

June 7, 2021

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. 21-035-30

In the Matter of the Formal Complaint of Jennifer Sampson Against Rocky

Mountain Power

In accordance with the Notice of Filing and Comment Period issued by the Public Service Commission of Utah on May 11, 2021, Rocky Mountain Power ("Company") hereby submits for filing its Motion to Dismiss and Answer 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.

Joelle Steward

Vice President, Regulation

Enclosures

CERTIFICATE OF SERVICE

Docket No. 21-035-30

I hereby certify that on June 7, 2021, a true and correct copy of the foregoing was served by electronic mail to the following:

Jennifer Sampson jensampson afd@yahoo.com

Utah Office of Consumer Services

Alyson Anderson

Bela Vastag

Alex Ware

Michele Beck

Media Manager and akanderson@utah.gov

aware@utah.gov

mbeck@utah.gov

ocs@utah.gov

Division of Public Utilities

Madison Galt <u>mgalt@utah.gov</u>

dpudatarequest@utah.gov

Assistant Attorney General

Patricia Schmid pschmid@agutah.gov
Justin Jetter jjetter@agutah.gov
Robert Moore rmoore@agutah.gov
Victor Copeland vcopeland@agutah.gov

Rocky Mountain Power

Data Request Response Center <u>datarequest@pacificorp.com</u>
Jana Saba <u>jana.saba@pacificorp.com</u>

utahdockets@pacificorp.com

Emily Wegener <u>emily.wegener@pacificorp.com</u>

Mary Penfield

Adviser, Regulatory Operations

Man DL

Emily L. Wegener (12275)
Stephanie Barber-Renteria (8808)
Rocky Mountain Power
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone No. (801) 220-4526
emily.wegener@pacificorp.com
stephanie.barber-renteria@pacificorp.com

Attorneys for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of Januifar Sampson)) DOCKET NO. 21 025 20
Formal Complaint of Jennifer Sampson against Rocky Mountain Power) DOCKET NO. 21-035-30
against Rocky Wountain I ower) MOTION TO DISMSS
) AND ANSWER
)

Pursuant to Utah Code Ann. § 63G-4-204(1) and Utah Admin. Code §§ R746-1-203, R746-1-206, and R746-1-301, Rocky Mountain Power, a division of PacifiCorp ("Rocky Mountain Power" or the "Company") hereby provides its answer to the formal complaint ("Complaint") filed by Jennifer Sampson ("Complainant") with the Public Service Commission of Utah on May 5, 2021. In addition, the Company moves to dismiss the Complaint in its entirely because Rocky Mountain Power has not violated any provision of law, Commission order or rule, or Company tariff.

Communications regarding this Docket should be addressed to:

By e-mail (preferred):

datarequest@pacificorp.com emily.wegener@pacificorp.com jana.saba@pacificorp.com

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) 220-4615

Emily Wegener Stephanie Barber-Renteria 1407 West North Temple, Suite 320 Salt Lake City, Utah 84116 Telephone: (801) 220-4526 Facsimile: (801) 220-3299

emily.wegener@pacificorp.com

stephanie.barber-renteria@pacificorp.com

INTRODUCTION

Complainant damaged a power box located in her front yard within the public utility easement. The Company repaired the box and charged Complainant for the damage. When Complainant took issue with the amount of the bill, the Company reviewed and reduced the bill, but Complainant was not satisfied and filed this Complaint. Before the Company's deadline to respond to the Complaint, the Division of Public Utilities ("Division") issued an action request recommending the Commission hold a hearing on this Complaint. The Company disagrees with the Division that a hearing is necessary. Given that Complainant admits that she damaged the box, she is responsible for the repairs under Electric Service Regulation 6. Therefore, the Commission should dismiss the Complaint.

BACKGROUND & RESPONSE TO COMPLAINANT'S ALLEGATIONS

1. On January 14, 2021, the Company received a phone call informing them that the caller had just witnessed the neighbor backing into and damaging the secondary power box located at the end of the Complainant's driveway. This eyewitness account, not the location of

the secondary box on Complainant's property, prompted the Company to bill the Complainant for the damage.

