



1407 W North Temple, Suite 330
Salt Lake City, Utah 84114

June 8, 2020

VIA ELECTRONIC FILING

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

Attention: Gary Widerburg
Commission Administrator

RE: Docket No. 20-035-23
In the Matter of the Formal Complaint of Jeff Hood 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): datarequest@pacificorp.com
utahdockets@pacificorp.com
jana.saba@pacificorp.com
emily.wegener@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 "Joelle Steward".

Joelle Steward
Vice President, Regulation

Enclosures

By mail: Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 2000
Portland, OR 97232

Jana Saba
Rocky Mountain Power
1407 W. North Temple, Suite 330
Salt Lake City, UT 84116
Telephone: (801) 220-2823
Facsimile: (801) 220-3299

II. STATEMENT OF RELIEF REQUESTED

For the reasons stated below, Rocky Mountain Power respectfully requests that the Commission find that Rocky Mountain Power has not violated any provision of law, Commission order or rule, or Company tariff, and that the Complainant be denied his requested relief. The Company also moves that the Complaint be dismissed in its entirety, with prejudice.

III. BACKGROUND

1. On March 2, 2020, Complainant Jeff Hood called the Commission with concerns about the number of power outages he had experienced in the seven months in his home. He claimed a technician told him that the main line needed to be replaced, but that the Company would not replace it because it is too expensive.

2. The Company contacted Mr. Hood and explained to him that the Company is not required to provide uninterrupted service. *See* Electric Service Regulation No. 4, ¶ 5 (“It is inherent, however, that there will at times be some degree of failure, interruption, suspension, curtailment or fluctuations [in electric service.]”). The Company suggested that Mr. Hood invest in a surge protector since the Company is not liable for damage caused by outages beyond the Company’s reasonable control.

3. Mr. Hood submitted another complaint online on April 15, 2020, which stated: “we are sick and tired of the power outages and they always have excuses again yesterday morning 3 times in a one minute period, I am taking this to the county as well and maybe do a class action against them as well.” His suggested resolution was that the Company “replace the outdated crap they charge the same rates as people in town with better service.” He did not allege any damages.

4. On April 24, 2020, Mr. Hood called the Company to discuss his complaint. He requested the Company guarantee he have no further outages. This goes beyond the Company’s obligations under any Commission law, rule, regulation, or Company tariff.

5. On May 8, 2020, Mr. Hood filed a formal complaint alleging that the Company failed “to maintain, upgrade old equipment.” He cited the number of outages as the reason the Company’s activities are improper, and as relief requested that the Company upgrade outdated equipment. Mr. Hood did not identify any specific equipment that needs to be updated or any outages that he believes were caused by older equipment.

III. ANSWER

6. The Complaint does not contain statements of fact conducive to paragraph-by-paragraph response. Therefore, in addition to rebutting Complainant’s factual allegations by setting forth its own factious assertions above, Rocky Mountain Power responds to the specific allegations of the Complaint by general denial of any allegation that would support a finding that Rocky Mountain Power has in any way violated a provision of law, Commission rule or order, or Company tariff, such that Complainants could be entitled to their requested relief.

7. The Company reserves the right to assert any additional affirmative or special defense that may become known through discovery or further proceedings in this matter or as may be otherwise appropriate.

8. The Company researched power outages to Mr. Hood's property and determined that all were caused by issues that are outside of the Company's reasonable control: weather, planned upgrade work, and unanticipated equipment failures.

9. The Company has performed significant maintenance on the line servicing Mr. Hood's residence. From 2017–2020, the Company has spent over \$450,000 maintain and upgrading the line that serves Mr. Hood.

III. MOTION TO DISMISS

10. The Company moves under Utah Rules of Civil Procedure 12(b)(6) for an Order dismissing the Complaint. As noted above, the Complaint does not include any allegations that Rocky Mountain Power has violated any provision of law under the jurisdiction of the Commission, Commission Order or Rule, or Company tariff.

11. Utah Code Ann. § 54-7-9(2) states a complaint against a public utility "shall specify the act committed or omitted by the public utility that is claimed to be a violation of the law or a rule or order of the commission." Mr. Hood's claim that he has experienced outages as a result of the Company's failure to maintain equipment is not sufficient because he does not point to any violation of laws, orders, rules, or tariffs.

IV. CONCLUSION

The Company respectfully requests the Commission dismiss the Complaint in its entirety, with prejudice.

DATED this 8th day of June, 2020.

Respectfully submitted,

A handwritten signature in blue ink that reads "Emily Wegener". The signature is written in a cursive style with a small dot above the 'i' in "Emily".

Emily L. Wegener

Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

Docket No. 20-035-23

I hereby certify that on June 8, 2020, a true and correct copy of the foregoing was served by electronic mail to the following:

Jeff Hood jlhood@troon.com

Utah Office of Consumer Services

Cheryl Murray cmurray@utah.gov

Michele Beck mbeck@utah.gov

Division of Public Utilities

dpudatarequest@utah.gov

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Patricia Schmid pschmid@agutah.gov

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Rocky Mountain Power

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Katie Savarin
Coordinator, Regulatory Operations