

UTILITY PROCEEDINGS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to utility proceedings.

Highlighted Provisions:

This bill:

▶ directs the Public Service Commission to conduct proceedings to determine whether battery storage requirements should be a part of an integrated resource plan;

▶ establishes a reporting requirement for the results of the commission's investigation;

and

▶ exempts the Division of Public Utilities and the Office of Consumer Services from the procurement requirements for certain situations where compliance is difficult.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

54-4a-3, as last amended by Laws of Utah 2006, Chapter 139

54-10a-301, as renumbered and amended by Laws of Utah 2009, Chapter 237

ENACTS:

54-1-14, Utah Code Annotated 1953



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

Section 1. Section **54-1-14** is enacted to read:

54-1-14. Commission exploration of storage requirements.

(1) As used in this section, "affected electrical utility" means the same as that term is defined in Section [54-17-102](#).

(2) The commission shall immediately initiate and conduct proceedings to explore whether the state should require the inclusion of battery storage in an integrated resource plan, including:

(a) consideration of the role that affected electrical utilities should play in the enhancement and expansion of battery storage options;

(b) consideration of the cost-effectiveness and the reliability of battery storage options;

(c) consideration of how battery storage options can help meet demand-side and supply-side needs;

(d) the potential need for the enhancement and expansion of the infrastructure and facilities for increased battery storage; and

(e) the most effective ways battery storage can play a part in an affected electrical utility's demand and energy forecast.

(3) The commission shall present the results of the proceedings described in Subsection (2) to the Public Utilities, Energy, and Technology Interim Committee on or before January 1, 2022.

Section 2. Section **54-4a-3** is amended to read:

54-4a-3. Budget of division -- Employment of personnel.

(1) The annual budget of the Division of Public Utilities shall provide sufficient funds for the division to hire, develop, and organize a technical and professional staff to perform the duties, powers, and responsibilities committed to ~~[it]~~ the division by statute.

(2) The division director may:

(a) hire economists, accountants, engineers, inspectors, statisticians, lawyers, law clerks, and other technical and professional experts as may be required;

(b) retain additional experts as required for a particular matter, but only to the extent that it is necessary to supplement division staff in order to fulfill ~~[its]~~ the division's duties; and

59 (c) employ necessary administrative and support staff.

60 (3) (a) The Department of Human Resource Management shall determine pay
61 schedules using standard techniques for determining compensation.

62 (b) The Department of Human Resource Management may make [its] compensation
63 determinations based upon compensation common to utility companies throughout the United
64 States.

65 (4) When retaining an expert under Subsection (2)(b), the division director is not
66 required to comply with Title 63G, Chapter 6a, Utah Procurement Code, if compliance with
67 that title would make it difficult for the division director to meet a deadline set by the Public
68 Service Commission or the Legislature.

69 Section 3. Section **54-10a-301** is amended to read:

70 **54-10a-301. Powers and duties of office.**

71 (1) The office shall:

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

74 (i) residential consumers; and

75 (ii) small commercial consumers;

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

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

80 (i) residential consumers; and

81 (ii) small commercial consumers.

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

83 (i) the commission; or

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

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

86 (i) commence an original proceeding, file a complaint, appear as a party, appeal, or

87 otherwise represent residential consumers or small commercial consumers in a matter or a

88 proceeding involving regulation of an applicable public utility pending before one or more of

89 the following of the federal government:

90 (A) an officer, department, board, agency, commission, or governmental authority; or

91 (B) a court; or

92 (ii) intervene in, protest, resist, or advocate the granting, denial, or modification of a

93 petition, application, complaint, or other proceeding, decision, or order of a governmental

94 authority of the federal government.

95 (3) When retaining an expert to aid the director in exercising the duties described in

96 Subsection (2), the director is not required to comply with Title 63G, Chapter 6a, Utah

97 Procurement Code, if compliance with that title would make it difficult for the director to meet

98 a deadline set by the Public Service Commission or the Legislature.