- 2. This same box had previously been damaged and repaired previously. In discussions with the Company after the bill for damage was issued, Complainant admitted to hitting the box several times previously and had even contacted the Company about burying the box. She decided against burying the box due to cost.
- 3. Upon evaluation, the journeyman lineman who responded to the call determined that the secondary box had been hit "multiple times" and needed to be replaced. The Damage to Company Property report is attached as Exhibit A. The lineman was specifically concerned that the plastic ring around the base was crushed in and broken, which would allow members of the public to easily open the box and contact the energized conductor. A picture of the secondary box showing the crushed base ring and red paint indicating the location of conductor is attached as Exhibit B. While these damages may have appeared to Complainant to be "cosmetic," they in fact posed a public safety risk that warranted immediate repair.
- 4. The Company conducted the repairs the following day and sent a bill to Complainant. The original bill is attached as Exhibit C. After Complainant complained about the size of the bill, the Company reviewed the bill and reduced the amount of labor charged to the replacement because some of the time included in the original bill had been mischarged.
- 5. The Company provided to Ms. Sampson a description of the total amount of work, which included a first responder on January 14, 2021, who went to evaluate the condition

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¹ This report states "assailant unknown" because the vehicle that caused the damage was no longer at the property when the first responder created the report. There is no question that someone at Complainant's address, possibly the Complainant herself, backed into the box on January 14, 2021. Additionally, as described herein, Complainant admitted to hitting the box on earlier occasions.

and two journeymen who conducted the repair on January 15, 2021. The revised bill and supporting documentation is attached as Exhibit D. This bill explained the price of the repairs to Complainant.

6. Ms. Sampson alleges that she "was also informed that her protection insurance was forfeited when the RV pad was installed on the property." It is unclear from the Complaint whether Ms. Sampson alleges that someone from the Company made this representation, and the Company has no record of providing this information. The Company does not offer any insurance products to customers. It appears that the RV pad located on the property was poured into the public utility easement. As the owner of the property, Ms. Sampson is responsible for intrusions into the easement that interfere with the Company's use.

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 that Complainant fails to allege or establish the Company violated applicable law, Commission rules or Company tariffs.
- 8. The Company's Electric Service Regulation No. 6, subsection 2(a), states "In the event of loss or damage to the Company's property, arising from neglect, carelessness, or misuse by the Customer, the cost of necessary repairs or replacement shall be paid by the Customer."²
- 9. The customer admitted that she backed into the secondary box on several occasions and that either she or her guest backed into the box on January 14, 2021. As described above, the

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² The Division's Action Request attempts to analogize this damaged secondary box to contractor-caused damage to Company property in the context of a generation outage. This analogy is inapposite because Electric Service Regulation 6 governs Complainant's obligations under the circumstances presented in the Complaint.

Company charged Complainant for damage that she admitted she caused and reduced the bill based upon review of the labor charges.

10. As a remedy, Complainant requests that her bill should be reduced to \$200.00 or, alternatively, reduced to \$1,000.00 if the Company agrees to bury the utility box. However, Complainant provides no basis for the reduction in her bill besides her own speculation about what the repair should have cost. Therefore, the Commission should dismiss the Complaint.

CONCLUSION

For the foregoing reasons, the Company requests that the Commission dismiss the Complaint with prejudice.

DATED this 7th day of June, 2021.

