



1407 West North Temple
Salt Lake City, UT 84116

January 5, 2024

***VIA ELECTRONIC FILING
AND OVERNIGHT DELIVERY***

Wyoming Public Service Commission
2515 Warren Avenue, Suite 300
Cheyenne, Wyoming 82002

Attn: John Burbridge, Chief Counsel

Docket No. 20000-____-ET-24
Record No. _____

**RE: IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER
FOR AUTHORITY TO REVISE RULES 5 AND 10 TO PROTECT THE INTEGRITY OF
THE COMPANY'S SERVICE TERRITORY – Application**

Dear Mr. Burbridge:

Please find enclosed for filing Rocky Mountain Power's (the "Company") application requesting authority to revise Rule 5, regarding Customer Installations and Rule 10, regarding Disconnection of Service to address the consumption of electricity that is purchased from the Company but transmitted beyond the Company's service territory.

One hard copy of the application and supporting exhibits are being provided to the Wyoming Public Service Commission ("Commission"). The Company has also filed these documents electronically on the Commission's docket management system.

It is respectfully requested that all formal correspondence and staff requests regarding this matter be addressed to:

By email (preferred): datarequest@pacificorp.com
stacy.splittstoesser@pacificorp.com
zachary.rogala@pacificorp.com

By regular mail:

Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, Oregon 97232

Wyoming Public Service Commission

January 5, 2023

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With copies to:

Stacy Splittstoesser
Wyoming Regulatory Affairs Manager
Rocky Mountain Power
315 West 27th Street
Cheyenne, Wyoming 82001

If there are any informal questions related to this application, please feel free to contact Stacy Splittstoesser, Wyoming Regulatory Affairs Manager at (801) 534-5018.

Sincerely,



Joelle Steward

Senior Vice President, Regulation and Customer/Community Solutions

Enclosures

Zachary Rogala
Rocky Mountain Power
1407 W. North Temple
Salt Lake City, Utah 84116
Telephone: (435) 319-5010
Email: zachary.rogala@pacificorp.com

Attorney for Rocky Mountain Power

BEFORE THE WYOMING PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR AUTHORITY TO REVISE RULES 5 AND 10 TO PROTECT THE INTEGRITY OF THE COMPANY'S SERVICE TERRITORY	Docket No. 20000-__-ET-24 Record No. _____ APPLICATION
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Rocky Mountain Power (the “Company”) applies to the Wyoming Public Service Commission (the “Commission”) for authority to revise Rule 5, regarding Customer’s Installation, and Rule 10, regarding Disconnection of Service, to address the consumption of electricity that is purchased from the Company, but which is then transmitted beyond the Company’s service territory. These proposed amendments would provide the Company with appropriate mechanisms to address these circumstances in a manner which promotes the service territory integrity of both the Company, as well as other utilities with adjacent service territories.

In support of this Application, Rocky Mountain Power states as follows:

1. Rocky Mountain Power is a public utility in the state of Wyoming and is subject to the jurisdiction of the Commission with regard to its rates and service. Rocky Mountain Power also provides retail electric service in the states of Idaho and Utah.
2. Communications regarding this Application should be addressed to:

By e-mail (preferred): datarequest@pacificorp.com
stacy.splittstoesser@pacificorp.com
zachary.rogala@pacificorp.com

By mail: Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 2000
Portland, OR 97232

Stacy Splittstoesser
Wyoming Regulatory Affairs Manager
Rocky Mountain Power
315 W. 27th St.
Cheyenne, WY 82001

Informal inquiries may be directed to Stacy Splittstoesser at (801) 534-5018.

3. Over the past several years, certain industrial customers have—without Rocky Mountain Power’s knowledge—installed behind-the-meter, customer-owned infrastructure that transmits electricity purchased from the Company, at a point of delivery within the Company’s approved service territory, to areas in another utility’s adjacent service territory.¹ This has the practical result of such customers consuming electricity purchased from the Company outside the Company’s service territory.

4. In addressing this unique fact scenario, the Commission has expressly acknowledged that Rocky Mountain Power has not violated Wy. Stat. § 37-2-205(a).² To remedy the situation, however, the Commission ordered that the customer should begin to receive service from the adjoining utility as soon as adjoining utility could provide service without substantial monetary contributions from the customer.³

¹ See, e.g., *In re Niobrara Complaint*, Docket No. 20000-583-EC-20 (Record No. 15525).

