

## **Chapter 1 Public Service Commission**

### **54-1-1 Establishment of commission -- Functions.**

The Public Service Commission of Utah is established as an independent agency. The Public Service Commission is charged with discharging the duties and exercising the legislative, adjudicative, and rule-making powers committed to it by law and may sue and be sued in its own name.

Amended by Chapter 246, 1983 General Session

### **54-1-1.5 Appointment of members -- Terms -- Qualifications -- Chairman -- Quorum -- Removal -- Vacancies -- Compensation.**

The commission shall be composed of three members appointed by the governor with the consent of the Senate. The terms of the members shall be staggered so that one commissioner is appointed for a term of six years on March 1 of each odd-numbered year. Not more than two members of the commission shall belong to the same political party. One member of the commission shall be designated by the governor as chairman of the commission. Any two commissioners constitute a quorum. Any member of the commission may be removed for cause by the governor. Vacancies in the commission shall be filled for unexpired terms by appointment of the governor. Commissioners shall receive compensation as established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, and all actual and necessary expenses incurred in attending to official business. Each commissioner at the time of appointment and qualification shall be a resident citizen of the United States and of the state of Utah and shall be not less than 30 years of age. Except as provided by law, no commissioner may hold any other office either under the government of the United States or of this state or of any municipal corporation within this state.

Amended by Chapter 176, 2002 General Session

### **54-1-1.6 Pro tempore commissioner -- Appointment -- Qualifications.**

- (1) If a commissioner has a temporary disability or is disqualified from sitting as a commissioner, the governor may appoint a commissioner pro tempore according to the procedures and requirements of Section 67-1-1.5.
- (2) Any person appointed as a commissioner pro tempore shall possess the qualifications required for public service commissioners in Section 54-1-1.5 and have previous utility regulatory experience or other comparable professional experience.
- (3) The governor may appoint a retired or resigned public service commissioner as a commissioner pro tempore in order to render findings, orders, or decisions on matters which the retired or resigned commissioner had fully heard before the commissioner's retirement or resignation.

Amended by Chapter 366, 2011 General Session

### **54-1-2 Powers and duties.**

The Public Service Commission shall succeed to all powers and discharge all duties and perform all the functions which by existing and continuing law are conferred upon and required to be discharged or performed by the Public Utilities Commission of Utah. Whenever any existing

and continuing law refers to or names the Public Utilities Commission of Utah or any officer, agent, or employee of such commission, the same shall be construed to mean, refer to, and name the Public Service Commission of Utah or the corresponding officer, agent, or employee of such Public Service Commission; provided, however, that the Department of Transportation shall have jurisdiction over those safety functions transferred to it by the Department of Transportation Act.

Amended by Chapter 92, 1987 General Session

**54-1-2.5 Procedures -- Adjudicative proceedings.**

Except as specifically provided to the contrary in Chapter 7, Hearings, Practice, and Procedure, the commission shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

**54-1-3 Transaction of business by commissioners -- Quorum -- Proceedings by less than majority or administrative law judge -- Effect of actions.**

- (1) A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission. Any action taken by a majority of the commission shall be considered the action of the commission. Any vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission so long as a majority of the commission remains. The commission may hold hearings at any time or place within or without the state.
- (2)
  - (a) The following proceedings shall be heard by at least a majority of the commissioners:
    - (i) general rate proceedings to establish rates for public utilities which have annual revenues generated from Utah utility service in excess of \$200,000,000; or
    - (ii) any proceeding which the commission determines involves an issue of significant public interest.
  - (b) If a commission proceeding requiring a majority has commenced and the unavoidable absence of one or more commissioners results in less than a majority being available to continue the proceeding, the proceeding may continue before a single commissioner or specified administrative law judge only upon agreement of the involved public utility and, if it is a party, the Division of Public Utilities.
- (3) Any other investigation, inquiry, hearing or proceeding which the commission has power to undertake may be conducted before less than a majority of the commission or before an administrative law judge appointed by the commission.
- (4) All proceedings conducted before less than a majority of the commission or before an administrative law judge shall be considered proceedings of the commission and the findings, orders, and decisions made by less than a majority of the commission or by an administrative law judge, when approved and confirmed by the commission and filed in its office, shall be considered findings, orders, and decisions of the commission and shall have the same effect as if originally made by the commission.

