

ORIGINAL

Rod Stephens (Pro Se)
1114 N. Morgan Valley Drive
Morgan, UT 84050
Telephone: (801) 845-7051
Email: roddstephens@gmail.com

UTAH PUBLIC
SERVICE COMMISSION

2014 JUL 22 P 1:39

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE FORMAL)
COMPLAINT OF ROD STEPHENS)
AGAINST ROCKY MOUNTAIN POWER)

DOCKET NO. 14-035-52

**COMPLAINANT'S REQUEST
FOR REVIEW**

REQUEST FOR REVIEW

1. Complainant, Rod Stephens, pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, respectfully requests that the Public Service Commission of Utah (Commission) review its June 30, 2014, Order Granting Rocky Mountain Power's Motion to Dismiss.

2. Complainant agrees with the Commission's recitation of the facts in this case as found in the Background Section of its order. However, Complainant respectfully disagrees with the Commission's "Plain Reading" of Electric Service Regulation No. 12, Section 2(e). Specifically, given the Commission's reading of Section 2(e), the Complainant does not see where 2(e)(2) would ever be applicable such that "the facilities upgrade shall be treated as a system improvement and not charged to the Customer . . ."

3. In issuing its Order, the Commission seems to have applied Section 2(e)(1) without first considering why Section 2(e) is even applicable to the Complainant. Section 2(e) provides the following:

2. RESIDENTIAL EXTENSIONS

(e) Transformation Facilities

When an existing residential Customer adds load, or a new residential Customer builds in a subdivision where secondary service is available at the lot line either by means of a transformer or a secondary junction box and the existing transformation facilities or service conductors are unable to serve the increased residential load:

- 1) the facilities upgrade shall be treated as a standard line extension if Customer's demand exceeds the capacity of the existing facilities;
- 2) the facilities upgrade shall be treated as a system improvement and not be charged to the Customer if the Customer's demand does not exceed the capacity of the existing facilities. (Emphasis added.)

4. Before determining whether Section 2(e)(1) or 2(e)(2) applies, the Commission must first find that "the existing transformation facilities or service conductors are unable to serve the increased residential load." This requirement takes into consideration both the new residential customer's load and any existing customer's load serviced by the existing transformation facilities or service conductors. Thus, as in Complainant's situation, where the combined load from the Complainant's new residence and the existing customer exceeds the existing facilities or conductors, the question then becomes whether Section 2(e)(1) or 2(e)(2) is applicable.

5. Whereas the initial determination in Section 2(e) focuses on the combined load demand from the new residential customer and the existing customer, both Sections 2(e)(1) and 2(e)(2) only focus on the new residential customer's demand. Complainant respectfully submits that this is where the Commission has misread and applied Section 2(e). For Section 2(e)(1) to apply, the Complainant's load demand – by itself – must exceed the existing 10 kVA transformer's capacity. Because the Complainant's demand – by itself – does not exceed the existing transformer's capacity, Section 2(e)(1) is not applicable and Section 2(e)(2) should be applied.

6. In footnote 14 of the Commission's Order, the Commission states: "Elsewhere Mr. Stephens argues that his demand does not exceed the capacity of the

existing facilities . . . However, we reject this argument as it would render the Regulation No. 12, Section 2(e) meaningless.” Complainant asserts that just the opposite is true. By ignoring the opening paragraph of Section 2(e), the Commission has created a “double-negative” where no residential customer would ever qualify for application of Section 2(e)(2). Whereas Complainant’s interpretation of Section 2(e) allows for both Sections 2(e)(1) and 2(e)(2) to have meaning and application. For instance, in this case, Rocky Mountain Power reported to the Complainant that the existing customer was already drawing approximately 80% of the available load from the existing facilities. As contemplated by the opening paragraph of Section 2(e), “the existing transformation facilities or service conductors [were] unable to serve the increased residential load.” Moreover, it would be very possible for a new customer to build a residence with improvements that would easily exceed 100% of the existing facility’s capacity. If Complainant’s load demand – by itself – exceeded the existing 10kVA transformer’s capacity, then Section 2(e)(1) would apply, thus giving meaning and equity to this portion of the rule. However, the facts are clear and neither party has disputed that the Complainant’s load demand – by itself – does not exceed the existing 10kVA transformer capacity. Therefore, Section 2(e)(2) should be applied, thus giving this section meaning and an application that is equitable.

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CONCLUSION

WHEREFORE, based on the foregoing, Complainant respectfully requests that the Commission rescind its Order and allow this case to go forward to a hearing on the merits.

Dated this 22nd day of July 2014.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rod Stephens", written over a horizontal line.

Rod D. Stephens
Complainant

DOCKET NO. 14-035-52

CERTIFICATE OF SERVICE

I CERTIFY that on the 22nd of July, 2014, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

PacifiCorp
Attention: Data Request Response Center (datarequest@pacificorp.com)

Rocky Mountain Power
Dave Taylor (dave.taylor@pacificorp.com)
Yvonne Hogle (yvonne.hogle@pacificorp.com)
Daniel E. Solander (daniel.solander@pacificorp.com)
Autumn Braithwaite (autumn.braithwaite@pacificorp.com)

Utah Assistant Attorneys General
Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Brent Coleman(brentcoleman@utah.gov)

Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111



Rod D. Stephens
Complainant