

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of Robert Yardley against Rocky Mountain Power	<u>DOCKET NO. 15-035-66</u> <u>ORDER ON MOTION TO DISMISS</u>
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ISSUED: September 9, 2015

I. Procedural History.

On August 17, 2015, Rocky Mountain Power (Rocky Mountain) filed an answer to the complaint in this docket and moved for dismissal. On August 19, 2015, the Administrative Law Judge for the Public Service Commission of Utah (Commission) issued a Scheduling Order giving Mr. Yardley until September 1, 2015 to respond to the motion to dismiss. As of the date of this order, Mr. Yardley has not responded.

II. Parties' Positions.

Mr. Yardley's complaint is as to Rocky Mountain's irrigation season power rates. Mr. Yardley disputes that he irrigated his land between May 24, 2015 and June 1, 2015. However, he was charged irrigation season rates during that period. Mr. Yardley indicates that Rocky Mountain should be required to read his meter to ensure that he has begun irrigating before charging him irrigation season rates.

Rocky Mountain argues that Mr. Yardley was correctly billed under Electric Service Schedule No. 10.

III. Analysis.

Electric Service Schedule No. 10 identifies the irrigation season as running from May 25 to September 15 of each year and establishes that, when a billing cycle overlaps both seasons, "bills will be prorated proportional to the number of days in the billing period within each

season." To calculate Mr. Yardley's bill in the overlapping billing cycle at issue here, Rocky Mountain calculated his average daily usage according to meter readings taken on April 30, 2015 and June 1, 2015. It then applied the irrigation season rates to eight days of average usage. In doing so, Rocky Mountain correctly prorated Mr. Yardley's charges according to Electric Service Schedule No. 10.

Mr. Yardley has not disputed that Electric Service Schedule No. 10 allows proration of irrigation season rates according to average daily use, nor has he demonstrated that Rocky Mountain incorrectly calculated the proration in his specific case. Rather, he argues that Rocky Mountain should not be allowed to prorate, but should be required to read his meter on the day irrigation season begins and bill non-irrigation days separately from irrigation days, according to actual use. Mr. Yardley has not cited any legal basis from which to impose such a requirement on the utility. As such, he has failed to state a claim on which relief might be granted, and his complaint is properly dismissed. Utah R. Civ. Pro. 12(b)(6).

ORDER

Based on the foregoing analysis, the formal complaint of Robert Yardley against Rocky Mountain Power is dismissed. Dismissal is with prejudice.

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DATED at Salt Lake City, Utah, this 9th day of September, 2015.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#269146

CERTIFICATE OF SERVICE

I CERTIFY that on the 9th day of September, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By U.S. Mail:

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