

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Investigation into Potential Statutory Change to Utah Code Ann. § 54-7-15	<u>DOCKET NO. 19-999-11</u> <u>REQUEST FOR COMMENTS</u>
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ISSUED: May 6, 2019

The Public Service Commission of Utah (PSC) is considering whether to pursue a statutory change to Utah Code Ann. § 54-7-15 during the 2020 General Session of the Utah Legislature, and is soliciting comments on the potential change before deciding whether to do so. We are considering whether to pursue changing the references to “20 days” in Subsections (2)(c) and (d) to “30 days.”

We understand and agree that parties seeking judicial review of a PSC order should be able to do so in a timely way. We also presume that parties to PSC proceedings, all of whom have an interest in preserving their opportunities to appeal PSC orders, benefit when PSC orders receive adequate attention to deliberation, drafting, and approval.

When read in context with Utah Code Ann. § 54-7-15, we have previously concluded that Utah Code Ann. § 63G-4-301(2)(a) requires us to provide parties at least 15 days to respond to a request for review or rehearing under Utah Code Ann. § 54-7-15. When that 15-day deadline falls on a weekend and the responsive filing is properly made on the following Monday,<sup>1</sup> the PSC often has three days to deliberate, draft a decision, and approve it for issuance. This time frame can be reduced to two days in the event of a Monday holiday, when the responsive filing is properly made on the following Tuesday. While most deliberation occurs before the issuance of

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<sup>1</sup> Whether that deadline falls on a weekend is dictated by the date of the filing of a request for review or rehearing under Utah Code Ann. § 54-7-15. Anecdotally at least, that seems to the PSC to occur almost universally.

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the order for which a party is requesting review or rehearing, complex issues can sometimes benefit from additional consideration or clarification at that stage of the process.

We have accepted these time frames as a given and have done what is necessary to meet them. Absent a statutory change, we will continue to do so. However, considering both the interest of parties in the integrity of the PSC process and the right of any party to seek judicial review of a PSC order in a timely way, we are interested in comments from stakeholders on their view of a potential change from “20 days” to “30 days” in Utah Code Ann. § 54-7-15(2)(c) and (d).

Any interested stakeholder may submit comments to the PSC by **Wednesday, June 19, 2019**.

DATED at Salt Lake City, Utah, May 6, 2019.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#308104

CERTIFICATE OF SERVICE

I CERTIFY that on May 6, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

All PSC email distribution lists.

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