² *In re Niobrara Complaint*, Docket No. 20000-583-EC-20 (Record No. 15525), Mem. Opinion, Findings of Fact, Decision, and Order, ¶ 2 (Mar. 17, 2022).

³ *Id.* at 9, Ordering ¶ 1.

5. After lengthy proceedings in this prior instance, the situation was resolved through settlement between the customer and the adjoining utility. With similar fact pattern re-emerging, however, the Company seeks to implement an economic mechanism to encourage resolution of the adjoining utility's interests. The Company's existing tariff does not provide the explicit authority for the Company to address these instances. Accordingly, the Company proposes amendments to Rules 5 and 10 to provide the Company with options to avoid and resolve circumstances like these in the future.

6. The proposed Rule 5 amendment would create Original Sheet No. R5-4 and new Section V. Breach of Certificated Service Territory Boundary. This section would create a tariff condition where, if a customer constructs privately-owned electrical infrastructure and extends that infrastructure beyond the Company's authorized service territory (whether inadvertently or not), the Company can take measures to address the situation. These corrective measures include allowing the customer to voluntarily fix the issue, entering into a Customer Allocation Agreement with the customer, assessing a Commission-approved Service Territory Extension Fee, or disconnecting service. The new proposed language includes:

V. Breach of Certificated Service Territory Boundary

If a Customer constructs and energizes privately-owned electrical infrastructure past the Point of Delivery; the infrastructure extends outside of the Company's certificated service territory; and this arrangement is not addressed under an existing Customer Allocation Agreement, the Customer, and the utility whose certificated service territory has been breached, shall be notified that a violation of certificated service territory boundary has occurred. The Customer has either 30 days from notification to correct the issue, or 120 days to execute a Customer Allocation Agreement. If the Customer does not correct the issue, or the Customer has not used reasonable efforts to execute a Customer Allocation Agreement, the Company in its discretion may either bill the Customer an additional Service Territory Extension Fee on a monthly basis, or disconnect service to the Customer.

The Service Territory Extension Fee will be determined between the Company and the utility whose certificated service territory has been breached and an application filed with the Wyoming Public Service Commission for approval.

7. The first proposed Rule 10 amendment would revise Original Sheet No. R10-6 to establish new customer action II(A)(7), would incorporate the new disconnection tariff condition discussed in proposed Rule 5(V). It would provide the Company with the ability to disconnect service to the customer, after notice, if the customer does not discontinue consumption of energy purchased from the Company in an adjoining utility's service territory or has not entered into a Customer Allocation Agreement in the time prescribed in proposed Rule 5 Section (V). The new proposed language includes:

7. *Constructing privately-owned electrical infrastructure and transmitting Company-generated electricity outside of the Company's certificated service territory without a Customer Allocation Agreement.*

8. Because this proposed amendment to Original Sheet No. R10-6 extends the original tariff conditions regarding when the Company can disconnect customers without notice to a new page, the Company also proposes to delete the entirety of Section II(B) Disconnection Without Notice from Original Sheet No. R10-6, and instead include the same language in Original Sheet No. R10-7.

9. The legislative and clean versions of the Company's proposed Rule 5 and Rule 10 tariff language are included in Exhibit 1.1 to this application. The addition of two new tariff sheets also requires other tariff changes to update the Table of Contents, and Schedule 300 where the new Rule 5 Service Territory Extension Fee should be referenced.

10. The Company represents that the Commission has the authority to approve these proposed amendments. Rocky Mountain Power requires a certificate of public convenience and

necessity (“CPCN”) to operate as a utility in Wyoming.⁴ CPCNs provide the authority to “do business and provide a service in a particular, designated area.”⁵ The Company cannot provide—nor can “any person” similarly receive or accept—any utility services at rates that are greater, less, “or any way different” than what the Commission has approved.⁶ The Commission has broad authority to “prescribe such conditions as seem just and reasonable” to resolve service territory conflicts between public utilities.⁷

11. These proposed changes are in the public interest because they will reduce the risk of litigation between Rocky Mountain Power, its customers, and other utilities where customers have, inadvertently or not, extended Rocky Mountain Power’s electricity beyond the Company’s service territory. These proposed amendments include several options for customers and Rocky Mountain Power to mitigate scenarios in which customer-owned infrastructure extends beyond the point of delivery in the Company’s service territory and into an adjoining utility’s service territory.

