

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Dominion Energy Utah for Renewal of the Low-Income Assistance Program Portal	<u>DOCKET NO. 23-057-23</u>
	<u>ORDER</u>

ISSUED: February 26, 2024

PROCEDURAL HISTORY

On December 1, 2023, Dominion Energy Utah (DEU) filed the above-captioned application (“Application”) with the Public Service Commission (PSC). On December 5, 2023, the PSC issued a Notice of Filing and Comment Period providing that any person could submit comments by January 4, 2024, and reply comments by January 19, 2024. The Division of Public Utilities (DPU) filed comments on January 4, 2024 (“DPU Comments”), and DEU filed reply comments on January 19, 2024 (“DEU Reply Comments”). No other party filed comments.

DISCUSSION

DEU’s Application was filed pursuant to an order issued on November 17, 2022, in Docket No. 22-057-19 (“Order”) where the PSC partially approved DEU’s application while adopting additional safeguards proposed by DPU. The Order requires DEU to, among other things, reapply annually for the first three years for continued use of the Low-Income Assistance Program Portal (“Portal”), and provide 1) evidence demonstrating the effectiveness of safeguards put in place around customer data, 2) recommendations for any alterations or additional safeguards that might be

necessary for the program, and 3) an annual report detailing the usage of the program.¹

The Application requests the PSC allow DEU to continue to operate the Portal by waiving for another year certain compliance obligations in Utah Admin. Code R746-406. In support, DEU states that the Portal has functioned as intended, and it is in the public interest to extend the waiver that was granted in the Order.² DEU also argues that the safeguards outlined in the Order are sufficient and no additional safeguards are necessary.³ The Order specified that DEU could only provide access to 13 entities, and the Application states that each such entity has signed a non-disclosure agreement before being granted access to the Portal.⁴ DEU states that there have been no incremental costs related to the Portal, and thousands of calls have been avoided since inception of the Portal.⁵ DEU also states that it “has made every reasonable effort to ensure that none of the customers’ data was retained by the agency or for purposes other than administration of the [Portal].”⁶ DEU concludes stating that it has complied with the Order and that waiving portions of Utah Admin. Code R746-406 for another year is just, reasonable, and in the public interest.⁷

¹ See Application at 3. See also, Order.

² See *id.* at 4.

³ See *id.*

⁴ See *id.* at 5-6.

⁵ See *id.* at 6.

⁶ *Id.*

⁷ DEU’s Application does not identify the specific portions of Rule 746-460 and we thus assume it is only as to those portions of Rule 746-460 specifically waived in the Order.

DPU COMMENTS

DPU states that it has reviewed the Application, has engaged in conversations with DEU on specific topics relevant to the Application, and believes that the Application meets the reporting requirements established in the Order and satisfies Utah Admin. Code R746-406.⁸ DPU also commented that while DEU Exhibit 3 provides information and detail on how often the Portal is being accessed by the approved agencies ("Report"), DPU recommends that in future applications DEU include which agency is making each request in the Report.⁹ DPU recommends the PSC approve the Application.

DEU REPLY COMMENTS

DEU states it appreciates DPU's careful review of the Application and agrees with DPU's recommendation that the PSC should approve the Application. DEU also agrees to incorporate DPU's recommendation to include agency-specific detail in future Reports.¹⁰

FINDINGS AND CONCLUSIONS

DEU seeks an extension of the waiver that was granted in the Order. This waiver relieved DEU of specific compliance obligations found in portions of Utah Admin. Code R746-460 as identified in the Order. The PSC may grant a request to deviate from a

⁸ See DPU Comments at 1.

⁹ See *id.* at 6-7.

¹⁰ See DEU Reply Comments at 2.

rule provided the movant has shown compliance would impose a hardship that outweighs the benefits of the rule.¹¹ The Order was granted based on a balancing of DEU's claimed administrative burden against the benefits of Utah Admin. Code R746-460.¹² We find DEU has shown the benefits related to avoided customer service calls has resulted in lower costs. We also find that DEU has shown it has taken reasonable steps to protect customer data and that the Portal is functioning as intended. We also find and conclude the Application complies with the Order.

Having reviewed the Application, DPU's Comments, DEU's Reply Comments, and in the absence of any opposition to the Application, the evidence supports our finding and conclusion that granting DEU a continuing waiver of Utah Admin. Code R746-406 as specified in the Order is in the public interest and is just and reasonable in result.

ORDER

The Application is approved, and we recognize DEU's commitment to include DPU's recommendation of agency-specific detail in future Reports.

¹¹ See Utah Admin. Code R746-1-109.

¹² See Order at 4 & n.23.

DATED at Salt Lake City, Utah, February 26, 2024.

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#332603

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on February 26, 2024, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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