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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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|----------------------------------------|---------------------------------|
| In the Matter of Alan and Wendy Houtz, | : |
| | : |
| Complainants, | : Docket No. 17-035-05 |
| | : |
| vs. | : |
| | : ROCKY MOUNTAIN POWER’S |
| Rocky Mountain Power, | : ANSWER AND |
| | : MOTION TO DISMISS |
| Respondent. | : |
| | : |
| | : |

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 Alan and Wendy Houtz (“Mr. & Mrs. Houtz” or “Complainants”). 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.

PRELIMINARY MATTERS

Communications regarding this Docket should be addressed to:

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BACKGROUND

1. Mr. & Mrs. Houtz made a request to Rocky Mountain Power to provide new electric service to a new shop being built at [REDACTED]. The new shop also included a built in apartment. A picture of the construction of Mr. & Mrs. Houtz's new shop/apartment is attached as **Confidential Exhibit A**.

2. A copy of the load sheet provided by Mr. and Mrs. Houtz is attached as **Confidential Exhibit B**. The load sheet listed typical loads for a residential building.

3. An estimator for Rocky Mountain Power designed a job to bring the requested additional electric load for the new shop/apartment from an existing 50 kVA transformer. The load required the transformer to be changed out to a 75 kVA transformer.

A contract was created and issued to Mr. & Mrs. Houtz for \$ [REDACTED]. **Refer to Confidential Exhibit C.**

4. The Complainants objected to being required to pay for up sizing the transformer and on January 13, 2017, Mr. & Mrs. Houtz escalated their concerns to the Utah Division of Public Utilities (“DPU”). The DPU provided the Company with the informal complaint filed by Mr. & Mrs. Houtz, and the informal complaint was assigned to a Rocky Mountain Power Regulatory Analyst. In their complaint, Mr. & Mrs. Houtz questioned: (1) why a new transformer was being installed at their expense yet other customers would be able to use it; and (2) why a new transformer recently installed for a neighbor could not be used for their job.

5. Mr. & Mrs. Houtz request for power to the new building is a line extension request and they are responsible to pay the cost to bring additional power to their lot in accordance with Rocky Mountain Power’s Regulation 12, Section 2(a). Rocky Mountain Power’s Regulation 12, Section 2(a) reads as follows:

2. RESIDENTIAL EXTENSIONS

(a) Extension Allowances

The Extension Allowance for permanent single residential applications is \$1100. The Extension Allowance for a residential application in a planned development where secondary voltage service is available at the lot line is \$350. The Applicant must advance the costs exceeding the Extension Allowance prior to the start of construction.

6. Pursuant to discussions with the Complainants, Rocky Mountain Power reviewed the original job design and was able to modify the design in order to complete the work at a lower cost. It was determined that rather than replacing the 50 kVA transformer with a 75 kVA transformer, the Company could install a new 50 kVA transformer on a different pole a little further away, but at less cost. A revised contract was created and issued to Mr. & Mrs. Houtz for \$ [REDACTED]. **Refer to Confidential Exhibit D.**

7. On February 9, 2017, the Company received the updated signed contact from Mr. & Mrs. Houtz. Because Mr. & Mrs. Houtz had already provided to the Company, a payment of \$[REDACTED] along with the original signed contract, a refund check in the amount of \$[REDACTED], the cost difference, was issued to them on February 16, 2017.

MOTION TO DISMISS

9. The Company moves under Utah Rules of Civil Procedure, Rule 12(b)(6) for an Order dismissing the Complaint. In support of this motion, the Company states the Complaint fails to establish the Company violated Commission rules, Company tariffs or that its actions are unjust.

10. The Complainant alleges they should not have to bear the cost of the transformer when it will serve other customers. Rocky Mountain Power's Regulation No. 12 re-affirms customers are responsible to pay the cost when requesting service to a new residence and the existing facilities are unable to serve the new load minus the \$1100 allowance. Although the tariff provides the option to receive a credit should additional customers connect to this line, the complainant chose to receive a Contract Administration Credit of \$250 and waive their right to refunds should additional customers connect to this line.

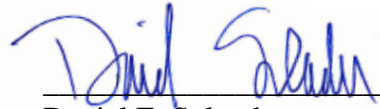
11. As described above, Rocky Mountain Power followed all of its Commission-approved tariffs, and has now reached agreement with Complainants on an alternative solution, and has executed a new contract that replaces the one that gave rise to this Formal Complaint. Accordingly, the Formal Complaint should be dismissed with prejudice.

CONCLUSION

WHEREFORE, based on the foregoing, having fully answered Complainant's complaint, the Company prays for the dismissal of the Complaint with prejudice because it has not violated any provisions of law, Commission Rule or Company tariff.

Dated this 24th day of February 2017.

Respectfully submitted,



Daniel E. Solander

Attorney for Rocky Mountain Power