Amended by Chapter 306, 2007 General Session

**54-1-4 Official seal.**

The commission shall adopt and use an official seal with the words "Public Service Commission of Utah" and such other designations as the commission may prescribe engraved thereon; by which seal it shall authenticate its acts, orders, and proceedings; and of which seal the courts of this state shall take judicial notice. An impression of such seal shall be filed with the Division of Archives.

Amended by Chapter 67, 1984 General Session

**54-1-5 Office and office hours.**

The office of the commission shall be at the state capital in such rooms in the capitol or in such other public building as shall be assigned to it, and such office shall be open for business between the hours of 9 a.m. and 5 p.m. each business day in the year; one or more responsible persons, to be designated by the commission or by the secretary under the direction of the commission, shall be on duty at such times in immediate charge thereof.

No Change Since 1953

**54-1-6 Employment of staff -- Status and compensation -- Employees not to be parties or witnesses and may not appeal commission decisions.**

- (1) The annual budget of the Public Service Commission shall provide sufficient funds for the commission to hire, develop, and organize an advisory staff to assist the commission in performing the powers, duties, and functions committed to it by statute.
  - (a) The commission may hire:
    - (i) economists, accountants, engineers, statisticians, lawyers, law clerks, and other professional and technical experts;
    - (ii) court reporters, transcribers of tape recordings, clerks, secretaries, and other administrative and support staff;
    - (iii) additional experts as required for a particular matter; and
    - (iv) administrative law judges, who shall be members of the Utah State Bar, and constitute a separate organizational unit reporting directly to the commission.
  - (b) The commission may provide for funds in the annual budget to acquire suitable electronic recording equipment to maintain a verbatim record of proceedings before the commission, any commissioner, or any administrative law judge.
- (2)
  - (a) With the exception of clerical workers in nonconfidential positions, all staff of the Public Service Commission are exempt employees under the State Personnel Management Act and serve at the pleasure of the commission.
  - (b) Administrative law judges are exempt employees under the State Personnel Management Act and may only be removed from office upon due notice and by a unanimous vote of the commission.
  - (c)
    - (i) The Department of Human Resource Management shall determine pay schedules using standard techniques for determining compensation.
    - (ii) The Department of Human Resource Management may make its compensation determinations based upon compensation practices common to utility companies throughout the United States.
- (3)

- (a) The staff or other employees of the commission may not appear as parties or witnesses in any proceeding before the commission, any commissioner, or any administrative law judge.
- (b) The staff or other employees of the commission may not appeal any finding, order, or decision of the commission.

Amended by Chapter 139, 2006 General Session

**54-1-6.5 Executive staff director -- Appointment -- Functions.**

The commission shall appoint an executive staff director, who shall serve at the pleasure of the commission and shall supervise and coordinate staff functions, assist the chairman of the commission with administrative duties, and perform any other duties the commission may direct.

Enacted by Chapter 246, 1983 General Session

**54-1-7 Secretary of commission -- Appointment -- Functions.**

The commission may appoint a secretary of the commission, who shall serve at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission and of all determinations, rulings and orders made by the commission, or by any of the commissioners, and of the approval and confirmation by the commission of the determinations, rulings and orders made by individual commissioners or administrative law judges. The secretary shall be the custodian of the records of the commission, and shall file and preserve at its general office all books, profiles, tariffs, schedules, reports, maps and documents, and all papers whatsoever filed with it or entrusted to its care, and the secretary shall be responsible to the commission for the custody thereof. Under the direction of the commission the secretary shall superintend its clerical business, conduct its correspondence, give notice of all hearings, determinations, rulings and orders of the commission, prepare for service papers and notices required by the commission, and perform other duties the commission may prescribe. The secretary shall have power to administer oaths in all parts of the state in all proceedings by or before the commissioners and in all cases or matters pertaining to the duties of the office of secretary. In the absence of the secretary, the commission may designate another individual to perform the secretary's duties.

Amended by Chapter 246, 1983 General Session

**54-1-7.5 Adoption of internal organization measures.**

The commission shall have authority to adopt internal organizational measures to effectuate efficiency and economy in the management and operations of the commission.

