to the Commission’s SFTP site. Confidential information is provided subject to Public Service Commission of Utah Rule 746-1-602 and 746-1-603.

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,

A handwritten signature in blue ink that reads "Joelle Steward".

Joelle Steward
Senior Vice President, Regulation and Customer & Community Solutions

cc: Division of Public Utilities
Office of Consumer Services

Katherine Smith (18823)
Rocky Mountain Power
1407 W. North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone: (435) 776-6980
Fax: (801) 220-4615
E-mail: katherine.smith@pacificorp.com

Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for an Exemption by Appeal under Administrative Code R746-210-4 and for Approval of a Temporary Master Metering Contract)	Docket No. 24-035-05
)	
)	APPLICATION
)	

PacifiCorp, dba Rocky Mountain Power (“PacifiCorp” or the “Company”), submits this application (“Application”) to the Public Service Commission of Utah (“Commission”) petitioning the Commission to grant an Exemption by Appeal under Utah Administrative Code R746-210-4 to allow the Company to provide a temporary master metering arrangement to a customer under a special contract due to extenuating circumstances as identified in this application.

In support of this Application, the Company states as follows:

1. PacifiCorp is an Oregon corporation that provides electric service to customers in the states of Utah, Wyoming, and Idaho, as Rocky Mountain Power. The Company is a public utility in the state of Utah and is subject to the jurisdiction of the Commission with respect to its rates and service.
2. Communications regarding this Application should be sent to:

Jana Saba
Utah Regulatory Affairs Manager
Rocky Mountain Power
1407 West North Temple, Suite 330
Salt Lake City, UT 84116
Email: jana.saba@pacificorp.com

Katherine T. Smith
Rocky Mountain Power
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
E-mail: katherine.smith@pacificorp.com

In addition, the Company respectfully requests that all data requests regarding this matter be addressed to:

By e-mail (preferred): datarequest@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah St, Suite 2000
Portland, Oregon 97232

Informal inquiries related to this Application may be directed to Jana Saba, Utah Regulatory Affairs Manager, at (801) 220-2823.

BACKGROUND

3. Rocky Mountain Power (hereinafter “Company”) received an inquiry from a customer in the process of building an apartment complex that will provide housing for 72 tenants. This customer (hereinafter “Developer”) ordered individual meters in May 2023, with plans to begin lease agreements in February 2024.

4. Due to significant supply chain delays, Developer was informed that the delivery of individual meters is delayed until August 2024.

5. The Developer subsequently contacted the Company to explain the delay in receiving delivery of individual meters for the building. The Developer requested an

exemption to master metering, under Utah Administrative Code R746-210, to provide electricity to his tenants as early as February 2024. The Company determined the Developer does not qualify for either an automatic exemption under R746-210-2 or exemption through cost-effective test under R746-210-3.

6. On September 7, 2023, Rocky Mountain Power received notice from the Division of Public Utilities (“DPU”) regarding an informal complaint from the Developer. The initial informal complaint is included with this Application as Confidential Attachment 1.

7. Due to a significant supply chain delay, the Developer will face financial hardship if he cannot provide service to his tenants, beginning in or around February 2024. Additionally, up to 72 tenants would not be able to sign a lease agreement or take occupancy until Developer can obtain and provide power.

8. Therefore, the Company has worked with the Developer, since September of 2023, to form a temporary solution. The Company and Developer determined that a potential avenue for relief is to seek an Appeal by Exemption under Utah Administrative Code R746-210-4 to accommodate a temporary master metering solution. The Company requests approval from the Commission to provide this solution.

9. To demonstrate that a granted exemption status will be consistent with the stated purpose of Title I of Public Utility Regulatory Policy Act (“PURPA”) and Utah Administrative Code R476-210-1 through R746-210-4, which include providing protections for consumers, the Company and Developer executed a Temporary Master Meter and Multi-Family Units Contract (“Contract”) that provides specific safeguards to Developer’s tenants. The Contract is included with this Application for Commission

review and approval as Confidential Attachment 2. On January 11, 2024, Rocky Mountain Power and the Developer executed the Contract. The majority of the terms of the Contract are consistent with the Company's standard Multi-Family Units Contract and the Company's Electric Service Regulation No. 12 – Line Extensions, except for the terms outlined in paragraphs 2 and 4.

