

**Senator Kevin T. Van Tassell** proposes the following substitute bill:

**ELECTRICAL UTILITY AMENDMENTS -  
EFFICIENCY AND CONSERVATION TARIFF**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: Melvin R. Brown

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**LONG TITLE**

**General Description:**

This bill addresses electric energy efficiency and conservation tariffs for electrical utilities.

**Highlighted Provisions:**

This bill:

- ▶ addresses Public Service Commission (PSC) approval of a tariff proposed by an electrical utility for demand side management or energy efficiency programs including direct load control programs;
- ▶ defines terms;
- ▶ addresses input by various entities before approval of a tariff; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

REPEALS AND REENACTS:



26 **54-7-12.8**, as last amended by Laws of Utah 2009, Chapter 237

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **54-7-12.8** is repealed and reenacted to read:

30 **54-7-12.8. Electric energy efficiency and conservation tariff.**

31 (1) As used in this section:

32 (a) "Demand side management program" means an activity or program designed to  
33 promote electric energy efficiency or conservation or more efficient management of electric  
34 loads.

35 (b) "Direct load control program" means a demand side management program that  
36 allows an electrical corporation to interrupt a customer's load during a period of high demand  
37 or incremental cost by directly controlling a customer's appliance or equipment.

38 (2) It is the policy of this state to encourage reasonable demand side management and  
39 direct load control programs.

40 (3) (a) The commission shall ensure that an electrical corporation recovers all costs  
41 prudently incurred by the electrical corporation for demand side management programs  
42 approved by the commission.

43 (b) A tariff approved under this section may allow the electrical corporation to recover  
44 the costs under a separate line item charge on a customer's bill, or otherwise as determined by  
45 the commission.

46 (4) To the extent practicable, before submitting a proposed demand side management  
47 program tariff to the commission for approval, the electric corporation proposing the tariff shall  
48 ask the commission to convene an advisory group of interested public and private stakeholders  
49 to provide input on the proposed tariff.

50 (5) Before approving a proposed tariff filed by an electric corporation under this  
51 section, the commission shall hold a hearing if:

52 (a) the proposed tariff includes a rate increase as defined by Subsection 54-7-12(1)(b);  
53 or

54 (b) the commission determines that a hearing would be useful.

55 (6) The commission may approve a tariff proposed under this section either with or  
56 without a provision allowing an end-use customer to receive a credit against the charges

57 imposed under the tariff for electric energy efficiency measures that:

58 (a) the customer implements or has implemented at the customer's expense; and

59 (b) qualify for the credit under criteria established by the commission.

60 (7) A direct load control program tariff proposed by an electric corporation that passes  
61 the cost benefit test utilized by the commission and that permits a customer to choose not to  
62 participate in the program without adverse consequence to that customer, other than foregoing  
63 a credit or benefit available for participation, shall be presumed to be in the public interest and  
64 shall be approved by the commission absent a showing by a person that may be affected by the  
65 tariff that the proposed tariff is not in the public interest.

66 (8) A direct load control program may require participation by all customers or all of a  
67 group of customers of the electrical corporation so long as any customer may affirmatively  
68 choose not to participate in the program.

69 (9) Before installation of a load control device, a customer shall be informed of:

70 (a) the nature of the load control program, including how and under what  
71 circumstances it will be applied and the electrical corporation's responsibility relating to  
72 installation, operation, and maintenance of the device;

73 (b) the manner in which the customer may choose not to participate in the program;  
74 and

75 (c) the proposed installation date and process.

76 (10) If a commission order on a proposed tariff submitted under this section includes  
77 any changes or conditions that may reasonably be expected to have a significant impact on the  
78 economics of, or customer participation in, the program, the order may not become effective  
79 for at least 30 days in order to give interested parties an opportunity to notify the commission  
80 of any concerns or objections to the proposed changes or conditions.

81 (11) Unless otherwise ordered by the commission, a proposed tariff under this section  
82 approved by the commission may take effect no sooner than 30 days after the electrical  
83 corporation files the proposed tariff with the commission.

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**Fiscal Note**

**S.B. 47 1st Sub. (Green) - Electrical Utility Amendments - Efficiency and Conservation Tariff**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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