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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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| <p>In the Matter of the Rulemaking for Provisions Delineating “Complete” Application Requirements for Rate Case and Major Plant Addition Applications Pursuant to Utah Code Sections 54-7-12 and 54-7-13.4.</p> | <p>Docket No. 09-999-08</p> <p style="text-align: center;">COMMENTS AND SUGGESTIONS OF THE UTAH INDUSTRIAL ENERGY CONSUMERS FOR RULE PROVISIONS ON WHAT CONSTITUTES A “COMPLETE” FILING</p> |
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On May 4, 2009, the Public Service Commission of Utah issued a Pre-Rulemaking Schedule inviting interested parties to file and serve written comments and suggestions of rule provisions on what constitutes a “complete” filing in compliance with Utah Code §§ 54-7-12(1)(b)(ii) and 54-7-13.4(1)(a)(ii). Pursuant to that invitation, Holcim, Inc., Kennecott Utah Copper Corp., Kimberly-Clark Corp., Malt-O-Meal, Praxair, Inc., Proctor & Gamble, Inc., Tesoro Refining and Marketing Co., and Western Zirconium (this group of electrical power customers will be referred to hereinafter, for convenience only, as the “Utah Industrial Energy Consumers” or “UIEC”), hereby submit the following comments and suggestions.

1. **Utah Code Annotated Section 54-7-12**

Attached hereto as Exhibits A and B are the regulations from two other jurisdictions for the filing requirements for rate schedule changes: the Federal Energy Regulatory Commission (“FERC”) and the Public Utilities Commission of Nevada (“PUCN”), respectively. Both these jurisdictions have included in their respective regulations what at a minimum should be filed to be considered a complete filing for a rate schedule change in that jurisdiction.

PacifiCorp, (d/b/a Rocky Mountain Power) is subject to the rate schedule change filing requirements of the FERC and therefore should be familiar with the types of information necessary to make a complete application at FERC. This type of information should be the beginning point of what needs to be included in a filing whenever Rocky Mountain Power files an application for a rate schedule increase or decrease in Utah pursuant to Utah Code Ann. § 54-7-12.

2. **Utah Code Annotated Section 54-7-13.4**

The types of information required in Exhibits A and B should also be the beginning point of what needs to be included in a filing for cost recovery of a major plant addition pursuant to Utah Code Ann. § 54-7-13.4. While the subject of the costs to be recovered may be abbreviated in such a case, the same types of information must be provided to constitute a complete filing. In such a case, the only thing that will remain constant from the previous general rate case is the Return on Equity; adjustments will need to be made for all that is known or knowable.

In addition, Section 54-7-13.4, as enacted by Senate Bill 75, requires that for any cost recovery of a major plant addition, the Commission should determine Utah’s share of reasonably projected savings, and benefits, and that the utility shall bear the burden of proving such impacts. Utah Code Ann. § 54-7-13.4(4)(b)(i)–(ii). Therefore, a filing in support of any application for a

major plant addition must quantify, so that they can be evaluated, any savings, benefits, efficiencies, or productivity gains the utility anticipates from the investment of such capital costs. See also Utah Dep't of Bus. Regulation v. Public Serv. Comm'n, 614 P.2d 1242, 1249 (Utah 1980).

As an example not meant to be an exhaustive listing, an application for cost recovery of a new transmission line should include, in addition to the types of information found in Exhibits A and B, a quantification of the benefits or efficiencies that would result from the new line such as: reductions in line losses, increases in wholesale sales revenues, estimates of revenues from additional wheeling capacity (both into and through Utah), reductions in net power costs, and other potential cost reductions or revenue gains resulting from the investment.

Also, a filing for cost recovery for a major plant addition needs to include the amounts of the reductions from the previous case's rate base that has occurred due to (a) the depreciation deduction over the passage of time since the last rate case, and (b) the depreciation that results from the increased capital over whatever test period is used in the single-item rate case.

This information should be provided with the filing. It is necessary for an evaluation of the utility's cost recovery request and should not be held until requested through a data request.

DATED this 18th day of May, 2009.

/s/ Vicki M. Baldwin

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CERTIFICATE OF SERVICE

(Docket No. 09-999-08)

I hereby certify that on this 18th day of May 2009, I caused to be e-mailed, a true and correct copy of the foregoing **COMMENTS AND SUGGESTIONS OF THE UTAH INDUSTRIAL ENERGY CONSUMERS FOR RULE PROVISIONS ON WHAT CONSTITUTES A “COMPLETE” FILING** to:

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