10. The Company files this application for Exemption by Appeal for temporary master metering in this case, in order to prevent significant financial hardship to the Developer and serve public policy goals by providing housing to 72 tenants earlier than August 2024. Allowing this temporary master metering exemption to the Developer is not contrary to the intended purpose and goals of PURPA and Utah Administrative Code R746-210-1 through R746-210-4.

PETITION FOR EXEMPTION BY APPEAL

11. The Commission, upon its own motion or upon the petition of any person, may initiate formal or investigative proceedings upon any matter arising out of an informal complaint. Further, a formal investigation requires a showing by the customer that a granted exemption status will be consistent with the stated purposes of Title I of PURPA; i.e., conservation, efficiency, and equity. It is appropriate that equity, conservation and efficiency not be negatively impacted as required under the promulgated PURPA regulations.¹

12. Due to the unusual nature of meter base delays, a temporary master metering solution, for this limited circumstance, is appropriate to help the Developer provide service to tenants until individual meter bases become available.

¹ Utah Admin. Code R746-210-4

13. Equity, conservation and efficiency will not be negatively impacted because the terms of the Contract provide adequate measures to address PURPA regulations.

14. The Contract provides a specific plan to discontinue master metering when individual meter bases can be obtained by the Developer on or around August 2024.

15. The Contract will require the Developer to transition to individual meters when they arrive and provides protections to Developer's tenants. The Contract also includes a detailed process for the transition from master meter to individual meter that minimizes outages or hardships to the tenants.

16. The Contract provides assurance from the Developer to install individual metering in accordance with the delivery date, while limiting any inconvenience and prioritizing communication with tenants of the building.

17. The Contract provides that the Developer shall notify tenants in writing prior to signing a lease agreement and taking occupancy that they will be subjected to a small outage during the transition from temporary master metering to individual metering. Additionally, one week prior to the installation of individual meters, Developer must notify each individual tenant in writing that there will be a power outage at each residential unit while the individual meters are installed.

18. To ensure the Developer is strongly incentivized to facilitate the transition from temporary master metering to individual metering, the Contract between the Company and Developer imposes a financial obligation on the Developer for failure to transition by individual metering by October 1, 2024. If the Developer fails to meet its obligations under the Contract, the Developer shall pay the Company a fixed amount, pre-determined in the Contract, each month the Developer fails to meet its obligations,

beginning on November 1, 2024, and continuing until the Developer complies with its obligations. The monthly penalty serves as a deterrent for the Developer to forego installing the meter bases in a timely manner.

19. The Company believes the proposed solution accommodates the Developers unique circumstances and does not expect temporary master metering to become a standard practice.

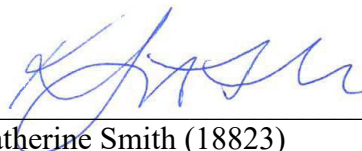
CONCLUSION

Providing temporary master metering to Developer until individual meters arrive, around August 2024, prevents significant financial harm to Developer, positively impacts the public interest, and does not contradict the underlying goals and purposes of PURPA and Utah Administrative Code R746-210-1 through R746-210-4.

WHEREFORE, the Company respectfully requests that the Commission approve its petition to provide temporary master metering through an exemption by appeal under Utah Administrative Code R746-210-4 and approve the Contract.

DATED this 24th day of January 2024.

