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August 22, 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: Docket No. 18-035-29 – In the Matter of the Formal Complaint of Kristy Buchanan Against Rocky Mountain Power

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,

A handwritten signature in blue ink that reads "Daniel E. Solander".

Daniel E. Solander
Senior Attorney

Enclosures

Cc: Service List (w/ enclosures)

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Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Kristy Buchanan,	:
	:
Complainant,	: Docket No. 18-035-29
	:
vs.	:
	:
Rocky Mountain Power,	: ROCKY MOUNTAIN POWER’S
	: ANSWER AND
Respondent.	: MOTION TO DISMISS
	:
	:
	:

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 Kristy Buchanan (“Ms. Buchanan” or “Complainant”) with the Public Service Commission of Utah (the “Commission”). 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
daniel.solander@pacificorp.com

By mail: Data Request Response Center
Rocky Mountain Power
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II. BACKGROUND

1. Ms. Buchanan has been the customer of record at [REDACTED] since [REDACTED]. On February 21, 2018, Ms. Buchanan requested an equal payment plan for her account. Based on the previous usage history at the residence, the agent assisting Ms. Buchanan established an equal payment plan with an initial monthly payment of \$50. Ms. Buchanan was told at that time that the payment amount may need to be adjusted to reflect current electricity usage at the residence.

2. Ms. Buchanan's payment plan defaulted due to non-payment on [REDACTED]. She then contacted the Company and requested that the \$50 per month equal payment plan be re-established for her account. At that time, Ms. Buchanan's outstanding

account balance was [REDACTED]. Her average monthly billing since establishing the account is \$234.

3. On July 12, 2018, Ms. Buchanan filed an informal complaint with the Commission regarding her inability to pay the amounts due to Rocky Mountain Power.

4. On July 12, 2018, the Company contacted Ms. Buchanan to explain her current account balance and to offer to negotiate a payment plan. Ms. Buchanan again requested that a \$50 per month payment plan be established. The Company explained that it could not enter into a plan for that amount because it would cause a large debit balance to accrue in her account, in addition to the existing account balance of [REDACTED]. The Company also encouraged Ms. Buchanan to apply for energy assistance programs. The Company did not reach agreement with Ms. Buchanan on a payment plan during this call.

5. On July 13, 2018, Rocky Mountain Power attempted to test Ms. Buchanan's meter to ensure that she had been billed correctly based on her inquiries about her high usage. Ms. Buchanan became upset with the employee, told him that she did not want the Company to test her meter, and asked him to leave her property. The Company did not perform the meter test as a result.

6. On July 23, 2018, Ms. Buchanan filed a formal complaint with the Commission.

III. MOTION TO DISMISS

7. 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 Ms. Buchanan fails to allege or establish the Company violated Commission rules, Company tariffs or that its actions are unjust.

8. In her formal complaint filing, Ms. Buchanan states that she is seeking as a remedy “that Rocky Mountain Power reinstate my payment arrangement or that we can come to an agreeable reasonable arrangement close to what I was paying before this clerical error.”

9. It is unclear to the Company what clerical error Ms. Buchanan is referring to. Ms. Buchanan received notice of her delinquent account status on [REDACTED]. Rocky Mountain Power has not received a payment from Ms. Buchanan since [REDACTED], and the total account balance is now [REDACTED]. It does not appear that Complainant is alleging any other wrongdoing or violation of Commission rules, or Company tariffs.

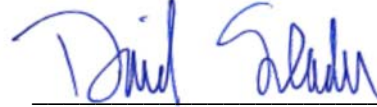
10. As stated in the Company’s response to Ms. Buchanan’s informal complaint, Rocky Mountain Power has reviewed Rule 10, Section 6, Residential Deferred Payment Agreement, and the Company has met all of the requirements of the Rule. Section 6 provides that: “An applicant or account holder shall have the right to a deferred payment agreement, consisting of 12 months of equal monthly payments if the full amount of the delinquent balance plus interest shall be paid within 12 months and if the applicant or account holder agrees to pay the initial monthly installment.” Rocky Mountain Power has communicated this requirement to Ms. Buchanan multiple times, and the Company is willing to enter into a deferred payment agreement if Ms. Buchanan will agree to terms that conform these requirements.

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 22nd day of August, 2018.

Respectfully submitted,



Daniel E. Solander

Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

Docket No. 18-035-29

I hereby certify that on August 22, 2018, a true and correct copy of the foregoing was served by electronic mail to the following:

Kristy Buchanan – kbuchanan120@yahoo.com

Utah Office of Consumer Services

Cheryl Murray – cmurray@utah.gov

Michele Beck – mbeck@utah.gov

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Katie Savarin
Coordinator, Regulatory Operations