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*Attorneys for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE FORMAL )	
COMPLAINT OF RICHARD )	Docket No. 14-035-84
RAWLINSON AGAINST ROCKY )	
MOUNTAIN POWER )	
)	

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**ROCKY MOUNTAIN POWER’S ANSWER AND MOTION TO DISMISS**

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Rocky Mountain Power, a division of PacifiCorp (the “Company”), pursuant to Utah Code Ann. §§ 63G-4-204(1) and Utah Admin. Code R746-100-3 and -4, provides its Answer to the complaint filed by Richard Rawlinson (“Complaint”). In addition, the Company moves that the Complaint be dismissed in its entirety, with prejudice, because Rocky Mountain Power has not violated any provision of law, Commission order or rule, or Company tariff.

**I. PRELIMINARY MATTERS**

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## **ANSWER**

Rocky Mountain Power denies the claims set forth in the Complaint filed by Mr. Rawlinson. The Company has not violated any provision of Utah law or Commission Rule, and has denied the incentive application rebates submitted by Mr. Rawlinson in accordance with its tariff. As described below, Mr. Rawlinson does not agree with the qualifications for Rocky Mountain Power's home energy savings incentive program.

## **II. BACKGROUND**

1. Mr. Rawlinson resides at [REDACTED] and has been the customer of record at the location since October 1979.

2. Rocky Mountain Power's Home Energy Savings Incentive Program, ("the Program") administered through Schedule No. 111, offers customers cash incentives and referrals to qualified contractors to help make homes more energy efficient. Cash incentives are offered on a variety of products and services the help to lower customer's

electric bills. A copy of Rocky Mountain Power's Electric Service Schedule No. 111 is attached as **Exhibit A**.

3. The Company received a total of two incentive applications from Mr. Rawlinson at various times and for different incentives. The following explains the basis for the denial of each of the Complainant's applications.

4. On May 20, 2013, the Company received an incentive application from Mr. Rawlinson for a central air conditioner incentive of \$150.00 along with a gas furnace incentive of \$200.00. This incentive application is attached as **Confidential Exhibit B**.

5. On June 6, 2013, the incentive application for Mr. Rawlinson was marked as non-qualified for two reasons. The first reason was Mr. Rawlinson did not use a participating or qualified HVAC trade ally. The second reason was Mr. Rawlinson's incentive application was received 91 days after the completed work date. Later the same day, the Program mailed Mr. Rawlinson a letter explaining why he did not qualify for the incentive program. The denial letter is attached as **Confidential Exhibit C**.

6. A trade ally is a contractor or retailer who sells or installs equipment or performs services for home energy upgrades. The program requires participating and qualified trade ally contractors for certain equipment to ensure quality installations are done by licensed, insured, bonded and respected contractors. Some equipment and installations require additional certification that the program verifies such as requiring North American Technician Excellence certification for central air conditioner best practices installation. The screening and certification criteria provide a reliable way to compare contractors to each other and creates a minimum threshold for professionalism. **Confidential Exhibit B**, the incentive application submitted by Mr. Rawlinson, clearly

states multiple times that the incentives he was requesting required the work be done by a participating or qualified trade ally.

7. The Commission has previously required that the Company strictly apply the 90-day requirement for receipt of incentive application and whether reasonable exceptions to the 90-day period are acceptable. In its July 19, 2010, Report and Order in Docket No. 10-035-T05, which approved changes to Schedule 111, the Commission stated it would allow only extremely narrow exceptions to the 90-day requirement:

Regarding the Company's request for an interpretation regarding the strict application of the 90-day requirement for receipt of incentive applications and whether reasonable exceptions to the 90-day period are acceptable on a case by case basis. We recognize there could be instances, such as being called for immediate military duty or other public service or the occurrence of an emergency or extended medical problem, where an extension for submittal of an incentive application may be appropriate. That being said, these types of exceptions are reasonable so long as the exception documented in writing and attested to by the customer's senior military/public service official, or medical provider and is verifiable. The extent to which exceptions are provided shall be a topic of discussion for the DSM Advisory Group to determine if this issue requires further attention.

Rocky Mountain Power has no evidence from Mr. Rawlinson that such an extension should be granted. The point is moot, however, as Mr. Rawlinson also did not meet the requirements for the incentive application because he did not use a participating or qualified HVAC trade ally.

8. On June 14, 2013, Mr. Rawlinson contacted the Program regarding the denial of his incentive application. The denial reasons were reviewed with Mr. Rawlinson. Mr. Rawlinson did not agree with the trade ally stipulation and felt his contractor having a business license in the State of Utah should be sufficient. The Program offered to contact Mr. Rawlinson's contractor to see if they would be interested in becoming a trade ally,

however this option was declined. Mr. Rawlinson escalated his concerns to a Company supervisor, who again advised Mr. Rawlinson his application was denied correctly per Rocky Mountain Power's Electric Service Schedule No. 111.

9. On May 5, 2014, the Program received an incentive application from Mr. Rawlinson for a central air conditioner best practice installation of \$50.00, a central air conditioner proper sizing incentive of \$50.00, and for a super bundle incentive of \$200.00. This incentive application is attached as **Confidential Exhibit D**.

10. On May 20, 2014, the incentive application for Mr. Rawlinson was marked as non-qualified because Mr. Rawlinson did not use a participating or qualified HVAC trade ally. Later the same day, the Program mailed Mr. Rawlinson a letter explaining why he did not qualify for the incentive program. The denial letter is attached as **Confidential Exhibit E**.

11. On May 23, 2014, Mr. Rawlinson escalated his concerns to the Utah Division of Public Utilities ("DPU"). The DPU provided the Company with Mr. Rawlinson's informal complaint, which was assigned to a Company Regulatory Analyst. In his complaint, Mr. Rawlinson stated it was not right for the Program to deny his incentive application for being one day late and for not being able to use his contractor, who is licensed by the State of Utah.

12. On May 28, 2014, the Company reaffirmed the denial of Mr. Rawlinson's incentive applications. Based on the information provided on Rocky Mountain Power's incentive application, and in accordance with Electric Service Schedule No 111, the Complainant did not qualify to receive any cash incentive.

### **III. MOTION TO DISMISS**

The Company moves under Utah Rules of Civil Procedure, Rule 12(b)(6) for an Order dismissing the Complaint. As set forth fully above, the Complaint fails to establish the Company violated Commission rules, Company tariffs or that its actions are unjust, and accordingly, should be dismissed with prejudice.

### **CONCLUSION**

WHEREFORE having fully answered Complainant's complaint and finding no violation of law, Commission rules, or Company tariffs to base an award of the relief requested, the Company prays for the dismissal of the Complaint with prejudice.

Dated this 6<sup>th</sup> day of August 2014.

Respectfully submitted,

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