

F. ROBERT REEDER (2710)
WILLIAM J. EVANS (5276)
VICKI M. BALDWIN (8532)
PARSONS BEHLE & LATIMER
One Utah Center
201 South Main Street, Suite 1800
Post Office Box 45898
Salt Lake City, UT 84145-0898
Telephone: (801) 532-1234
Facsimile: (801) 536-6111
Attorneys for UIEC, an Intervention Group

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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.

Docket No. 09-999-08

**COMMENTS OF THE UTAH
INDUSTRIAL ENERGY CONSUMERS
ON PROPOSED RULES FOR A
“COMPLETE” FILING**

On June 1, 2009, the Public Service Commission of Utah issued proposed rules for 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 the scheduling order set forth in this matter, the UIEC hereby submit the following comments and suggestions.

A review of the proposed regulations shows that the proposed rules for electric and gas utilities are little more than a codification of the Master Data Requests (“MDR”) A and B that are currently provided by the utilities as a courtesy. As stated in the original comments of the UIEC, as well as in the original comments of the Office of Consumer Services (“OCS”) and the Utah Association of Energy Users (“UAE”), this information is inadequate for a complete filing. The UIEC hereby incorporates its original comments in their entirety, as well as the comments of the OCS and UAE explaining why the MDR A and B are insufficient for the information needed for a complete filing.

Proposed Rules 712 and 713, provide that the applicant need not file certain information or documents, but need only make such information available. This will likely be unworkable and fail the purposes of SB 75. Section 54-7-12 allows only 14 days from the filing of an application for a party, who must already have filed a petition to intervene, to “file a motion to challenge whether an application for a general rate increase or decrease is a complete filing.” Utah Code Ann. § 54-7-12(2)(b)(ii). If all the information is not provided to each party along with the application, there will be inadequate time to make arrangements for review, and complete an investigation of the information not provided in order to present such a challenge. Thus, in many cases, the purposes of the statute will likely be frustrated.

The proposed rules also do not provide for standard filing formats and scheduling for the filing utilities. As noted in several parties’ opening comments, standard filing formats and schedules are commonplace in many states and at the Federal Energy Regulatory Commission (“FERC”). They significantly reduce the complexity and time requirements for meaningful evaluation of a filing, and the UIEC reemphasizes its suggestion that such standard formats and schedules be adopted.

The UIEC, OCS, and UAE all suggested regulations of various other jurisdictions that could be used as a strawman. The UIEC suggests that the Commission begin with a strawman set of regulations from another jurisdiction to start, and then add or subtract provisions to tailor the regulations to Utah's needs.

With respect to major plant additions, the proposed regulations make no mention of including the types of information that should be filed in a general rate case. The UIEC, OCS, and UAE each suggested that such information is critical to an abbreviated case. The UIEC reiterates that point here. 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.

We already know that the first major plant addition filing by Rocky Mountain Power will include cost recovery of a transmission line. In that case, the application for cost recovery should include, in addition to the types of information filed in a general rate case, 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, the proposed rules do not provide that a filing for a major plant addition should 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.

In conclusion, as several parties indicated in their opening comments, the current MDRs are not adequate. The UIEC suggest that the Commission begin with the regulations of a jurisdiction that uses filing format and schedule requirements as a strawman. Then, technical conferences and workshops can be conducted with suggestions of what to incorporate and what to omit from those strawman regulations. In fact, because we know that we will have an electrical application filed before this process can be completed, it may be best if the Commission temporarily adopt another jurisdiction's regulations as a strawman for use until final regulations can be implemented.

DATED this 11th day of June, 2009.

/s/ Vicki M. Baldwin

F. ROBERT REEDER
WILLIAM J. EVANS
VICKI M. BALDWIN
PARSONS BEHLE & LATIMER
Attorneys for UIEC, an Intervention Group

CERTIFICATE OF SERVICE

(Docket No. 09-999-08)

I hereby certify that on this 11th day of June 2009, I caused to be e-mailed, a true and correct copy of the foregoing **COMMENTS OF THE UTAH INDUSTRIAL ENERGY CONSUMERS ON PROPOSED RULES FOR WHAT CONSTITUTES A “COMPLETE”**

FILING to:

Colleen Bell
Colleen.bell@questar.com

D. Thomson
dthomson@utah.gov

Gregory B. Monson
Stoel Rives
201 South Main Street, #1100
Salt Lake City, UT 84111
GBMONSON@stoel.com

Gary Dodge
HATCH JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, UT 84101
gdodge@hjdllaw.com

M. Barrow
MBarrow@utah.gov

Barrie McKay
Barrie.McKay@questar.com

Michael Ginsberg
Patricia Schmidt
ASSISTANT ATTORNEYS GENERAL
500 Heber Wells Building
160 East 300 South
Salt Lake City, UT 84111
mginsberg@utah.gov
pschmid@utah.gov

Paul Proctor
ASSISTANT ATTORNEYS GENERAL
500 Heber Wells Building
160 East 300 South
Salt Lake City, UT 84111
pproctor@utah.gov

William Powell
Phil Powlick
Dennis Miller
DIVISION OF PUBLIC UTILITIES
500 Heber Wells Building
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
wpowell@utah.gov
Philippowlick@utah.gov
dennismiller@utah.gov

S. F. Mecham
sfmecham@cnmlaw.com

Michele Beck
Executive Director
COMMITTEE OF CONSUMER SERVICES
500 Heber Wells Building
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111
mbeck@utah.gov

Yvonne R. Hogle
Daniel Solander
Jeff Larsen
Mark Moench
Senior Counsel
ROCKY MOUNTAIN POWER

201 South Main Street, Suite 2300
Salt Lake City, UT 84111
yvonne.hogle@pacificorp.com
Daniel.solander@pacificorp.com
jeff.larsen@pacificorp.com
Mark.moench@pacificorp.com
datarequest@pacificorp.com

Curt.Huttsell@frontiercorp.com

/s/ Colette V. Dubois

Sandy Mooy
SMOY@utah.gov

David L. Taylor
Manager – Utah Regulatory Affairs
ROCKY MOUNTAIN POWER
201 South Main St., Suite 2300
Salt Lake City, UT 84111
Dave.Taylor@PacifiCorp.com

Cheryl Murray
Dan Gimble
UTAH COMMITTEE OF CONSUMER SERVICES
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111
cmurray@utah.gov
dgimble@utah.gov

Kevin Higgins
Neal Townsend
Energy Strategies
39 Market Street, Ste 200
Salt Lake City, UT 84101
Telephone 801-355-4365
Fax 801-521-9142
khiggins@energystrat.com
ntownsend@energystrat.com

R. L. Wilson
RLWILSON@utah.gov

C. Revelt
CREVELT@utah.gov

J. Logan
JLOGAN@utah.gov

Curt Huttsell