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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE FORMAL)	
COMPLAINT OF ROD STEPHENS)	DOCKET NO. 14-035-52
AGAINST ROCKY MOUNTAIN POWER)	
)	

**ROCKY MOUNTAIN POWER’S RESPONSE TO
COMPLAINANT’S REQUEST FOR REVIEW**

Rocky Mountain Power, a division of PacifiCorp (the “Company”), pursuant to Utah Code Ann. §§ 63G-4-204(1) and Utah Admin. Code R746-100-11, provides its Response to the Request for Review filed by Rod Stephens (“Mr. Stephens” or “Complainant”). As described below, Mr. Stephens’ Request for Review once again incorrectly interprets the Company’s tariff language, and contains no information that in any way alters the Commission’s correct decision to dismiss Mr. Stephens’ formal complaint with prejudice. Accordingly, the Request for Review should be denied.

1. Complainant’s request for review is, like his formal complaint, based on the mistaken assumption that he is a new residential customer within a subdivision. As described in the Company’s Answer and Motion to Dismiss, that is not the situation here. In this case, the developer of the subdivision did not contract and pay the Company to provide power to the lots within the development, power has not been made available to

the lots within the development, and consequently, no subdivision exists for the purpose of application of the tariff for residential transformation facilities.

2. Mr. Stephens ignores this fact, and again argues that his load does not exceed the capacity of the existing transformer, and that he is a new residential customer within a subdivision, and therefore Regulation 12(2)(e) should apply. As fully described in the Answer and Motion to Dismiss, Complainant was not an existing customer, nor is Complainant a new customer within an established subdivision where a developer has provided the electric infrastructure to the lot line.

3. Accordingly, Mr. Stephens' request for power is a line extension for a new permanent single service for his home to a property with no power, and Mr. Stephens is responsible to pay the cost to bring power to his lot in accordance with the Company's Regulation 12, Section 2(a).

4. Mr. Stephens also ignores the plain language of Regulation 12 in his Request for Review, when he argues:

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. (emphasis added)

This is an attempt to rebut the Commission's finding that Mr. Stephens admitted that the existing facilities are unable to serve his home. There is nothing, however, in the plain language of Regulation 12 that supports Mr. Stephens' argument that the new load, by itself, must exceed the existing capacity. This is simply an attempt to circumvent the Commission's finding by introducing a new contention that was not contained in the original formal complaint. There is nothing in the plain language of the regulation that

supports Mr. Stephens' argument, and it has long been the practice of the utility to apply the line extension policy in situations such as these.

5. The Commission properly dismissed Mr. Stephen's formal complaint with prejudice. Nothing in the Request for Review calls into question the Commission's findings, and there is no allegation of any mistake of fact or law.

CONCLUSION

WHEREFORE, based on the foregoing, the Company requests that the Commission deny Complainant's Request for Review.

Dated this 6th day of August 2014.

Respectfully submitted,

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