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August 29, 2019

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 Administrator

RE: Docket No. 19-035-30 – In the Matter of the Formal Complaint of Sarah John 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 Sarah John,	:
	:
Complainant,	: Docket No. 19-035-30
	:
vs.	:
	:
Rocky Mountain Power,	: ROCKY MOUNTAIN POWER’S
	: ANSWER AND
Respondent.	: MOTION TO DISMISS
	:
	:
	:

Rocky Mountain Power, a division of PacifiCorp (“RMP” or 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 Sarah John (“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
825 NE Multnomah St., Suite 800
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II. BACKGROUND

1. On May 29, 2019, Uintah County sent a letter to Rocky Mountain Power notifying the Company that electrical service was connected to a guest house on Ms. Sarah John's property without approval from the county. Uintah County requested that service be disconnected in accordance with Utah Administrative Code R746-310-2(D). On June 12, 2019, Rocky Mountain Power disconnected the meter.

2. On June 13, 2019, Sarah John filed an informal complaint related to the disconnection of power to the secondary electrical meter. In its response to the informal complaint, Rocky Mountain Power indicated that it did not have the authority to overturn

the decision of Uintah County, and that it would be willing to participate in a mediation with Ms. John and the county.

3. On July 30, 2019, Ms. John filed the formal Complaint with the Commission. Ms. John argues that the Company's interpretation of R746-310-2(D) is incorrect, that the Company should petition the Commission to deviate from the Rule pursuant to R746-1-109, and that the Rules be modified to require a court order before disconnecting a customer pursuant to the Rule.

III. ANSWER AND MOTION TO DISMISS

4. Utah Administrative Rule R746-310-2(d) states:

Conditions of Service -- The utility shall have the right of refusing to, or of ceasing to, deliver electric energy to a customer if any part of the customer's service, appliances, or apparatus shall be unsafe, *or if the utilization of electric energy by means thereof shall be prohibited or forbidden under the authority of a law or municipal ordinance or regulation*, until the law, ordinance or regulation shall be declared invalid by a court of competent jurisdiction, and may refuse to serve until the customer shall put the part in good and safe condition and comply with applicable laws, ordinances and regulations (emphasis added).

Rocky Mountain Power's disconnection of Ms. John's service at the request of Uintah County complies with the Rule as a matter of law because the utilization of energy has been prohibited by Uintah County municipal ordinance.

5. Rocky Mountain Power does not believe that it is appropriate to petition the Commission for an exemption from any of the Administrative Rules at this time. If, however, the Commission interpreted Ms. John's statement as a motion, pursuant to R746-1-109, to deviate from Rule R746-310-2(D), Rocky Mountain Power takes no position on whether Ms. John has met her burden of proof, and will comply with whatever the

Commission determines is in the public interest. In addition, Rocky Mountain Power takes no position on Ms. John's suggested edit to the Administrative Rules.

6. Rocky Mountain Power moves under Utah Rules of Civil Procedure, Rule 12(b)(6) for an Order dismissing the Complaint. As noted above, the Company's disconnection of Ms. John's secondary meter was in done accordance with R746-310-2(D), and the Complaint does not include any other allegations that Rocky Mountain Power has violated any provision of law, Commission Order or Rule, or Company tariff.

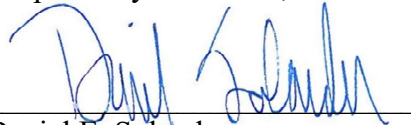
7. As Rocky Mountain Power stated in its response to Ms. John's informal complaint, the Company does not have the ability to alter Uinta County's ordinances or the county's decision to request the disconnection. Rocky Mountain Power remains willing to participate in a mediation with Ms. John and Uintah County, and believes that this dispute would be more appropriately handled in another venue.

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 29th day of August 2019.

Respectfully submitted,



Daniel E. Solander

Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

Docket No. 19-035-30

I hereby certify that on August 29, 2019, a true and correct copy of the foregoing was served by electronic mail to the following:

Sarah John dsjohn96@gmail.com

Utah Office of Consumer Services

Cheryl Murray cmurray@utah.gov

Michele Beck mbeck@utah.gov

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Kaley McNay
Coordinator, Regulatory Operations