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Division of Public Utilities
UTAH DEPARTMENT OF COMMERCE

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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities
Chris Parker, Director
Brenda Salter, Assistant Director
Abdinasir Abdulle, Utility Technical Consultant Supervisor
Trevor Jones, Utility Technical Consultant

Date: September 10, 2026

Re: **Docket No. 25-035-06,** Application of Rocky Mountain Power to Implement Community Clean Energy Program Authorized by the Community Clean Energy Act

Recommendation (Approval)

The Division of Public Utilities ("Division") reviewed Rocky Mountain Power's ("RMP" or "Company") Motion for Waiver of Commission Rule R746-314-201(2)(b) ("Motion"). The Division recommends that the Public Service Commission ("Commission") grant the Motion.

Issue

On August 7, 2026, the Commission issued an Action Request to the Division to review the Motion for Agency Action and make recommendations by September 8, 2026. The Notice of Filing and Comment Period issued on August 11, 2026 superseded that date and set it for September 10, 2026. This is the Division's response to that request.

Background

In 2019, the Utah legislature passed the Community Renewable Energy Act (HB411), which was later amended in 2024 and became the Community Clean Energy Act.

The Company filed its initial application on January 24, 2025,[1] requesting program authorization. In Attachment G of the application, RMP presented a draft tariff, Electric

[1] *Initial Application*, Docket No. 25-035-06,

Service Schedule No. 100 – Community Clean Energy Program – Optional Opt-Out Program ("Schedule 100"), to govern the Program. The Commission conducted a hearing on December 16-17, 2026, and issued an Order Approving Program with Modifications ("Order") on March 4, 2026.

Schedule 100 contains the following provision consistent with R746-314-201(2)(b):

> *A Participating Customer that moves or changes its service address from one location within the boundaries of a Participating Community to another location within the boundaries of any Participating Community shall continue to be a Participating Customer at the new location. No notices shall be provided and Termination Fees would apply.*

The Company states that "it has determined that automatic transfer of a customer's participation status in the Program that is consistent with R746-314-201(2)(b) is not feasible given the constraints of the Company's information technology ("IT") and billing systems."[2] The Company submitted a Motion on August 7, 2026, to relieve itself of its obligation to the tariff as written.

Discussion

A motion to deviate from a Commission rule is governed by Rule R746-1-109 which says:

> (1) A party may move the Commission to deviate from a specified rule.
>
> (2) The party making the motion to deviate has the burden to demonstrate that the rule imposes a hardship that outweighs the benefit(s) of the rule.

Currently, the Company states that an automatic transfer of a customer's participation status in the program after a change of his/her service location is not feasible due to its IT and billing systems. To add the required functionality would impose an undue hardship that outweighs the benefits by a) requiring the Company to implement a cumbersome manual process that would be administratively burdensome and subject to human error, or b) pay for costly changes to its IT and billing systems. In addition, these changes could potentially impact non-participating customers in Utah and other states.[3] The Division agrees with this

[2] *Motion*, Page 2
[3] *Id.* Page 2

and supports the motion.

Schedule 100 currently provides that a relocating Participating Customer shall continue to be a Participating Customer at the new location, that no notices shall be provided, and that termination fees apply. Every element of that provision is reversed by the Motion.

The main purpose of the provision seems to have one singular purpose and that is to maintain a Participating Customer in the Program. The notices and fees are secondary. The Company's proposal does not disturb the continuity of participation as a practical matter. Participating Customers can remain Participating Customers. The result is that the moving customer remains in the Program unless the customer affirmatively chooses to opt-out at the new location.

Another result of the Company's proposal is that new notices will have to be sent as required in R746-314-301, which will notify the customer of the rates at the new location.[4] A customer who moves has often changed dwelling size, usage, class, self-generation status, etc. Making a newly informed decision on participating is better for the customer and the Motion is a better outcome. Plus, if they want to opt-out, they get a no-cost exit and avoid the termination fees.

Conclusion

In sum, the Division supports the Motion because it avoids implementing a manual process or paying to modify the current IT and billing system, it allows Participating Customers to continue participating if they desire, it provides Participating Customers who have moved relevant information to make informed decisions, and if the Participating Customer chooses to opt-out upon moving, it avoids the termination fees. The Division recommends the Commission grant the Motion.

cc: Jana Saba, Rocky Mountain Power
Max Backlund, Rocky Mountain Power
Michele Beck, Office of Consumer Services

[4] Under Rule R746-314-301(4)(f), an opt-out notice must disclose the projected range of program rates and projected billing impacts at various usage levels, compared to the rates applicable to non-participating customers in the same class.