12. For example, a customer can voluntarily modify its infrastructure or consumption if the customer’s actions were inadvertent. Customers can also enter into Customer Allocation Agreements with the Company if they would rather receive service from an adjacent utility. However, if a customer chooses neither of these options, the Company would retain the right to either file an application with the Commission to assess a Service Territory Extension Fee that would be remitted to utility whose certificated service territory has been breached, or ultimately if none of these remedies are successful, disconnecting the customer from services.

13. These options establish an appropriate balance between providing adequate time and opportunity for customers to correct unintentional service territory incursions on the one hand,

⁴ See, e.g., Wy. Stat. Ann. § 37-2-205(a).

⁵ *Tri-County Electric Association v. Gillette*, 584 P.2d 995, 1001 n.6 (1978).

⁶ Wy. Stat. Ann. § 37-3-102.

⁷ *Tri-County*, 584 P.2d at 1003 (citing *Dubois Tel. Exch. v. Mountain States Tel. and Tel. Co.*, 429 P.2d 812 (1967)).

with corrective measures to address persisting service territory incursions on the other. These corrective measures would preserve the customer's rights to due process by requiring notice prior to disconnection, and by requiring a Commission-approved Service Disconnection Fee prior to the Company assessing the Fee. Together, these measures would establish strong protections to uphold the integrity of Rocky Mountain Power and all adjacent utility Wyoming-authorize service territories.

Rocky Mountain Power respectfully requests that in accordance with Chapter 3, Section 21(k) of the Commission's Rules of Practice and Procedure, the Commission issue an order approving the modifications to Rules 5 and 10 effective March 1, 2024, or sooner if possible.

Respectfully submitted January 5, 2024.

A handwritten signature in black ink, consisting of stylized initials 'ZR' followed by a horizontal line extending to the right.

Zachary Rogala

Attorney for Rocky Mountain Power

ROCKY MOUNTAIN POWER

First Revision of Sheet No. B-5
 Canceling Original Sheet No. B-5

P.S.C. Wyoming No. 18

Wyoming Table of Contents

<u>Rule No.</u>	<u>Rules</u> (continued)	<u>Sheet</u>
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5	Customer's Installation	R5-1 - R5-4
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	B. Codes and Clearances	
	II. Customer Load and Operation	R5-1 - R5-2
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	B. Protection of Company Equipment and Other Customers	
	C. Alternate Generation	
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	III. Refusal of Service	R5-2 – R5-3
	IV. Liability	R5-3
	V. Breach of Certificated Service Territory Boundary	R5-4

(continued)

Issued by
 Joelle R. Steward, Senior Vice President, Regulation

Issued: January 5, 2024

Effective: With service rendered
 on and after March 1, 2024

ROCKY MOUNTAIN POWER

First Revision of Sheet No. B-8
Canceling Original Sheet No. B-8

P.S.C. Wyoming No. 18

Wyoming Table of Contents

<u>Rule No.</u>	<u>Rules</u> (continued)	<u>Sheet</u>
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	II. Disconnection of Service for Other Causes	R10-6 - R10-7
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	O. Rules Previously in Effect	
	P. Service Conductors	

(continued)

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WY_B-8.E

Dkt. No. 20000-____-ET-24

ROCKY MOUNTAIN POWER

First Revision of Sheet No. R5-3
Canceling Original Sheet No. R5-3

P.S.C. Wyoming No. 18

Customer's Installation Rule 5

III. Refusal of Service (continued)

- C.** If the requesting Customer is indebted to the Company for service previously rendered and satisfactory payment arrangements have not been made;
1. If indebtedness for service rendered at a former location is in dispute, the requesting Customer shall be provided service at the new location upon complying with the Company's deposit requirements and paying the amount in dispute. Upon settlement of the dispute, any balance due to the Customer will be refunded with interest at the Commission-authorized interest rate.
 2. The Company may refuse service due to unpaid line extension charges for facilities serving the location.
 3. The Company may not refuse service for a new Customer because of debts of a previous Customer at the same location.
- D.** If the Customer has not complied with state, municipal or Company regulations or the Customer's wiring or facilities violate laws, ordinances, rules or regulations; or
- E.** Until the Customer provides a certificate of inspection, if required by local governing bodies.

IV. Liability

The Company's liability stops at the Point of Delivery. The Customer is responsible for the use of electric service beyond the Point of Delivery.

