

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Darlene Schmidt against Rocky Mountain Power	<u>DOCKET NO. 17-035-62</u> <u>ORDER GRANTING MOTION TO DISMISS</u>
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ISSUED: March 6, 2018

On December 5, 2017, Darlene Schmidt (“Complainant”) filed a document the PSC accepted and treated as a formal complaint (“Complaint”) against PacifiCorp dba Rocky Mountain Power (“RMP”). On December 20, 2017, RMP filed an Answer and Motion to Dismiss (“Motion”). Complainant has filed numerous documents in addition to her Complaint, which the Public Service Commission (“PSC”) understands she intends to supplement her Complaint.

RMP’s Motion argues (i) Complainant has failed to establish, “or even allege,” RMP violated PSC rules or RMP’s tariff; and (ii) Complainant failed to demonstrate, pursuant to Utah Admin. Code R746-1-201(2), that the Division of Public Utilities (“DPU”) has reviewed the Complaint and determined PSC review is warranted.

Complainant’s alleged grievance against RMP is not easily discernible from her Complaint or supplementary filings, which are fragmented, meandering, and discuss at length matters having nothing to do with RMP (*e.g.*, the use of pesticides, the practice of abortion, and religious prophecy). As best the PSC can discern after reading the Complaint as generously as possible in Complainant’s favor, Complainant is aggrieved that RMP uses a meter capable of transmitting meter data over radio waves at her residence. Complainant appears concerned about the impact the existing, transmitting meter may have on her health.

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RMP's Electric Service Regulation 7 and Schedule 300 of its tariff provide customers an alternative to standard metering for an associated fee. Complainant has not alleged RMP failed to comply with these provisions or with any other provision of its tariff or other applicable regulation. Indeed, RMP represents it has offered to replace Complainant's meter with one that does not have any transmitting capabilities and she has refused the offer. (Motion at 2.) Complainant has not alleged otherwise. Additionally, Complainant has failed to demonstrate the DPU "has reviewed [her] complaint and determined that [PSC] action is warranted" as PSC rules require. Utah Admin. Code § R746-1-201(2).¹

For these reasons, the Motion is granted and the Complaint is dismissed.² While we dismiss the Complaint and recognize no allegation has been made that RMP failed to offer alternative metering, we nevertheless remind RMP of its obligation to make alternative metering available to customers consistent with its tariff. If Complainant finds RMP is unwilling to do so, she should seek appropriate relief. We remind Complainant that if she experiences additional problems, administrative rule requires her to first attempt to resolve the issue with the utility and, if unsuccessful, obtain a determination from the DPU that PSC action is warranted before seeking relief from the PSC.

DATED at Salt Lake City, Utah, March 6, 2018.

/s/ Michael J. Hammer
Presiding Officer

¹ The DPU has expressly declined to provide any comment in this docket to date. (DPU Recommendation filed January 4, 2018.)

² Several of the documents Complainant filed after her Complaint were styled as motions. Because the PSC dismisses the Complaint, it does not reach the merits of any subsequently filed motions.

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Approved and Confirmed March 6, 2018, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#300571

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on March 6, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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