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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of Rocky Mountain Power for Approval of Large-Load Service Contract Between PacifiCorp and a Large-Load Customer

Docket No. 26-035-05

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**UTAH ASSOCIATION OF ENERGY USERS' MOTION FOR ACCESS TO MATERIALS MARKED "REGULATOR ACCESS ONLY"**

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Pursuant to Utah Admin. Code R746-318-103(6) and R746-1-604, the Utah Association of Energy Users ("UAE") hereby challenges the confidentiality designations of certain information filed by Rocky Mountain Power ("RMP") marked in this docket as "regulator access only."

**INTRODUCTION**

RMP's application in this docket seeks approval of a large load service contract ("LLSC") as well as its proposed accounting treatment, which RMP asserts will have "material benefits for its existing customers" while noting that "the estimated and actual benefits are likely to vary during the term of the Proposed LLSC."<sup>1</sup> UAE takes no position on RMP's request for approval of the LLSC.<sup>2</sup> UAE intervened in this docket to investigate RMP's proposed accounting treatment associated with the LLSC to ensure that it does not result in other customers subsidizing the new

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<sup>1</sup> Direct Testimony of Craig Eller at lines 435-437.

<sup>2</sup> See Direct Testimony of Justin Bieber at lines 62-63.

large load.<sup>3</sup> The LLSC must “ensure that all large load incremental costs are allocated to and paid by the large load customer,”<sup>4</sup> and RMP is required to “take reasonable measures to ensure costs are properly allocated between large load service and other operations.”<sup>5</sup> RMP asserts in testimony that it satisfies this requirement, stating that “all incremental costs associated with serving [the large load] Customer’s facilities are directly assigned to the large load customer and not subsidized by other retail customers.”<sup>6</sup> UAE seeks to determine whether this is, indeed, the case. Unfortunately, much of the information UAE would need to review to determine whether other retail customers of RMP will subsidize the costs associated with service to the large load customer have been marked as “regulator access only” and are redacted in the Confidential version of RMP’s filed materials to which UAE has been given access.

UAE reached out to RMP to discuss this matter on February 24, 2026. RMP responded the following day and UAE and RMP representatives spoke on February 25, 2026. In that call, UAE identified the materials marked “regulator access only” it sought to review and explained that such a review was necessary to evaluate RMP’s claims regarding its proposed accounting method. UAE further agreed that access to the requested information would be limited to UAE’s attorney and its testifying witness in this matter. RMP and UAE met again on March 5, 2026. While that meeting was instructive and helpful, UAE was not provided additional access to information. To date, UAE has not received any information marked by RMP as “regulator access only.”

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<sup>3</sup> See *id.* at

<sup>4</sup> Utah Code § 54-26-301(3)(a).

<sup>5</sup> *Id.* § 54-26-602(2)(b).

<sup>6</sup> Direct Testimony of Craig Eller at lines 343-345.

## DISCUSSION

### **UAE REQUIRES ACCESS TO CERTAIN INFORMATION MARKED AS “REGULATOR ACCESS ONLY”**

UAE requires access to certain information marked by RMP as “regulator access only” to evaluate RMP’s request for approval of the accounting method it proposes to utilize in connection with its provision of service pursuant to the LLSC. Utah Admin. Code Section R746-1-604(1) states that “[a] party may challenge another party’s claim of confidentiality by filing a motion for an in camera proceeding.” Section R746-318-103(6) states that an intervenor in a proceeding seeking approval of a large load contract “may challenge an applicant’s designation of information as regulator access only consistent with Section R746-1-604 and may propose alternative protections it believes are adequate to protect the commercially sensitive information, including restricting access to persons who execute non-disclosure-agreements, as contemplated under Section R746-1-602.” Consistent with R746-318-103(6), UAE identifies certain information to which it requires access and proposes alternative protections that are adequate to protect commercially sensitive information.