(continued)

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Joelle R. Steward, Senior Vice President, Regulation

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WY_R5-3.E

Dkt. No. 20000-___-ET-24

ROCKY MOUNTAIN POWER

Original Sheet No. R5-4

P.S.C. Wyoming No. 18

Customer's Installation Rule 5

V. Breach of Certificated Service Territory Boundary

If a Customer constructs and energizes privately-owned electrical infrastructure past the Point of Delivery; the infrastructure extends outside of the Company's certificated service territory; and this arrangement is not addressed under an existing Customer Allocation Agreement, the Customer, and the utility whose certificated service territory has been breached, shall be notified that a violation of certificated service territory boundary has occurred. The Customer has either 30 days from notification to correct the issue, or 120 days to execute a Customer Allocation Agreement. If the Customer does not correct the issue, or the Customer has not used reasonable efforts to execute a Customer Allocation Agreement, the Company in its discretion may either bill the Customer an additional Service Territory Extension Fee on a monthly basis, or disconnect service to the Customer.

The Service Territory Violation Fee will be determined between the Company and the utility whose certificated service territory has been breached and an application filed with the Wyoming Public Service Commission for approval.

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Dkt. No. 20000-____-ET-24

ROCKY MOUNTAIN POWER

First Revision of Sheet No. R10-6
Canceling Original Sheet No. R10-6

P.S.C. Wyoming No. 18

Disconnection of Service Rule 10

II. Disconnection of Service for Other Causes

A. Disconnect With Notice

The Company may disconnect service, after notice, for any of the following Customer actions:

1. Using electricity for a property or purpose other than that described in the application for service;
2. Failing to maintain, in good order, their service entrance facilities or equipment;
3. Tampering with the Company's service wires, meter, seal, or other facilities;
4. Vacating permanently, with or without notice to the Company, or temporarily, with notice to the Company;
5. Using equipment which adversely affects service to other Customers; or
6. Refusing the Company reasonable access for inspecting Company facilities or for testing, reading, maintaining or removing meters.
7. Constructing privately-owned electrical infrastructure and transporting Company-generated electricity outside of the Company's certificated service territory without a Customer Allocation Agreement.

The Company may disconnect service for any of the above reasons whenever, and as often, as such reasons occur. A delay by the Company in disconnecting, or failing to disconnect, does not waive the Company's right to do so.

(continued)

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Joelle R. Steward, Senior Vice President, Regulation

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WY_R10-6.E

Dkt. No. 20000-____-ET-24

ROCKY MOUNTAIN POWER

Original Sheet No. R10-7

P.S.C. Wyoming No. 18

Disconnection of Service Rule 10

II. Disconnection of Service for Other Causes (continued)

B. Disconnect Without Notice

The Company may disconnect without notice for reasons of safety, health, cooperation with civil authorities, fraudulent use, tampering with or destroying the Company's facilities, violation of applicable Wyoming statutes or government agency rules, or any other reason granted in the Commission's rules.

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Dkt. No. 20000-____-ET-24

ROCKY MOUNTAIN POWER

First Revision of Sheet No. B-5
~~Canceling~~ Original Sheet No. B-5

P.S.C. Wyoming No. 18

Wyoming Table of Contents

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(continued)

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WY_B-5.E

Dkt. No. 20000-633-ETR-243

ROCKY MOUNTAIN POWER

First Revision of Sheet No. B-8
Canceling Original Sheet No. B-8

P.S.C. Wyoming No. 18

Wyoming Table of Contents

<u>Rule No.</u>	<u>Rules</u> (continued)	<u>Sheet</u>
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	C. Personal Contact	
	D. Medical Conditions	
	E. Conditions Where the Company Will Not Disconnect	
	F. Reconnection of Service	
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	H. Charges for Collections	
	II. Disconnection of Service for Other Causes	R10-6 - <u>R10-7</u>
	A. Disconnect With Notice	
	B. Disconnect Without Notice	
11	Taxes	R11-1
12	Line Extensions	R12-1 - R12-24
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	K. Purchase of Materials	
	L. Refunds	
	M. Restrictions	
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	O. Rules Previously in Effect	
	P. Service Conductors	

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ROCKY MOUNTAIN POWER

First Revision of Sheet No. R5-3
Canceling Original Sheet No. R5-3

P.S.C. Wyoming No. 18

Customer's Installation Rule 5

III. Refusal of Service (continued)

- C. If the requesting Customer is indebted to the Company for service previously rendered and satisfactory payment arrangements have not been made;
1. If indebtedness for service rendered at a former location is in dispute, the requesting Customer shall be provided service at the new location upon complying with the Company's deposit requirements and paying the amount in dispute. Upon settlement of the dispute, any balance due to the Customer will be refunded with interest at the Commission-authorized interest rate.
 2. The Company may refuse service due to unpaid line extension charges for facilities serving the location.
 3. The Company may not refuse service for a new Customer because of debts of a previous Customer at the same location.
- D. If the Customer has not complied with state, municipal or Company regulations or the Customer's wiring or facilities violate laws, ordinances, rules or regulations; or
- E. Until the Customer provides a certificate of inspection, if required by local governing bodies.

