

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Mark Barton against Rocky Mountain Power	<u>DOCKET NO. 18-035-32</u> <u>ORDER GRANTING MOTION TO DISMISS</u>
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ISSUED: October 2, 2018

On August 3, 2018, Mark Barton filed a formal complaint (“Complaint”) with the Public Service Commission (“PSC”) against PacifiCorp dba Rocky Mountain Power (“RMP”), alleging its Small Business Direct Install program (“SBDI”) is “unfair” and “not the most effective way to spend these funds.” Mr. Barton supplemented his Complaint with a letter filed August 16, 2018.

On September 4, 2018, RMP filed an Answer and Motion to Dismiss. RMP argues the PSC found the SBDI to be cost effective in a 2016 proceeding and that all of RMP’s energy efficiency programs are continually evaluated to maintain a cost effective portfolio of offerings for its customers. In moving to dismiss, RMP emphasizes Mr. Barton has not alleged RMP violated any provision of rule or tariff. Mr. Barton did not file a timely response to the Motion to Dismiss.

The Division of Public Utilities filed a memorandum on September 4, 2018, indicating it has no recommendation with respect to the Complaint.

Having reviewed the Complaint, Mr. Barton’s August 16 letter and attached exhibits, and RMP’s Answer and Motion to Dismiss, the PSC concludes Mr. Barton has failed to allege RMP has violated an applicable provision of tariff, rule, or statute. The Complaint is dismissed.

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DATED at Salt Lake City, Utah, October 2, 2018.

/s/ Michael J. Hammer
Presiding Officer

Approved and Confirmed October 2, 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#304753

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 written 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 October 2, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Mark Barton (mark@commerciallightinginc.com)

Data Request Response Center (datarequest@pacificorp.com),
(customeradvocacyteam@pacificorp.com)
PacifiCorp

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By Hand-Delivery:

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Administrative Assistant