

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN)	CASE NO. PAC-E-22-13
POWER’S APPLICATION FOR)	
AUTHORITY TO IMPLEMENT A)	
COMMERCIAL AND INDUSTRIAL)	ORDER NO. 35772
DEMAND RESPONSE PROGRAM)	
)	

On August 25, 2022, PacifiCorp dba Rocky Mountain Power (“Company”) applied for authority to start a “Class 1 commercial and industrial demand response program (“Wattsmart Business Demand Response” or “Program”) under the existing Schedule 114 load management tariff within the demand side management (“DSM”) portfolio” to be effective January 1, 2023. Application at 1.

On March 31, 2023, the Commission issued its Final Order in this case instructing the Company to submit a “compliance filing to include updates to the incentives offered, Program equipment costs, and dispatch parameters in Schedule 114 and the flexible tariff.” Order No. 35724.

On April 17, 2023, the Company submitted its compliance filing. Staff reviewed the filing and believed it was incongruent with Order No. 35724.

At the Commission’s May 2, 2023, Decision Meeting, Staff presented a Decision Memorandum recommending the Commission reject the compliance filing due to the inclusion of terms that were inconsistent with Order No. 35724.

Having reviewed the record in this case, including the Company’s April 17, 2023, compliance filing and Staff’s May 2, 2022, Decision Memorandum, the Commission now issues this Order rejecting the Company’s compliance filing for failure to adhere to the directives of Order No. 35724.

COMMISSION DISCUSSION AND FINDINGS

The Company is an electric utility subject to the Commission’s regulatory authority under the Public Utilities Law. *Idaho Code* §§ 61-119 and 61-129. The Company’s rates, charges, classifications, and contracts for electric service in the State of Idaho are subject to the Commission’s jurisdiction. The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-501, 61-502, and 61-503. The Commission is empowered to investigate rates, charges, rules,

regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503.

The Commission has reviewed Staff's May 2, 2023, Decision Memorandum and the record in this case and finds that the Company's compliance filing has exceeded the scope of Order No. 35724; the Commission issues this Order rejecting the Company's April 17, 2023, compliance filing and directs it to correct these unauthorized extensions.

The Commission orders the Company to refile Schedule 114 to ensure that its values for Maximum Dispatch Events precisely mirror those numbers allowed in Order No. 35724. Accordingly, the Maximum Dispatch Event for the Real-Time and Advanced Notice programs must be 50 and 25, respectively. Additionally, the Commission orders the Company to correct any other deviation from Order No 35724.

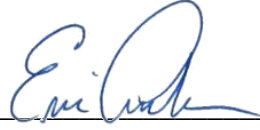
The Commission understands the Company's motivation for the changes discussed above. To that end, the Commission notes that Order No. 35724 allows for a flexible tariff that can be adjusted annually. Should the Company wish to implement changes to the Program, an annual change to the flexible tariff is the proper avenue to pursue those aims. The Commission would be willing to evaluate the pros and cons of changes to the Maximum Dispatch Event values at that time. However, when dealing in matters within the Commission's jurisdiction, the Commission reiterates the need for Idaho public utilities to stay within the parameters of Commission Orders concerning them.

ORDER

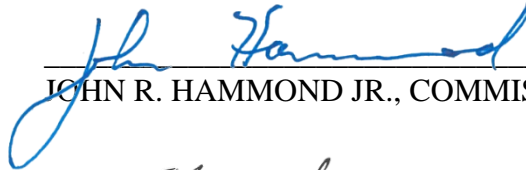
IT IS HEREBY ORDERED that the Company's April 17, 2023, compliance filing is rejected. The Commission orders the Company to submit a compliance filing that strictly follows all imperatives and parameters outlined in Order No. 35724 as discussed above within five days of the filing of this Order.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 5th day of
May 2023.



ERIC ANDERSON, PRESIDENT

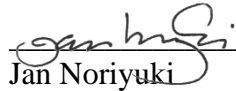


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

I:\Legal\ELECTRIC\PAC-E-22-13\orders\PACE2213_Final2_md.docx