IV. Liability

The Company's liability stops at the Point of Delivery. The Customer is responsible for the use of electric service beyond the Point of Delivery.

(continued)

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Joelle R. Steward, Senior Vice President, Regulation

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WY_R5-3.E

Dkt. No. 20000-~~633-ETR-2~~3

ROCKY MOUNTAIN POWER

Original Sheet No. R5-4

P.S.C. Wyoming No. 18

Customer's Installation Rule 5

V. Breach of Certificated Service Territory Boundary

If a Customer constructs and energizes privately-owned electrical infrastructure past the Point of Delivery; the infrastructure extends outside of the Company's certificated service territory; and this arrangement is not addressed under an existing Customer Allocation Agreement, the Customer, and the utility whose certificated service territory has been breached, shall be notified that a violation of certificated service territory boundary has occurred. The Customer has either 30 days from notification to correct the issue, or 120 days to execute a Customer Allocation Agreement. If the Customer does not correct the issue, or the Customer has not used reasonable efforts to execute a Customer Allocation Agreement, the Company in its discretion may either bill the Customer an additional Service Territory Extension Fee on a monthly basis, or disconnect service to the Customer.

The Service Territory Violation Fee will be determined between the Company and the utility whose certificated service territory has been breached and an application filed with the Wyoming Public Service Commission for approval.

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Dkt. No. 20000-____-ET-24

ROCKY MOUNTAIN POWER

First Revision of Sheet No. R10-6
Canceling Original Sheet No. R10-6

P.S.C. Wyoming No. 18

Disconnection of Service Rule 10

II. Disconnection of Service for Other Causes

A. Disconnect With Notice

The Company may disconnect service, after notice, for any of the following Customer actions:

1. Using electricity for a property or purpose other than that described in the application for service;
2. Failing to maintain, in good order, their service entrance facilities or equipment;
3. Tampering with the Company's service wires, meter, seal, or other facilities;
4. Vacating permanently, with or without notice to the Company, or temporarily, with notice to the Company;
5. Using equipment which adversely affects service to other Customers; or
6. Refusing the Company reasonable access for inspecting Company facilities or for testing, reading, maintaining or removing meters.
7. Constructing privately-owned electrical infrastructure and transporting Company-generated electricity outside of the Company's certificated service territory without a Customer Allocation Agreement.

The Company may disconnect service for any of the above reasons whenever, and as often, as such reasons occur. A delay by the Company in disconnecting, or failing to disconnect, does not waive the Company's right to do so.

~~B. Disconnect Without Notice~~

~~The Company may disconnect without notice for reasons of safety, health, cooperation~~

(continued)

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Joelle R. Steward, Senior Vice President, Regulation

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WY_R10-6.E

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ROCKY MOUNTAIN POWER

First Revision of Sheet No. R10-6
Canceling Original Sheet No. R10-6

P.S.C. Wyoming No. 18

Disconnection of Service Rule 10

~~with civil authorities, fraudulent use, tampering with or destroying the Company's facilities, violation of applicable Wyoming statutes or government agency rules, or any other reason granted in the Commission's rules.~~

(continued)

Issued by

Joelle R. Steward, Senior Vice President, Regulation

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on and after ~~January~~ March 1, 2024

WY_R10-6.E

Dkt. No. 20000-~~633-ETR-243~~

ROCKY MOUNTAIN POWER

Original Sheet No. R10-7

P.S.C. Wyoming No. 18

Disconnection of Service Rule 10

II. Disconnection of Service for Other Causes (continued)

B. Disconnect Without Notice

The Company may disconnect without notice for reasons of safety, health, cooperation with civil authorities, fraudulent use, tampering with or destroying the Company's facilities, violation of applicable Wyoming statutes or government agency rules, or any other reason granted in the Commission's rules.

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WY_R10-7.NEW

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