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September 22, 2017

VIA ELECTRONIC DELIVERY

Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Secretary

RE: In the Matter of the Formal Complaint of Steven Seftel against PacifiCorp, Inc., dba Rocky Mountain Power
Docket No. 17-035-46

Dear Mr. Widerburg:

Rocky Mountain Power (“Company”) hereby submits for filing its response to the Formal Complaint of Steven Seftel, filed August 24, 2017, in the above referenced matter.

The Company respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): datareq@pacificorp.com
bob.lively@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, OR 97232

Informal inquiries may be directed to Bob Lively at (801) 220-4052.

Sincerely,

Daniel E. Solander
Senior Attorney

Enclosures

cc: Service List (w/ enclosures)

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Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Steven Seftel,	:
	:
Complainant,	: Docket No. 17-035-46
	:
vs.	:
	:
Rocky Mountain Power,	: ROCKY MOUNTAIN POWER’S
	: ANSWER AND
Respondent.	: MOTION TO DISMISS
	:
	:
	:

Rocky Mountain Power, a division of PacifiCorp (the “Company”), pursuant to Utah Code Ann. §§ 63G-4-204(1) and Utah Admin. Code R746-1-203, R746-1-206, and R746-1-301, provides its Answer to the complaint filed by Steven Seftel (“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, and further, Mr. Seftel has not demonstrated, pursuant to Utah Admin. Code R746-1-201(2), that the Division of Public Utilities (the

“Division”) has reviewed the complaint and determined that Commission action is warranted.

I. PRELIMINARY MATTERS

Communications regarding this Docket should be addressed to:

By e-mail (preferred): datarequest@pacificorp.com
bob.lively@pacificorp.com
daniel.solander@pacificorp.com

By mail: Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 800
Portland, OR 97232

Robert C. Lively
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Telephone: (801) 220-4052

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II. BACKGROUND

1. Mr. Seftel is currently the customer of record for the electric service at [REDACTED], Utah (“residence”). Mr. Seftel’s electric service is fed from the Oakland Substation off circuit number 13.

2. Mr. Seftel contacted Rocky Mountain Power on June 12, 2017, to report flickering lights. Although the Company initially believed the flickering lights were part of an outage, it was later confirmed to have resulted from a wind storm in the area with recorded wind gusts up to 53 miles per hour.

3. On June 19, 2017, Mr. Seftel contacted Rocky Mountain Power to advise of damages his furnace experienced during the wind storm on June 12, 2017. A damage claim form was mailed to Mr. Seftel.

4. On July 6, 2017, Rocky Mountain Power received a completed claim form from Mr. Seftel. In his damage claim, Mr. Seftel was seeking reimbursement for \$1,657.77, which included repair costs for his furnace and a new replacement kitchen fluorescent light.

5. On July 20, 2017, Rocky Mountain Power's claim department issued a letter to Mr. Seftel advising his damage claim was denied as the Company determined the interruption was the result of an incident outside the Company's control. Rocky Mountain Power's Regulation 4, Section 5 (a) states:

“Unless otherwise specified in a service agreement, electric service is intended to be continuously available. It is inherent, however, that there will at times be some degree of failure, interruption, suspension, curtailment or fluctuations. The Company does not guarantee constant or uninterrupted delivery of Electric Service and shall have no liability to its Customers or any other persons for any interruption, suspension, curtailment, or fluctuation in Electric Service or for any loss or damage caused thereby if such interruption, suspension, curtailment or fluctuation results from the following:

(a) Causes beyond the Company's reasonable control including, but not limited to, accident or casualty, fire, flood, drought, wind, action of the elements or other acts of God, court orders, litigation, breakdown of or damage to facilities of the Company or of third parties, strikes, or other labor disputes, civil, military or governmental authority, electric disturbances originating on or transmitted through electrical systems with which the Company's system is interconnected and acts or omissions of third parties.

6. On August 10, 2017, Mr. Seftel escalated his concerns to the Division of Public Utilities. Mr. Seftel requested the Company accept liability and rather than seek his original reimbursement cost of \$1,657.77, he sought to cover the replacement cost of an equivalent 80% efficiency single stage home furnace (\$3,737.00) and also the replacement and installation cost (\$230.00) of an equivalent kitchen 4-tube fluorescent light.