Respectfully submitted,

ROCKY MOUNTAIN POWER

Emily Wegener

Emily Wegener

1407 West North Temple, Suite 320

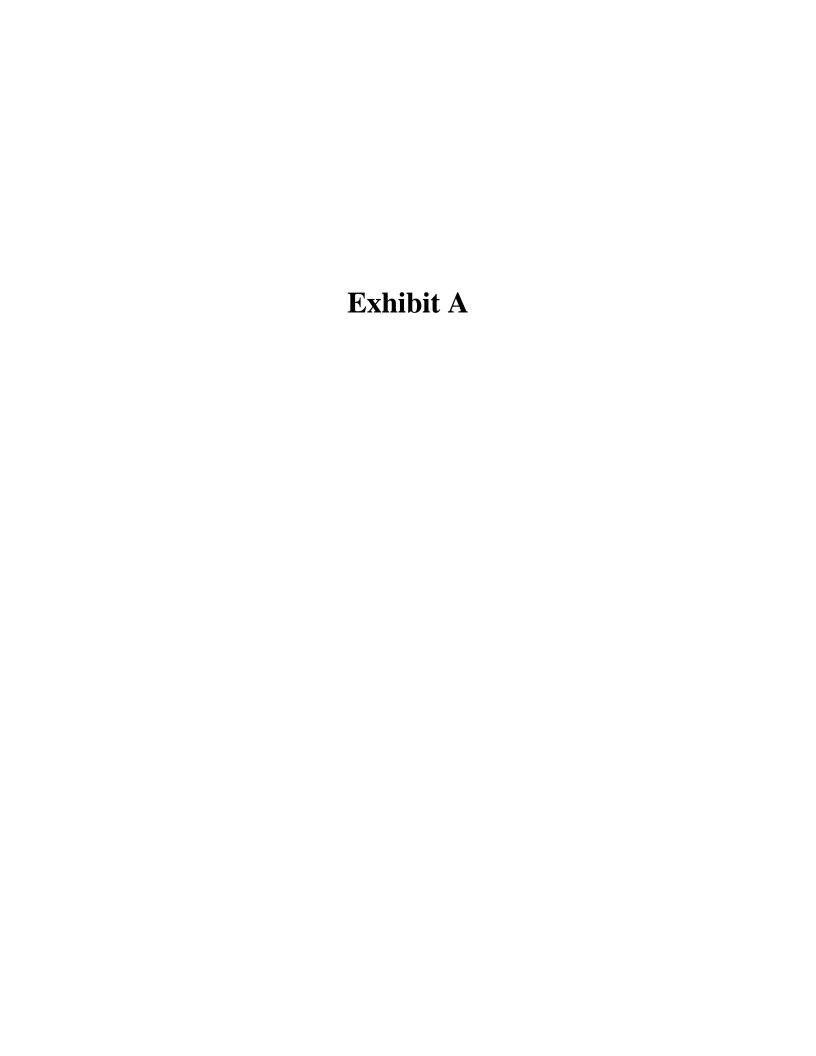
Salt Lake City, Utah 84116

Telephone No. (801) 220-4526

Facsimile No. (801) 220-3299

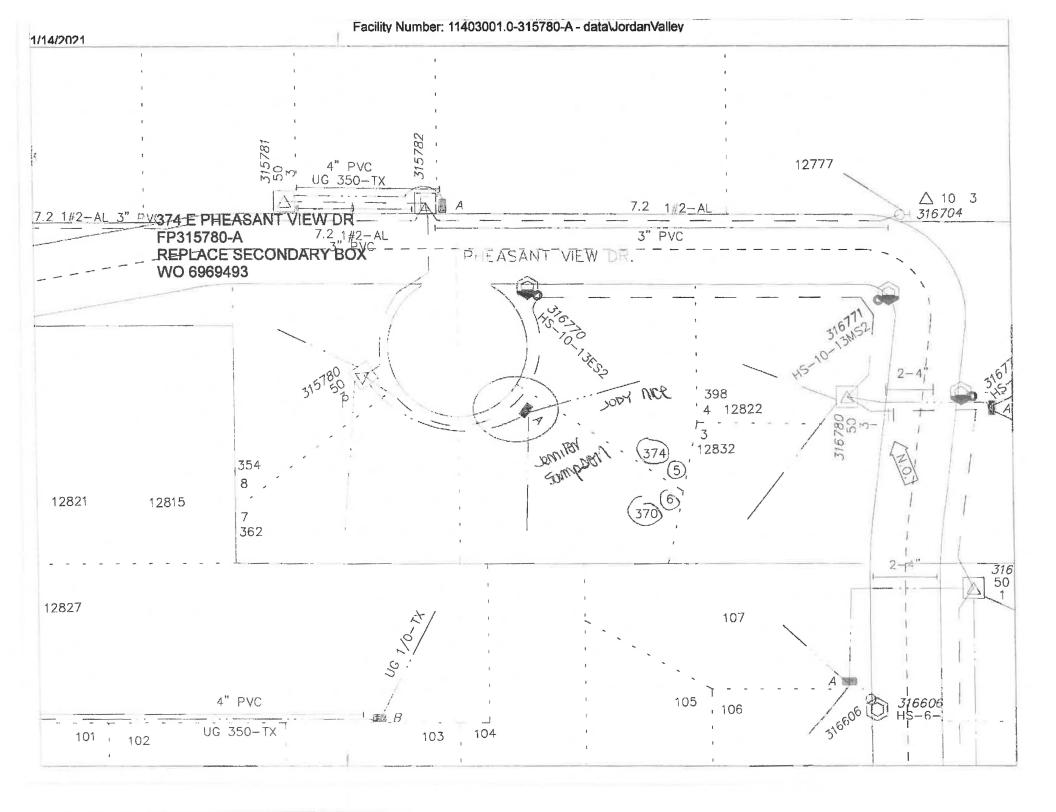
 $\underline{emily.wegener@pacificorp.com}$

