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January 10, 2018

VIA ELECTRONIC FILING

Public Service Commission of Utah
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Secretary

RE: In the Matter of the Formal Complaint of Bringard Millworks, LC Against Rocky Mountain Power – Docket No. 17-035-66

Dear Mr. Widerburg:

Rocky Mountain Power (“Company”) hereby submits for filing its Answer and Motion to Dismiss in the above referenced matter.

The Company respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): datareq@pacificorp.com
jana.saba@pacificorp.com

By regular mail:
Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, OR 97232

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,

Daniel E. Solander
Senior Attorney

Enclosures

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Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Bringard Millworks, LC,	:	
	:	
Complainant,	:	Docket No. 17-035-66
	:	
vs.	:	
	:	ROCKY MOUNTAIN POWER’S
Rocky Mountain Power,	:	ANSWER AND
	:	MOTION TO DISMISS
Respondent.	:	
	:	
	:	
	:	

Rocky Mountain Power, a division of PacifiCorp (the “Company”), pursuant to Utah Code Ann. §§ 63G-4-204(1) and Utah Admin. Code R746-1-203, R746-1-206, and R746-1-301, provides its Answer to the formal complaint (“Complaint”) filed by Bringard Millworks, LC (“Bringard”). In addition, the Company moves that the Complaint be dismissed in its entirety, with prejudice, because Rocky Mountain Power has not violated any provision of law, Commission order or rule, or Company tariff.

I. PRELIMINARY MATTERS

Communications regarding this Docket should be addressed to:

By e-mail (preferred): datarequest@pacificorp.com
jana.saba@pacificorp.com
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II. BACKGROUND

1. Bringard Mill and Molding has been the customer of record at [REDACTED]

[REDACTED] since January 15, 2014.

2. On July 18, 2017, Mr. Wade Winegar (Manager, Bringard Mill and Molding) contacted Rocky Mountain Power to request a meter test. On July 28, 2017, Rocky Mountain Power tested the electric meter which was found to have an overall effective accuracy of 100.0 percent. Because the electric meter was performing within standards defined by Utah Public Service Commission Rule 746-310-3 Section 2, the electric meter was placed back into service.

3. During the meter test, a burned wire in the Current Transformer (“CT”) cabinet was discovered. CTs reduce high voltage currents to a lower voltage. This provides a safer, more accurate measurement of energy. CTs are Company owned equipment and are installed in a cabinet on the utility side of the meter. Although a conduit connects the CTs to the revenue meter, the CT itself is not a meter. The CT installation for Bringard has three phases, A, B, and C, with each phase representing approximately one third of the energy consumed by Bringard.

The damaged wire in Bringard’s CT was the wire for the “C” phase. As a result, Bringard’s meter was only receiving and measuring electricity from phases “A” and “B”, but not “C”. Because it is possible for one of the three phases in a CT to fail without any disruption to the supply or use of energy, Bringard was receiving and consuming power on all three phases. In this case, the power continued to flow, but the meter only registered the portion of the energy use from phases “A” and “B”. On July 28, 2017, the Company informed a Manager for Bringard, of the Company’s findings and that repairs would need to be made.

4. On August 17, 2017, Rocky Mountain Power’s records indicate Mr. Winegar was contacted to schedule the rewiring of the CT as the job would require a planned interruption, which was scheduled for August 26, 2017.

5. On August 26, 2017, Rocky Mountain Power completed the rewiring of Bringard’s CT.

6. On September 9, 2017, the Company’s billing department reviewed the electric usage from before and after the CT rewiring and calculated the loss in billing at

36.5%. The Company adjusted Bringard's September 20, 2017 bill for the portion of the bill for the current monthly period before the CT wiring was repaired.

7. On September 20, 2017, the backbill was calculated to be \$52,272 for the previous twenty-four months, (August 2015 through August 2017). The backbill complies with R746-310-8. R746-310-8 A.1 Definition, which states:

A "backbill" is that portion of a bill, other than a levelized bill, which represents charges not previously billed for service that was actually delivered to the customer during a period before the current billing cycle.

The amount of the backbilling calculated by the Company to be \$52,272 represents the energy used by Bringard but not previously billed. R746-310-8 D.1 Limitations of the Period for Backbilling states:

A utility shall not bill a customer for service rendered more than 24 months before the utility actually became aware of the circumstance, error, or condition that caused the underbilling or that the original billing was not correct.

The backbill provided to Bringard was within the stated regulated timeline. The adjustment also conforms to Rocky Mountain Power's Regulation No. 8 section 8 which is aligned with the Utah Code.

"Limitations of the Period for Backbilling – The Company shall not bill a Customer for service rendered more than 24 months before the Company actually became aware of the circumstance or error, or condition that caused the underbilling or that the original bill was incorrect."

