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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Investigation re: Open Market Operations	Docket No. 24-035-10
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**RESPONSE OF THE UTAH ASSOCIATION OF ENERGY USERS
TO ROCKY MOUNTAIN POWER’S REQUEST TO CLOSE TECHNICAL
CONFERENCE TO THE PUBLIC**

The Utah Association of Energy Users (“UAE”) hereby responds to Rocky Mountain Power’s Request to Close Technical Conference to the Public (“Request”), filed by PacifiCorp d/b/a Rocky Mountain Power (“RMP” or “Company”) on March 14, 2024.

BACKGROUND

In the 2023 Energy Balancing Account Proceeding in Docket No. 23-035-01, certain parties raised issues regarding the Company’s market trading practices. In its Order in that docket, the Commission stated that it “intends to notice a technical conference, in a separate docket, during which the Company will present information about making trades under unusual market conditions and explain what additional information it could provide to justify the trades later in a regulatory proceeding.”¹ Subsequently, the Commission opened this docket, scheduled a technical

¹ *Rocky Mountain Power’s Application for Approval of the 2023 Energy Balancing Account*, Docket No. 23-025-01, Order at 19-20 (Feb. 23, 2024).

conference, and requested that the Company “offer a presentation at the beginning of the technical conference to educate attendees about the procedures and practices it employs when entering physical power transactions and that the Company be prepared to discuss what options exist to document its reasoning underlying specific transactions, particularly in cases involving fixed-price contracts at unusually high prices.”²

On March 14, 2024, RMP filed its Request that the Commission close the Technical Conference to the public. UAE responds as follows.

UAE RESPONSE

Utah Administrative Rule R746-1-602 (“Confidentiality Rule”) governs disclosure of confidential information. R746-1-602(1) states that the following persons are permitted to receive confidential and highly confidential materials: the Commission, the Division of Public Utilities, the Office of Consumer Services, and certain persons that sign the non-disclosure agreement described in R746-1-602(1)(c). However, the Confidentiality Rule goes on to restrict access to those that could use it to RMP’s competitive disadvantage, stating that “[a] person, including an expert who is employed or retained by a party, may not receive confidential or highly confidential information if, in performing the person’s normal job functions, the person could use the information to the competitive disadvantage of the person providing the information.” Utah Admin. Rule R746-1-602(2)(a). The net effect of the Confidentiality Rule is that those willing to commit to the Commission’s non-disclosure requirements may receive confidential information, but that RMP may decline to disclose confidential information to those that could use the information to RMP’s competitive disadvantage. UAE understands RMP’s Request as an effort


² Notice of Docket and Technical Conference at 1-2 (Mar. 1, 2024).

to ensure that the Confidentiality Rule applies to the April 2, 2024 technical conference in this docket and, on that basis, UAE does not oppose the Request.

Counsel for UAE has conferred with counsel for RMP regarding the Request. RMP has confirmed that its intention is not to exclude from the technical conference parties that would otherwise have access to confidential information pursuant to the Confidentiality Rule. Rather, RMP has represented to UAE that its intention is to maintain the same level of confidentiality for information to be presented at the technical conference as applies to confidential information presented in Energy Balancing Account dockets and other Commission proceedings. RMP has further confirmed that it does not object to UAE representatives attending the technical conference so long as those representatives have signed the Commission's standard form NDA and are not actively engaged in power or natural gas market activity such that the information presented at the technical conference could be utilized in a way that could harm RMP competitively in market purchasing activities. Given RMP's representations on this matter, UAE does not oppose the Request and supports RMP's efforts to ensure that the confidential information to be presented at the technical conference is not disclosed to market participants that could utilize the information in a way that would harm RMP in acquiring market products for customers.

DATED this 25th day of March 2024.

Respectfully submitted,

By: 

Phillip J. Russell
JAMES DODGE RUSSELL & STEPHENS, P.C.

Attorneys for UAE

Certificate of Service
Docket No. 24-035-10

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was served by email this 25th day of March 2024 on the following:

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