

Chapter 10a
Office of Consumer Services Act

Part 1
General Provisions

54-10a-101 Title.

This chapter is known as the "Office of Consumer Services Act."

Enacted by Chapter 237, 2009 General Session

54-10a-102 Definitions.

For the purpose of this chapter:

- (1) "Applicable public utility" means a public utility in this state for:
 - (a) natural gas;
 - (b) electricity; or
 - (c) telephone.
- (2) "Committee" means the Committee of Consumer Services created in Section 54-10a-202.
- (3) "Director" means the director of the office appointed under Section 54-10a-201.
- (4) "Office" means the Office of Consumer Services created in Section 54-10a-201.
- (5) "Residential consumer" is a customer or user of an applicable public utility who maintains a permanent residence within the state.
- (6) "Small commercial consumer" is a person conducting a business enterprise, agriculture enterprise, or other enterprise in the state that has:
 - (a) less than 25 employees; or
 - (b) a gross income less than \$1,000,000 annually.

Renumbered and Amended by Chapter 237, 2009 General Session

Part 2
Organization

54-10a-201 Office of Consumer Services -- Director.

- (1) There is created within the Department of Commerce the "Office of Consumer Services."
- (2)
 - (a) The governor shall appoint, with the concurrence of the Committee of Consumer Services and the consent of the Senate, a qualified person in the field of public utilities to be the director of the office.
 - (b) The director shall serve for a term of six years.
 - (c) For purposes of the individual who is the director on May 12, 2009, that individual's six-year term is considered to begin on July 1, 2009.
 - (d) The governor may remove the director for cause.
- (3) In accordance with this chapter, the director shall on behalf of the office:
 - (a) represent residential consumers and small commercial consumers of an applicable public utility; and
 - (b) represent the interests of:

- (i) residential consumers; and
- (ii) small commercial consumers.

Renumbered and Amended by Chapter 237, 2009 General Session

54-10a-202 Committee of Consumer Services.

- (1)
 - (a) There is created within the office a committee known as the "Committee of Consumer Services."
 - (b) A member of the committee shall maintain the member's principal residence within Utah.
- (2)
 - (a) The governor shall appoint nine members to the committee subject to Subsection (3).
 - (b) Except as required by Subsection (2)(c), as terms of current committee members expire, the governor shall appoint a new member or reappointed member to a four-year term.
 - (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
 - (d) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term.
- (3) Members of the committee shall represent the following geographic and consumer interests:
 - (a) one member shall be from Salt Lake City, Provo, or Ogden;
 - (b) one member shall be from a city other than Salt Lake City, Provo, or Ogden;
 - (c) one member shall be from an unincorporated area of the state;
 - (d) one member shall be a low-income resident;
 - (e) one member shall be a retired person;
 - (f) one member shall be a small commercial consumer;
 - (g) one member shall be a farmer or rancher who uses electric power to pump water in the member's farming or ranching operation;
 - (h) one member shall be a residential consumer; and
 - (i) one member shall be appointed to provide geographic diversity on the committee to ensure to the extent possible that all areas of the state are represented.
- (4)
 - (a) No more than five members of the committee shall be from the same political party.
 - (b) Subject to Subsection (3), for a member of the committee appointed on or after May 12, 2009, the governor shall appoint, to the extent possible, an individual with expertise or experience in:
 - (i) public utility matters related to consumers;
 - (ii) economics;
 - (iii) accounting;
 - (iv) financing;
 - (v) engineering; or
 - (vi) public utilities law.
- (5) The governor shall designate one member as chair of the committee.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7)

(a) The committee may hold monthly meetings.

(b) The committee may hold other meetings, at the times and places the chair and a majority of the committee determine.

(8)

(a) Five members of the committee constitute a quorum of the committee.

(b) A majority of members voting when a quorum is present constitutes an action of the committee.

Amended by Chapter 286, 2010 General Session

54-10a-203 Attorney general to represent office.

(1) The attorney general shall assign at least one attorney to the office to represent the office.

(2) An attorney assigned to the office under Subsection (1) shall represent the office at a hearing or other proceeding affecting the services, rates, or charges of an applicable public utility.

(3) An attorney assigned to the office may prosecute an action that the office considers necessary to enforce the rights of residential consumers and small commercial consumers of an applicable public utility.

Renumbered and Amended by Chapter 237, 2009 General Session

**Part 3
Powers and Duties of Office**

54-10a-301 Powers and duties of office.

(1) The office shall:

(a) assess the impact of utility rate changes and other regulatory actions related to an applicable public utility on:

(i) residential consumers; and

(ii) small commercial consumers;

(b) assist a residential consumer or a small commercial consumer in appearing before the commission; and

(c) through its director, advocate, on the office's own behalf and in its own name, a position most advantageous to:

(i) residential consumers; and

(ii) small commercial consumers.

(2)

(a) The director may bring an original action in the name of the office before:

(i) the commission; or

(ii) a court having appellate jurisdiction over an order or decision of the commission.

(b) The director on behalf of the office may:

(i) commence an original proceeding, file a complaint, appear as a party, appeal, or otherwise represent residential consumers or small commercial consumers in a matter or a proceeding involving regulation of an applicable public utility pending before one or more of the following of the federal government:

- (A) an officer, department, board, agency, commission, or governmental authority; or
- (B) a court; or
- (ii) intervene in, protest, resist, or advocate the granting, denial, or modification of a petition, application, complaint, or other proceeding, decision, or order of a governmental authority of the federal government.

Renumbered and Amended by Chapter 237, 2009 General Session

54-10a-302 Powers of committee.

By a majority vote of a quorum of the committee, the committee may:

- (1) advise the director as to a duty or power of the office under Section 54-10a-301; and
- (2) give direction to the director on a policy objective related to a duty or power of the office under Section 54-10a-301 that serves the needs of residential consumers and small commercial consumers.

Enacted by Chapter 237, 2009 General Session

54-10a-303 Representation of municipal electrical energy utility prohibited.

The office, director, or committee may not represent, assist, or be an advocate on behalf of a municipality, as defined in Section 10-1-104, that generates, transmits, or distributes electrical energy.

Renumbered and Amended by Chapter 237, 2009 General Session