Attorney for Rocky Mountain Power



ROCKY MOUNTAIN POWER	(DCP: Damage to Company Property ATF: After the Fact)			
CC#	W.O. #	Date/Time of Incident		
		01/14/2021 10:50 AM		
Notify Risk Management immediately for	Public contacts, injuries accidents with two or me	of all non-employees and ore moving vehicles		
Mapstring + Facility Point	Circuit/Feeder#	Outage #		
1140301 315780 A	DUM18	1840381		
Structure Number	Plant Locality			
Investigating Employee: Hiatt, Travis District: WRC		Employee # P10248		
Attached/enclosed: Timesheet(s) Photos	Material List	Other - Specify:		
3rd Party or Billing Name: AN Address:		Contact #		
Address of Damage 374 E PHEASANT VIEW DR Description of Damage:	DRAPER UT	Streetlight Damage? No		
Secondary box has been hit and repaired multiple times. Nee CONTRACTOR(S) UTILIZED? No	as to be replaced. Assallant unknow	n		
Investigating Officer & Jurisdiction: A City/County:		Case #		
Vehicle/Equipt Operator: Vehicle/Equipt Description/License-Plate #: Insurance Company/Contact: Witness(es) Contact Info:		Contact #		
U/G LOCATE CONDUCTED:	ORIGINAL 811 LOCATE			
USIĆ LOCATING SERVICËS 800-762-0592		MAGE RPT #		
LOCATE MARKS: Locate Marks Comments:		Investigator:		
EXCAVATOR MAINTAIN CLEARANCE:	EXCAV	ATOR MAINTAIN MARKS:		
CABLE DEPTH: ft. in. Dig-In Comments:	CABL	E VOLTAGE:		
Additional comments/observations:				

LEGEND NORTH VEHICLE XFRM/POLE DISTRIBUTION POLE XFRM/PM TRANSMISION POLE ISOLATE	Address or Location Description:
DIAGRAM OF SCENE	GPS Location
	gham Industrial per Commercial Parkway 12970 S 12970 S 13200 S 13200 S Mapphox, & OpenStreetMap Latitude: 40.518922 Longitude: -111.880047



