

1st Sub. H.B. 320
PUBLIC UTILITY AMENDMENTS

Representative **Bennion** proposes the following amendments:

1. Page 1, Line 7: Delete "AND THE ADVISORY BOARD"
2. Page 1, Lines 8-9: Delete "AND THE COMMITTEE OF CONSUMER SERVICES"
3. Page 2, Line 38: After line 38 insert:
"54-10-2, as last amended by Chapter 243, Laws of Utah 1996
54-10-6, as enacted by Chapter 54, Laws of Utah 1977"
4. Page 2, Line 55: Delete line 55
5. Page 3, Lines 69-76: Delete lines 69 through 76
6. Page 4, Lines 111-116: Delete lines 111 through 116 and insert:
"in a manner that provides that:
(a) consumers receive safe, efficient, and reliable services at rates that are just and reasonable and based upon the utility's prudently incurred costs in providing services; and
(b) the public utility is given a reasonable opportunity to achieve a fair rate of return on equity commensurate with other regulated utilities and similar businesses with corresponding risks and uncertainties."
7. Page 5, Line 120: After "consider" insert "factors, including"
8. Page 11, Line 305
House Committee
Amendments 2-23-00: Bracket "Division of Public Utilities" and insert "Office of the Public Advocate"
9. Page 14, Line 427: After "unreasonableness." insert "The burden of proof in any proceeding is not affected by this provision."
10. Page 18, Line 551: After "Advocate" insert ", the Committee of Consumer Services."

11. Page 22, Line 664: After "(v)" insert "(A)"
12. Page 22, Lines 665-666: After "account," delete "for the recovery by a public utility of an increased cost for fuel or energy purchased, or other cost or expense items,"
13. Page 22, Line 667: After line 667 insert:
"(B) Whenever the commission changes the method of recovery of expenses by removing them from mechanisms such as a pass-through or energy balancing account, such change shall operate prospectively after the utility is afforded a reasonable opportunity to have its prudently-incurred expenses that were previously recovered in such mechanisms recovered by a general or single-item rate case."
14. Page 34, Line 1018: After line 1018 insert:
"Section 27. Section **54-10-2** is amended to read:
54-10-2. Committee of Consumer Services created -- Members -- Terms -- Qualifications -- Appointment -- Organization.
(1) (a) There is created within the [~~Division of Public Utilities~~] Office of the Public Advocate of the Department of Commerce a Committee of Consumer Services.
(b) All members shall maintain their principal place of abode within Utah.
(2) (a) The six members shall be appointed by the governor with the advice and consent of the Senate.
(b) Except as required by Subsection (c), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.
(c) Notwithstanding the requirements of Subsection (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 replacement shall be appointed for the unexpired term.
(3) Members 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 his farming or ranching operation; and
 - (h) one member shall be a residential consumer.
- (4) (a) No more than three members of the committee shall be from the same political party.
- (b) The governor shall designate one member as chair of the committee.

Section 28. Section **54-10-6** is amended to read:

54-10-6. Review of public utility accounting procedures and expenditures.

The Committee of Consumer Services, as it deems desirable, may request the [~~Division of Public Utilities~~] Office of the Public Advocate to review accounting procedures and expenditures of natural gas, electric or telephone utilities."

Renumber remaining sections accordingly.

15. Page 35, Line 1054
House Committee
Amendments 2-23-00: At the end of line 1054 insert "and"

16. Page 35, Lines 1055-1056
House Committee
Amendments 2-23-00: Delete lines 1055-1056

Renumber remaining subsections accordingly.

17. Page 37, Line 1116
House Committee
Amendments 2-23-00: Delete "(1)"

Renumber remaining subsections accordingly.

18. Page 37, Lines 1125-1125a
House Committee
Amendments 2-23-00: Reinstate "(2)(a) and (b)" and delete "(b)(i) AND (b)(ii)"

19. Page 37, Lines 1125b-1125s
House Committee
Amendments 2-23-00: Delete lines 1125b through 1125s
 20. Page 37a, Lines 1130-1140
House Committee
Amendments 2-23-00: Delete lines 1130 through 1140
 21. Page 38, Lines 1142a-1160
House Committee
Amendments 2-23-00: Delete lines 1142a through 1160
 22. Page 38, Lines 1161a-1162
House Committee
Amendments 2-23-00: Delete lines 1161a through 1162
 23. Page 39, Lines 1175-1176: Reinstate bracketed language
 24. Page 39, Lines 1177-1178: Reinstate bracketed language and delete underlined language
- Renumber remaining subsections accordingly.**
25. Page 40, Lines 1226-1234: Delete lines 1226 through 1234
 26. Page 41, Lines 1239
House Committee
Amendments 2-23-00: After "Utilities" delete "and the Committee of Consumer Services"