

---

Formal Complaint of Scott Macdonald against Rocky Mountain Power	<u>DOCKET NO. 20-035-24</u> <u>NOTICE OF ELECTRONIC STATUS AND SCHEDULING CONFERENCE AND REQUEST FOR STATUS REPORT</u>
--	---

---

ISSUED: November 18, 2020

**1. Background**

On August 5, 2020, the Public Service Commission (PSC) issued an Order Denying Motion to Dismiss and for Supplemental Information (“Order”), directing Rocky Mountain Power (RMP) to provide additional information concerning the issues involved in Mr. MacDonald’s (“Complainant”) Complaint. On September 2, 2020, RMP provided a thorough response (“Response”).

In the Response, RMP affirmed that measurable problems with “flicker” have existed with respect to Complainant’s service and that the problems are attributable to the large fluctuating load of a particular commercial customer (the “Large Customer”) in the area. RMP explained that it relies on the Institute of Electrical and Electronics Engineers Standard 1453 (the “IEEE Standard”) to measure and assess flicker, which uses a metric called “P<sub>st</sub>.”<sup>1</sup> RMP “considers light flicker to be problematic if the magnitude of P<sub>st</sub> is above 1.0 for greater than 1% of a measuring period.” RMP placed a power quality meter at Complainant’s home from October 24-31, 2019, which produced readings “in excess of 1.0 for 51% of the readings.” RMP further explained “[c]ompliance is determined by utilizing the ninety-nine percentile of the readings and

---

<sup>1</sup> According to RMP, this metric “evaluates the amount of voltage fluctuations over a ten minute interval to calculate the probability that a human would observe light flicker in an incandescent 60 Watt bulb within those ten minutes.”

the [Complainant's] home had a measured level of 1.75 P<sub>st</sub> -- well above the aforementioned 1.0 P<sub>st</sub> recommended level.”

RMP represented that “[s]ince then, [it] has been working diligently ... to reduce flicker levels” for Complainant, including significant efforts to work with the Large Customer whose fluctuating loads are causing the flicker; modifying the phase of Complainant’s service away from B phase to A phase because the flicker levels were higher on the B phase; and providing Complainant options for “non-dimmable LEDs and LEDs” from certain manufacturers that reduce visible flicker.

Having made these efforts, RMP again placed a power quality meter at Complainant’s residence from August 14-20, 2020, which “showed the P<sub>st</sub> flicker compliance level was 1.03 ... a substantial improvement from the 2019 level of 1.75.”

In response to the PSC’s inquiry, RMP recognized its Electric Service Regulations reflect RMP’s “ultimate authority to deny service to a large industrial customer with high fluctuating loads, if improvements are not made, at [the] customer’s cost.” However, “[t]o date, [RMP] does not believe that the flicker experienced by Complainant ... reflects a situation where the high load customer has ‘seriously impair[ed]’ service,’ especially to the extent necessary to justify the installation of new equipment costing the Large Customer millions of dollars.”<sup>2</sup> Rather, RMP

---

<sup>2</sup> RMP does not quantify the cost to the Large Customer to remediate the flicker issue, though it has attached confidential correspondence with the Large Customer reflective of RMP’s efforts to alleviate the problem. According to Complainant, RMP has represented to him that “it would take a 6-8 million dollar” investment by the Large Customer to implement “a permanent fix to the area’s power problem.” (Complainant’s Response to RMP’s Request for Dismissal, filed June 29, 2020.)

maintains it has “diligently pursued working with the Large Customer to bring flicker levels into an acceptable range through more economically efficient measures to manage use of loads through the Large Customer’s operating practices.”

Having reviewed RMP’s Response, the PSC requested Complainant to file a response to RMP’s filing, including an update as to the severity of his service quality issues and specifying what remedy he seeks from the PSC and whether he wishes to proceed to a hearing. On September 28, 2020, Complainant filed his response.

Complainant represents the “flicker in [his] home is noticeable and bothersome on a daily basis” but “not constant.” According to Complainant, he enjoys “hours of quality light” but also flickering that “will stretch for hours.” Complainant also asserts he has “noticed no obvious improvement in reducing either the frequency or severity of the flicker ... since [RMP] states there has been substantial improvement.” Complainant concedes “[i]t is encouraging that the average [P<sub>st</sub>] value reduced” from 1.75 to 1.03 in the more recent testing, but he points out that RMP did not identify what percentage of the readings exceeded 1.0. That is, RMP represented in its Response that the earlier testing in 2019 showed excessive levels in 51% of the readings and a “compliance level” of 1.75 P<sub>st</sub>, but RMP’s Response only provides the “compliance level” value (1.03) for the more recent test period without indicating what percentage of the readings exceeded 1.0.

Complainant expresses ambivalence toward a hearing, but asks that the PSC “set a reasonable date for RMP to show multiple testing periods in [his] area that adhere to [the applicable] standard.” While Complainant does not “believe a hearing [is] necessary,” he would

like a hearing if necessary to obtain the relief he seeks. Complainant asks the PSC to “stay involved in oversight of the correction of this problem.”