Enacted by Chapter 246, 1983 General Session

**54-1-8 Expenses of commission.**

The Public Service Commission shall be provided by the state with such offices, equipment and facilities as may be proper and necessary for the performance of its duties. All necessary expenses of the commission including salaries of the secretary, and the compensation of all other persons employed by the commission, and all expenses of every kind incurred in the administration of this title shall be paid from the funds appropriated for the use of the commission after being approved by the commission upon claims therefor to be duly audited by the proper authority. The commissioners and secretary and such clerks, experts, attorneys and other

subordinates as may be employed by it, shall be entitled to receive their necessary traveling expenses for authorized travel on business of the commission.

No Change Since 1953

**54-1-10 Conservation planning -- Annual reports.**

The Public Service Commission shall engage in long-range planning regarding public utility regulatory policy in order to facilitate the well-planned development and conservation of utility resources. The commission shall make and submit to the governor and the Legislature an annual report containing a full and complete account of the transactions of its office, together with any facts, suggestions and recommendations it may deem necessary. The Division of Public Utilities shall provide any assistance the commission may require in the preparation of the annual report. The report shall be made and submitted by October 1 of each year or as soon after as may be feasible and shall be published as are the reports of other departments of the state.

Amended by Chapter 246, 1983 General Session

**54-1-11 Prohibited interests, relationships and actions by commissioners and employees.**

- (1) No person employed as a commissioner or as personnel of the commission shall, while so employed:
- (a) Have any pecuniary interest, whether as the holder of stock or other securities, or otherwise have any conflict of interest with any public utility or other entity subject to the jurisdiction of the commission;
  - (b) Have any office, position or relationship, or be engaged in any business or avocation which interferes or is incompatible with the effective and objective fulfillment of the duties of office or employment with the commission;
  - (c) Accept any gift, gratuity, emolument or employment from any public utility or other entity subject to the jurisdiction of the commission or from any other officer, agent, or employee thereof; or
  - (d) Solicit, suggest, request, or recommend, directly or indirectly, the appointment of any person or entity to any office or employment with any public utility or other entity subject to the jurisdiction of the Public Service Commission.
- (2) No officer, agent, attorney, or employee of any public utility shall directly or indirectly solicit, request, or recommend to the governor, any state senator, the commission, or the Division of Public Utilities the appointment of any person as a commissioner or as executive director of the commission, or the appointment of any person to any commission staff position.

Enacted by Chapter 246, 1983 General Session

**54-1-12 Deposit of funds.**

All money collected by the commission under any provision of this title shall be deposited without deduction in the state treasury on or before the 15th day of each month next succeeding the month in which the same was received, accompanied by a statement showing the date received.

Amended by Chapter 116, 2013 General Session

**54-1-13 Commission exploration and development of cleaner air options.**

- (1) The commission shall immediately initiate and conduct proceedings to explore and develop options and opportunities for advancing and promoting measures designed to result in cleaner air in the state through the enhanced use of alternative fuel vehicles, including:
  - (a) consideration of the role that gas corporations should play in the enhancement and expansion of the infrastructure and maintenance and other facilities for alternative fuel vehicles;
  - (b) the potential funding options available to pay for the enhancement and expansion of infrastructure and facilities for alternative fuel vehicles;
  - (c) the role local government, including any local government entity established for the purpose of facilitating conversion to alternative fuel vehicles and of promoting the enhancement and expansion of the infrastructure and facilities for those vehicles, can or should play; and
  - (d) the most effective ways to overcome any obstacles to converting to alternative fuel vehicles and to enhancing and expanding the infrastructure and facilities for alternative fuel vehicles.
- (2) As soon as an interlocal entity described in Subsection 11-13-224(2) is created, the commission shall seek, encourage, and accept the interlocal entity's participation in the commission's proceedings under this section.
- (3) By September 30, 2013, the commission and the interlocal entity described in Subsection 11-13-224(2) shall report to the governor, the Legislative Management Committee, and the Public Utilities, Energy, and Technology Interim Committee:
  - (a) the results of the commission proceedings under Subsection (1); and
  - (b) recommendations for specific actions to implement mechanisms to provide funding for the enhancement and expansion of the infrastructure and facilities for alternative fuel vehicles.

Amended by Chapter 13, 2016 General Session