

54-4a-1 Establishment of division -- Functions.

- (1) There is established within the Department of Commerce a Division of Public Utilities that may:
 - (a) commence original proceedings, file complaints, appear as a party, present factual information and evidence, examine witnesses, advocate policy recommendations, commence appeals, otherwise participate in proceedings before the Public Service Commission, and engage in all other activities consistent with its statutory responsibilities;
 - (b) commence original proceedings, file complaints, appear as a party, appeal, and otherwise represent the public interest in matters and proceedings involving regulation of a public utility pending before any officer, department, board, agency, commission, governmental authority, or court of Utah, of another state, or of the United States, and may intervene in, protest, resist, or advocate the granting, denial, or modification of any petition, application, complaint, or other proceeding, or any decision or order of any of those governmental authorities;
 - (c) investigate or study, upon complaint, upon order of the Public Service Commission, or upon its own initiative, any matter within the jurisdiction of the commission;
 - (d) conduct audits and inspections, or take enforcement actions regarding any matter within the jurisdiction of the commission in order to insure compliance with decisions, orders, and policies of the Public Service Commission, either upon order of the commission or upon its own initiative;
 - (e) require any person or entity subject to the jurisdiction of the Public Service Commission to:
 - (i) provide information, reports, and other data compilations relevant to matters within the jurisdiction of the commission;
 - (ii) provide access to inspect and copy records and other data compilations relevant to matters within the jurisdiction of the commission;
 - (iii) permit inspection of properties and tangible things used in providing public utility service; and
 - (iv) engage in other methods of discovery authorized by the commission;
 - (f) receive complaints from any person or entity regarding matters within jurisdiction of the Public Service Commission;
 - (g) review applications filed with the Public Service Commission and present recommendations to the commission on the disposition of those applications;
 - (h) make recommendations regarding public utility regulatory policy and long-range planning on matters within the jurisdiction of the Public Service Commission; and
 - (i) engage in settlement negotiations and make stipulations or agreements regarding matters within the jurisdiction of the Public Service Commission.
- (2)
 - (a) Any investigations, studies, audits, inspections, enforcement actions, or requests for discovery of information pursuant to Subsection (1)(c), (d), or (e), shall be preceded by reasonable advance notice to the person or entity against whom investigation, study, audit, inspection, enforcement, or discovery is sought.
 - (b) The targeted person or entity may require that a complaint or other formal proceeding be instituted with the Public Service Commission prior to the commencement of the investigation, study, audit, inspection, enforcement, or discovery by the division pursuant to Subsection (1) (c), (d), or (e).
- (3) Any settlements, stipulations, or other forms of compromise or agreement negotiated by the division shall be approved by the commission before becoming effective.

Amended by Chapter 225, 1989 General Session