UAE intervened in this docket to ensure that the costs of serving the large load customer will not be subsidized by other customers. RMP asserts that the structure of the LLSC, including the various charges imposed on the large load customer, will ensure that other customers will be held harmless. For example, RMP asserts that the “reservation charge” included in the LLSC “compensates the capital costs of the Customer load facilities allowance (i.e. metering costs), bridging market capacity purchases, incremental generation resources and the Company’s return on its investment at a rate that will prevent any subsidization from existing customers.”<sup>7</sup> RMP further asserts that the “energy charge” in the LLSC “will provide opportunities for existing

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<sup>7</sup> Direct Testimony of Craig Eller at lines 68-71.

resources to be economically dispatched to meet Customer load, providing margin benefits to other system customers as well as accounting for losses and the payment for use of transmission paths.”<sup>8</sup> RMP asserts that “[a]lthough the PLEXOS modeling demonstrates that aggregate gross system costs do increase to serve the increased demand from Customer, the payment from customer for their increase in energy . . . results in a net benefit to existing customers from the optimal dispatch of system generation resources and the addition of Proposed Resources.”<sup>9</sup>

UAE does not have access to information necessary to evaluate these claims because the information is marked “regulator access only.” For example, RMP has marked as “regulator access only” significant testimony and exhibits explaining the energy charge<sup>10</sup> and the reservation charge,<sup>11</sup> testimony necessary to discern the claimed benefits to system customers from the provision of service to the large load customer,<sup>12</sup> testimony addressing charges related to transmission cost recovery,<sup>13</sup> and workpapers demonstrating that the charges to be imposed on the large load customer will cover the costs of such service.<sup>14</sup> With this Motion, UAE requests access to this information and proposes to limit the access to its undersigned counsel and its testifying witness, Justin Bieber, both of whom have signed the non-disclosure agreement contemplated in Section R746-1-602(1)(b).

UAE acknowledges RMP’s need to keep certain information in this docket confidential to protect commercial interests. UAE seeks access to additional information only to support its efforts to evaluate whether RMP’s proposed accounting treatment adequately protects other

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<sup>8</sup> *Id.* at lines 89-92.

<sup>9</sup> Direct Testimony of Tom Burns at lines 111-115.

<sup>10</sup> *See* Direct Testimony of Craig Eller at lines 80-89, 196-238, 278-279 & Exhibit RMP\_\_ (CME-2); Direct Testimony of Tom Burns at lines 104-108; Direct Testimony of Ramon Mitchell at lines 67-71.

<sup>11</sup> *See* Direct Testimony of Craig Eller at lines 140-141 & Exhibit RMP\_\_ (CME-2).

<sup>12</sup> *See id.* at lines 60, 132, 170-180, 267-270, 338.

<sup>13</sup> *See* Direct Testimony of Ramon Mitchell at 114-115, 120-132

<sup>14</sup> *See* RMP Eller Workpapers; RMP Burns Workpapers.

customers. By filing this Motion, UAE does not intend to suggest that RMP seeks to have the costs associated with its service to the large load customer subsidized by other customers. Rather, UAE accepts that RMP seeks to avoid that outcome. UAE seeks only to assert its right to meaningfully participate in this proceeding to ensure that its clients are adequately protected. The information currently available to UAE does not allow meaningful participation in this docket to protect its clients' interests.

### **CONCLUSION**

For the foregoing reasons, UAE respectfully requests that the Commission grant the Motion to provide UAE's undersigned counsel and testifying witness unredacted access to the following information:

- Direct Testimony of Craig Eller, lines 60, 80-89, 132, 140-141, 180, 196-234, 267-270, 278-279, and 338;
- Direct Testimony of Ramon Mitchell, lines 67-71, 114-115 and 120-132;
- Direct Testimony of Tom Burns, lines 104-108;
- Exhibit RMP\_\_(CME-2)
- RMP Eller Workpapers
- RMP Burns Workpapers

DATED this 10th day of March 2026.

Respectfully submitted,



By:

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

*Attorney for UAE*

Certificate of Service  
Docket No. 26-035-05

I hereby certify that a true and correct copy of the foregoing was served by email this 10th day of March 2026 on the following:

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/s/ Phillip J. Russell