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September 4, 2018

***VIA ELECTRONIC FILING***

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

Attention: Gary Widerburg  
Commission Secretary

RE: Docket No. 18-035-32 – In the Matter of the Formal Complaint of Mark Barton 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](mailto:datareq@pacificorp.com)  
[jana.saba@pacificorp.com](mailto: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

Cc: Service List (w/ enclosures)

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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of Mark Barton,	:	
	:	
Complainant,	:	Docket No. 18-035-32
	:	
vs.	:	
	:	<b>ROCKY MOUNTAIN POWER’S</b>
Rocky Mountain Power,	:	<b>ANSWER AND</b>
	:	<b>MOTION TO DISMISS</b>
Respondent.	:	
	:	
	:	
	:	

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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 Mark Barton (“Mr. Barton” 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 Mr. Barton has not alleged that Rocky Mountain Power has 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](mailto:datarequest@pacificorp.com)  
[jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
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By mail: Data Request Response Center  
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## II. BACKGROUND

1. On July 7, 2018, Mr. Barton filed an informal complaint with the Commission regarding the Company's Non-Residential Energy Efficiency Program, the Small Business Direct incentive program. Mr. Barton identified himself as a commercial lighting vendor.

2. On July 14, 2018, the Company provided a response to the informal complaint, explaining that the program is designed to assist customers with cost-effective energy efficiency upgrades.

3. On August 13, 2018, Mr. Barton filed a formal complaint, complaining that the Small Business Direct incentive program is unfair. Mr. Barton does not allege that Rocky Mountain Power has violated any law, Commission order or rule, or Company tariff.

### III. MOTION TO DISMISS

4. 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 Mr. Barton fails to allege or establish the Company violated Commission rules, Company tariffs, or that its actions are unjust.

5. The current Small Business Direct Install (“SBDI”) program has been found to be cost-effective in its current design, and approved by the Commission. In Docket No. 16-035-T11, the Company redesigned the small business offering into the current SBDI program. A formal, third-party cost-effectiveness analysis was provided, which showed the SBDI program had a cost/benefit ratio of 1.25 under the Utility Cost Test. The Division of Public Utilities, Office of Consumer Services, Utah Clean Energy, and Southwest Energy Efficiency Project reviewed the filing materials, provided comments, and were all ultimately in support of the SBDI program, agreeing that it was a cost-effective way to offer energy efficiency to the hard-reach-sector of small/medium sized businesses. The Commission approved the program in its approval letter issued August 31, 2016. Additionally, the Company’s overall non-residential energy efficiency portfolio was found to be cost-effective with a cost/benefit ratio of 3.27 under the Utility Cost Test.<sup>[1]</sup>

6. All of the Company’s energy efficiency programs are continually evaluated internally, by third party energy experts, and stakeholder groups to help maintain a cost-effective portfolio of offerings for all customer sectors that are in the public interest.

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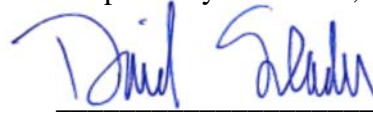
<sup>[1]</sup> 2017 Utah Energy Efficiency and Peak Reduction Annual Report, Docket No. 18-035-19, Table 24.

#### 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 4<sup>th</sup> day of September, 2018.

Respectfully submitted,



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Daniel E. Solander

*Attorney for Rocky Mountain Power*

**CERTIFICATE OF SERVICE**

Docket No. 18-035-32

I hereby certify that on September 4, 2018, a true and correct copy of the foregoing was served by electronic mail to the following:

Mark Barton [mark@commerciallightinginc.com](mailto:mark@commerciallightinginc.com)

**Utah Office of Consumer Services**

Cheryl Murray [cmurray@utah.gov](mailto:cmurray@utah.gov)

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**Rocky Mountain Power**

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Katie Savarin  
Coordinator, Regulatory Operations