

DECISION MEMORANDUM

**TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
LEGAL
WORKING FILE**

FROM: TJ GOLO

DATE: JUNE 5, 2009

**RE: APPROVAL OF RULE 12 LINE EXTENSION TARIFF
CASE NO. PAC-E-08-09; TARIFF ADVICE NO. 09-03.**

On September 15, 2008, the Commission received a "formal" complaint from Marian Mathewson against Rocky Mountain Power. A summons was issued by the Commission on November 13, 2008 to Rocky Mountain Power to provide a response to Ms. Mathewson's complaint. On December 3, 2008, the Company filed a response to the Commission for the complaint. On February 25, 2009, a workshop was held at the Commission to explore in greater detail the issues raised in Ms. Mathewson's complaint whether the monthly facilities fee charged in perpetuity is unfair and/or punitive. On May 6, 2009, the Commission issued Order No. 30753 granting the Company's Motion to Dismiss the complaint and requiring the Company to modify its tariff to be consistent with a facilities charge calculation that incorporates only the line extension length that exceeds one-half mile and include language that is consistent with the Company's policy of removing a facilities charge when an additional customer takes service from the previously remote customer's distribution line.

On June 1, 2009, the revisions for the Company's Rule 12 Line Extension tariff were filed with an effective date of September 1, 2009. The Staff has reviewed the proposed revisions to the Rule 12 Line Extension tariff and finds that they comply with Order No. 30753. Specifically, the Company added the language "The Contract Minimum Billing will not include Facilities Charges on the first one-half mile of line from the Company's existing distribution facilities. Where there are groups of remote facilities only the first one-half mile is exempt from Facilities Charges" to conform to the Commission's Order that incorporates only a facilities charge calculation of a line extension length that exceeds the one-half mile. Similarly, the

Company added "Primary residences with revenues equal to or greater than average residential revenues will no longer be considered Remote when the density of such residences exceeds one residence per one-half mile of line. Facilities Charges will cease when Customers are no longer considered Remote" to comply with the Commission's Order that the Company include a language that is consistent with its policy of removing a facilities charge when an additional customer takes service from the previously remote customer's distribution line. In addition, the Company had other minor revisions in the tariff which Staff believes those changes provide clarification to the tariff.

STAFF RECOMMENDATION

Staff believes that Rocky Mountain Power's proposed revisions to Rule 12 Line Extension tariff complies with the Commission directives of Order No. 30753, and therefore recommends that the Commission approve the revised tariff as filed by the Company.

COMMISSION DECISION

Does the Commission wish to approve Rocky Mountain Power's revised Rule 12 Line Extension tariff as filed with an effective date of September 1, 2009?



TJ Golo

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