7. On August 15, 2017, the Company responded to Mr. Seftel and the Utah Division of Public Utilities reaffirming the denial of Mr. Seftel's damage claim. On the day Mr. Seftel's states his appliances were damaged, high winds likely caused his electric service to flicker and dim. When power variations occur as a result of circumstances beyond our reasonable control, the Company does not provide compensation for loss.

8. On July 7, 2017, Mr. Seftel escalated his concerns and the formal complaint was docketed.

III. 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 Mr. Seftel (the "Complainant") fails to establish the Company violated Commission rules, Company tariffs or that its actions are unjust. Mr. Seftel has also failed to demonstrate, pursuant to Utah Admin. Code R746-1-201(2), that the Division has reviewed the complaint and determined that Commission action is warranted.

10. The Complainant requests: (1) Rocky Mountain Power take accountability for "the strange and inconsistent power issues" that broke his furnace and damaged his ceiling light so he can pursue compensation; and (2) Rocky Mountain Power update our "delivery equipment" to his house in order to prevent future issues.

11. In his complaint, Mr. Seftel cites "excessive history of power loss and fluctuations at this address." In response, Rocky Mountain Power submits a three year outage history for Mr. Seftel's residence as **Exhibit A**. Oakland Circuit Number 13 has reported three sustained outages and two momentary outages in the past 36 months. One

sustained outage, occurring on May 12, 2016, was a planned interruption with customer being provided notice of the interruption.

12. To investigate Mr. Seftel's concern for "strange and inconsistent power issues", Rocky Mountain Power installed a recording volt meter on September 11, 2017, at this residence to monitor the voltage. On September 19, 2017, the company removed the recording volt meter and found that there were no sustained or recurring momentary interruptions experienced during the time the recording volt meter was installed. Although this time period is a small sample size, any recurring issues unrelated to weather events would be expected to occur during this time period.

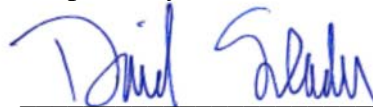
13. The complaint does not state that the Division has determined that Commission action is warranted. In the Informal Complaint Report attached as Exhibit A to Mr. Seftel's Formal Complaint, the Division specifically states "please be advised that the Public Service Commission does not have the authority to award damages."

IV. 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 22nd day of September, 2017.

Respectfully submitted,



Daniel E. Solander

Attorney for Rocky Mountain Power

Exhibit A

REDACTED
Outage History

Name: Mr. Steven Seftel

Site Address: [REDACTED]

Meter Number: 51177737

Date	Time	Duration (Minutes)	Area	Substation	Circuit	Category	Cause	Component
09/26/14	5:11 PM	0.4	SLC Metro	Oakland	OAK13	OTHER	UNKNOWN	NO DISTRIBUTION DAMAGE
	6:02 PM	2.7	SLC Metro	Oakland	OAK13	PLANNED	EMERGENCY DAMAGE REPAIR	PRIMARY CONDUCTOR OH
12/17/15	9:38 AM	211.5	SLC Metro	Oakland	OAK13	EQUIPMENT FAILURE	DETERIORATION	CONNECTOR OH
05/12/16	8:31 AM	389.8	SLC Metro	Oakland	OAK13	PLANNED	CUSTOMER NOTICE GIVEN	PLANNED OUTAGE
05/19/16	10:42 PM	81.8	SLC Metro	Oakland	OAK13	LOSS OF SUPPLY	LOSS OF TRANSMISSION LINE	NO DISTRIBUTION DAMAGE

CERTIFICATE OF SERVICE

Docket No. 17-035-46

I hereby certify that on September 22, 2017, a true and correct copy of the foregoing was served by electronic mail to the following:

Steven Seftel socastevie@yahoo.com

Utah Office of Consumer Services

Cheryl Murray cmurray@utah.gov

Michele Beck mbeck@utah.gov

Division of Public Utilities

Erika Tedder etedder@utah.gov

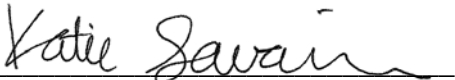
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Katie Savarin
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