**2. Discussion and Order to File Status Reports in Advance of Status Conference**

The PSC recognizes the difficult situation these circumstances present for both parties. The parties’ representations thus far leave little doubt that the Large Customer’s operations have affected RMP’s ability to provide Complainant with service consistent with the IEEE Standard. While RMP appears to have made considerable efforts to remedy the problem, the PSC recognizes it has limited control given that the problems arise from a third party’s usage.

The PSC appreciates RMP’s thorough and forthright Response to its request for additional information and the improvements RMP’s efforts to correct the problem have yielded. Yet, questions of fact continue to exist as to the severity of the problems Complainant is experiencing. For example, Complainant’s question regarding what percentage of testing periods in RMP’s more recent testing (*i.e.* August 2020) showed  $P_{st}$  levels above 1.0 seems a highly relevant consideration. That is, RMP represented the earlier testing showed the  $P_{st}$  was “in excess of 1.0 for 51% of the readings” and resulted in a compliance level of 1.75  $P_{st}$ , but RMP’s Response only provides a compliance level of 1.03 for the later testing without indicating what percentage of the readings exceeded 1.0.<sup>3</sup> Likewise, the parties’ filings prompt additional

---

<sup>3</sup> Complainant appears to believe RMP’s reported compliance level of 1.03 represents “the average of the readings over the testing period.” Regardless of whether this understanding is accurate, Complainant’s underlying concern about how often his service fails to meet the IEEE Standard seems an appropriate and relevant consideration. The extent to which the compliance value of 1.03 informs this question is unclear to the PSC based on RMP’s description of the metric in its Response.

questions as to Complainant's willingness to implement RMP's suggested mitigation measures (e.g. alternative light bulbs) and their efficacy.

Given that an issue with service quality has plainly existed and questions exist as to whether and what extent it persists, dismissal or denial of the Complaint seems premature. Yet, Complainant is ambivalent about proceeding to a hearing. Given that Complainant is a residential customer who does not appear to enjoy legal counsel, his ambivalence is understandable because the issues presented are both legally and technically complex. Therefore, with no request for a hearing date, the PSC will not unilaterally set this matter for hearing before the end of the year. Doing so would likely consume attention and resources that the parties could more productively spend addressing the underlying problem.

At this juncture, the PSC believes the most appropriate course is to set the docket for a Status and Scheduling Conference on **Wednesday, February 24, 2021**. This will allow the parties time to more fully explore what measures exist to mitigate or resolve the problem to the extent it persists. However, to increase the likelihood the conference will be productive, the PSC directs both Complainant and RMP to file a Status Report in advance of the conference and no later than **Wednesday, February 17, 2021**.

Complainant's Status Report should (i) advise whether and to what extent the problems with his electric service persist; and (ii) describe any efforts in which he has participated or been invited to participate to mitigate the issue, including but not necessarily limited to alternative lighting options.

RMP's Status Report should (i) fully describe the results of its August 2020 testing and any subsequent testing, including the percentage of testing periods in which the  $P_{st}$  levels exceeded 1.0; (ii) describe any additional efforts RMP has made to remedy the problem and the results of such efforts; and (iii) if testing continues to show Complainant's flicker issue exceeds the IEEE Standard, identify what actions RMP or the Large Customer would need to take to reliably and consistently bring Complainant's service into compliance with the IEEE Standard, including estimates as to any associated costs and who RMP believes would be responsible for paying them.

**3. Notice of Electronic Status and Scheduling Conference**

The PSC gives notice its designated Presiding Officer will conduct a Status and Scheduling Conference in this docket on **Wednesday, February 24, 2021 at 1:00 p.m.** Due to current efforts to avoid mass gatherings, this Status and Scheduling Conference will be telephonic only. Participants should use the following bridge number: 720-279-0026 or 877-820-7831, and the following passcode: 249364, to participate.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicate aids and services) during the proceeding should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the conference.

DOCKET NO. 20-035-24

- 7 -

DATED at Salt Lake City, Utah, November 18, 2020.

/s/ Michael J. Hammer  
Presiding Officer

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#316447

CERTIFICATE OF SERVICE

I CERTIFY that on November 18, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Scott Macdonald ([bones3mac@gmail.com](mailto:bones3mac@gmail.com))

Data Request Response Center ([datareq@pacificorp.com](mailto:datareq@pacificorp.com)),  
([customeradvocacyteam@pacificorp.com](mailto:customeradvocacyteam@pacificorp.com))

PacifiCorp

Jana Saba ([jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com))

Autumn Braithwaite ([autumn.braithwaite@pacificorp.com](mailto:autumn.braithwaite@pacificorp.com))

Emily Wegener ([emily.wegener@pacificorp.com](mailto:emily.wegener@pacificorp.com))

Rocky Mountain Power

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))

Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))

Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))

Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))

Division of Public Utilities

Alyson Anderson ([akanderson@utah.gov](mailto:akanderson@utah.gov))

Bela Vastag ([bvastag@utah.gov](mailto:bvastag@utah.gov))

Alex Ware ([aware@utah.gov](mailto:aware@utah.gov))

([ocs@utah.gov](mailto:ocs@utah.gov))

Office of Consumer Services

---

Administrative Assistant