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## State of Utah

### Department of Commerce Division of Public Utilities

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## Memorandum

**To:** Public Service Commission of Utah  
**From:** Utah Division of Public Utilities  
Chris Parker, Director  
Artie Powell, Manager  
Doug Wheelwright, Utility Technical Consultant Supervisor  
Eric Orton, Utility Technical Consultant  
**Date:** December 17, 2021  
**Re:** **Undocketed, Mt. Wheeler Power.**

### **Recommendation (No Action Required)**

The Division of Public Utilities (Division) informs the Utah Public Service Commission (Commission) of a rate change for customers that receive service from Mt. Wheeler Power (Mt. Wheeler) effective January 1, 2022.

### **Issue**

On November 1, 2021, Mt. Wheeler sent a copy of its new tariff rate schedule to the Division. During the Division's correspondence with Mt. Wheeler, it was informed that the Board of Directors had approved the rate schedules in meetings held September 14, 2021 & October 12, 2021. Mt. Wheeler stated that the rate increase is needed due to its wholesale power cost increases "as well as the Western Area Power Administration seeing the severe drought conditions impacting the generation of electricity."

## **Discussion**

In 2018 the Utah Legislature established the criteria by which an out-of-state distribution electric cooperative would be exempt from some Utah Commission regulation ([Utah Code 54-2-202](#)). The out-of-state cooperative must certify, in writing to the Commission, that it is subject to the applicable laws, rules, and regulations of the state where it principally operates or is headquartered and meet the other requirements of 54-2-202(2). If the electric cooperative meets these requirements it can expect to be exempt from general Utah Commission oversight (exclusions apply). Mt. Wheeler is headquartered in Ely, Nevada and states that it “has complied by the reporting requirements in the state of Nevada.”

## **Conclusion**

Mt. Wheeler meets the above requirements, and as such is exempt from Utah Commission rate regulation jurisdiction. The Division will keep a copy of these tariff sheets as is customary. Given Mt. Wheeler’s position, the Division recommends that the Commission take no action as this memo is intended to be informative only.

Cc: Kevin Robinson, Mt. Wheeler Power, Inc.  
Michele Beck, Office of Consumer Services  
Jeff Peterson, Utah REA