8. On September 21, 2017, Rocky Mountain Power spoke directly with Mr. Winegar about the backbill amount of \$52,272 and offered a 24 month payment plan. Mr. Winegar expressed his frustration and questioned the rules for billing adjustments. No resolution was reached.

9. In recognition of the financial difficulty this would have on Bringard, the Company and Mr. Winegar spoke again on October 3, 2017, with Rocky Mountain Power

offering to reduce the backbill amount to \$34,467. Mr. Winegar rejected the offer and wanted to discuss Rocky Mountain Power's Electric Service Regulation No. 7 regarding billing adjustment for meter error and failure to register. The Company advised Mr. Winegar that Bringard's electric meter tested within accuracy limits and the adjustment was due to the damaged CT wiring. Mr. Winegar advised he would discuss this issue with his accounting department and call back.

10. On October 5, 2017, Rocky Mountain Power spoke with Mr. Winegar and again discussed the adjustment. The Company further lowered its offer to only backbill for the previous 12 months, which reduced the backbill amount to \$24,798. Mr. Winegar countered with an offer of \$5,000, which the Company declined.

11. On October 27, 2017, without a settlement being agreed upon by both parties, Rocky Mountain Power initiated the backbill for Bringard using the reduced 12 month adjusted amount of \$24,798. A 24-month payment plan was provided to Bringard on October 31, 2017.

12. On November 1, 2017, Mr. Winegar escalated his concerns to the Utah Division of Public Utilities.

13. [REDACTED]
[REDACTED]
[REDACTED] and the
Company was also [REDACTED]

14. On December 11, 2017, Mr. Winegar escalated his concerns and the formal complaint was docketed.

III. MOTION TO DISMISS

15. The Company moves under Utah Rules of Civil Procedure, Rule 12(b)(6) for an Order dismissing the Complaint. In support of this motion, the Company states Bringard fails to establish the Company violated Commission rules, Company tariffs or that its actions are unjust.

16. In its formal complaint filing, Bringard claims Rocky Mountain Power: a) illegally backbilled its electric account by \$22,577.07 on October 31, 2017; b) illegally backbilled for more than 3 months of estimated violating Electrical Service Regulation No. 7R.4(b); c) failed to provide notice; and d) failed to mediate in good faith. These allegations are unfounded, as follows.

17. The Company did not illegally backbill Bringard's electric account by \$22,577.07 on October 31, 2017. The customer was notified of the amount of the backbill adjustment during a phone conversation on September 21, 2017. The Company engaged in lengthy discussions and information requests beginning with the initial conversation continuing throughout October to try to resolve the matter with Bringard. Once it was determined that these discussions would not produce a mutually agreed upon settlement, the Company invoiced the backbill amount on October 27, 2017, using the last settlement offered by the Company of \$24,798. Mr. Winegar was aware of the amount of the backbill well within the three month timeframe, as the Company was in active negotiations with Mr. Winegar during that time.

18. Mr. Winegar's claim that the backbill should be limited to only three months per Electric Service Regulation No. 7 Section 4 (b) is also incorrect. This regulation applies to adjustments due to a stopped, fast, or slow meter. The electric meter at this location was

tested with an overall effective accuracy of 100.0 percent and is still in service at the location. The backbill was due to a CT equipment failure which resulted in a period of time that Bringard was using energy which was not included in the monthly bill.

19. The Company re-affirms the backbill time line is compliant with both R746-310-8 Billing Adjustments and Rocky Mountain Power's Rule 8 which allow the Company to backbill for a period no longer than 24 months for energy used by the customer but not previously billed to the customer. The Company recognized the financial difficulty of the amount of the backbill on Bringard and made multiple settlement offers to Mr. Winegar, all of which were rejected.

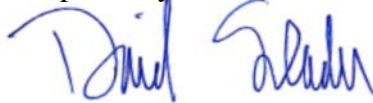
20. Finally, the Company disputes Mr. Winegar's claim that it did not mediate in good faith. As described earlier in this response, the Company made several adjustments to the backbill amount in recognition of the hardship caused by the situation. The Company acted in good faith in its mediations and settlement discussions with Mr. Winegar.

IV. CONCLUSION

WHEREFORE, having fully answered Complainant's complaint and finding no violation of law, Commission rules, or Company tariffs to base an award of the relief requested, the Company prays for the dismissal of the Complaint with prejudice.

Dated this 10th day of January, 2018.

Respectfully submitted,



Daniel E. Solander

Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2018, a true and correct copy of the foregoing was served by electronic mail and/or overnight delivery to the following:

Utah Office of Consumer Services	
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Katie Savarin
Coordinator, Regulatory Operations