Respectfully submitted,
ROCKY MOUNTAIN POWER



Katherine Smith (18823)
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
katherine.smith@pacificorp.com

Attorney for Rocky Mountain Power

Confidential Attachment 1

Complaint Report

Complaint Number: C23-0163

Customer Information

Customer Name: [REDACTED]

Account Number: [REDACTED]

Phone Number: [REDACTED]

Email Address: ghauser@smhconstruct.com

Service Address: [REDACTED]

Mailing Address: [REDACTED]

Complaint Information

Company Name: Rocky Mountain Power

Date Received: 9/7/2023

Type of Call: Complaint

Complaint Received By: Stefanie Liebert

Gone Formal: NO

Date Resolved:

Complaint Type: Rate & Tariff

Utility Company Analyst:

REDACTED

Complaint Description:

The following complaint was received via email and has been copied and sent exactly as received.

UTILITY CUSTOMER

Customer Name: [REDACTED]

If Business, Contact Person: [REDACTED]

Primary Phone: [REDACTED]

Other Phone:

E-mail Address: ghauser@smhconstruct.com

Service Address:
[REDACTED]Mailing Address:
[REDACTED]

INCIDENT DETAILS

Utility: Rocky Mountain Power

Account Number: [REDACTED]

Complaint Type: Rate and Tariff

Complaint:

This complaint relates to the service gear for a 72 unit project that is under construction under RMP Work Order No. 7015288. We have spoken with Anna DeMers and Robert Meredith at RMP/PacifiCorp in a zoom meeting on Sept 7, 2023 and communicated with them and Blake Ashcroft and James McKendrick via email from approximately May 24, 2023 through September 7, 2023.

We are confronted with a supply chain issue for multi-meter banks. We ordered our meter banks in May 2023 and estimate we will receive them in August 2024. Meanwhile we are scheduled to complete our building on Feb 15, 2023, leaving us with a 6 month period without electrical service and, consequently, a certificate of occupancy that will allow us to occupy the building. This will result in severe financial hardship. We propose to install our gear using 3 meters (1 house meter and 2 units meters) and then install 2

multi-gang meter banks replacing the 2 unit meters as soon as the multi-gang meter banks are delivered to us.

UAC Rule R756-210 provides for an exemption that would allow us to install a single meter for each of our 2 multi-gang meters sections, obtain our certificate of occupancy, occupy our building and collect rents, but RMP is strictly defining the meaning of the rule to exclude our exemption application. Our disagreement hinges on the meaning of the "cost to install" the meters over the useful life of the building. We believe that the cost to install means the cost to install during a period of 30 years from the time the building is occupancy ready. RMP believes that the cost to install is during a period of 30 years from the time the multi-gang meter banks are available. Under our definition, the cost to install is infinite, since the meter banks are unavailable for the first 6 months of the term. RMP claims they have no latitude in granting an exemption under Rule R756-210. We believe they have the latitude.

.

Suggested Resolution:

The utility should support our request for an exemption to Rule R756-210 and allow us to implement our 3 meter scheme until we receive our multi-gang meter banks around August 2024.

Confidential Attachment 2

**THIS ATTACHMENT IS CONFIDENTIAL IN ITS
ENTIRETY AND IS PROVIDED UNDER
SEPARATE COVER**

CERTIFICATE OF SERVICE

Docket No. 24-035-05

I hereby certify that on January 24, 2024, a true and correct copy of the foregoing was served by electronic mail to the following:

Utah Office of Consumer Services

Michele Beck mbeck@utah.gov
ocs@utah.gov

Division of Public Utilities

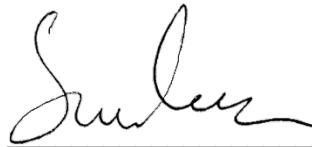
dpudatarequest@utah.gov

Assistant Attorney General

Patricia Schmid pschmid@agutah.gov
Robert Moore rmoore@agutah.gov
Patrick Grecu pgrecu@agutah.gov

Rocky Mountain Power

Data Request Response Center datarequest@pacificorp.com
Jana Saba jana.saba@pacificorp.com
utahdockets@pacificorp.com



Santiago Gutierrez
Coordinator, Regulatory Operations