Photos of Damage



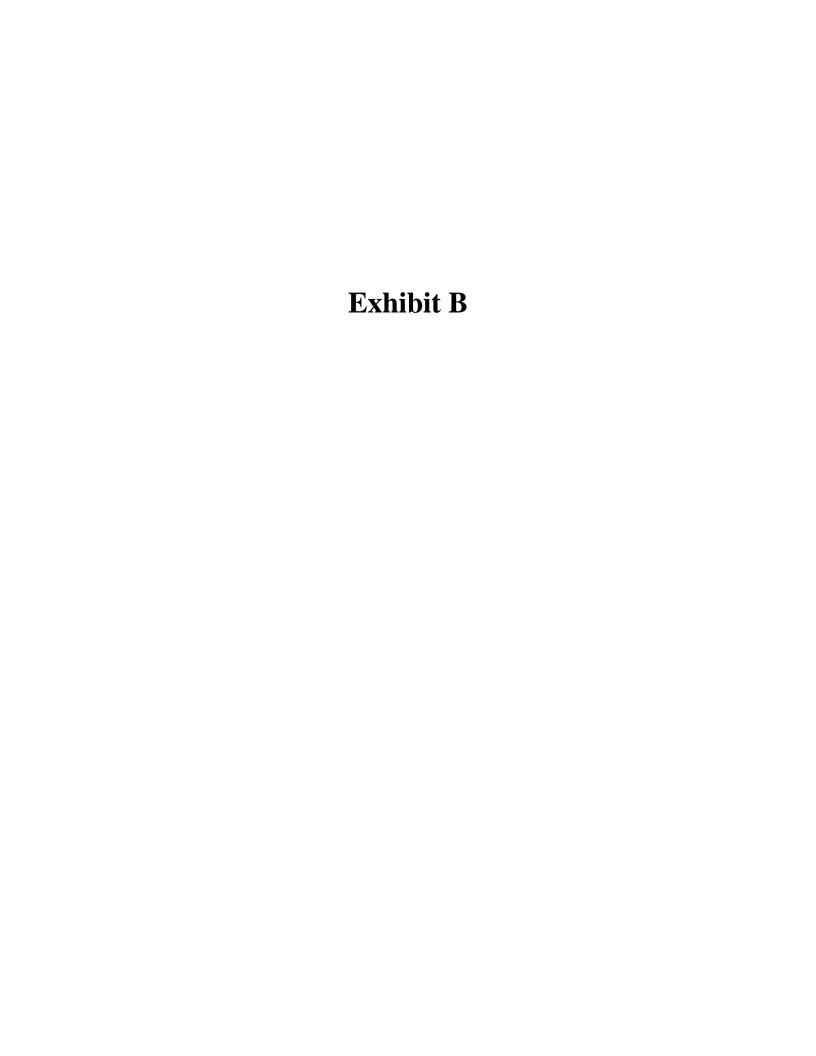
Photos of Equipment



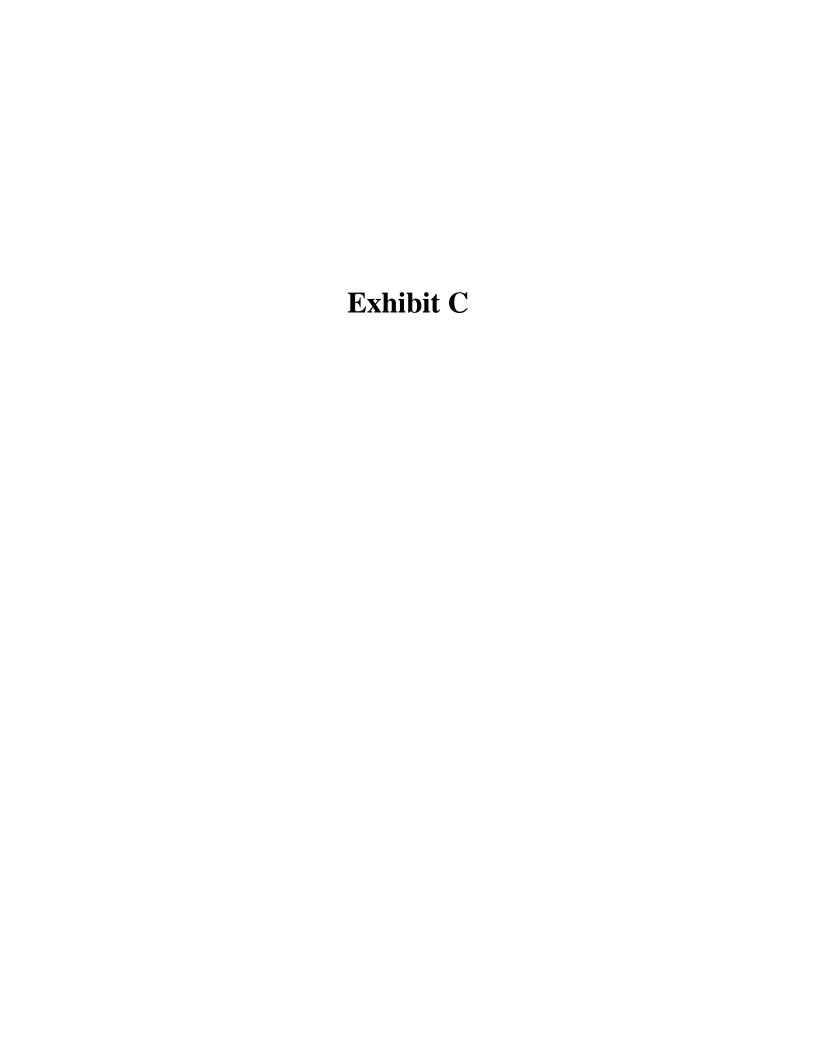


Photos of Material Lists









JENNIFER J SAMPSON DANIEL D SAMPSON 370 E PHEASANT VIEW DR DRAPER UT 84020-8345

REDACTED



Questions: Call 1-888-221-7070 24 hours a day.

7 days a week rockymountainpower.net

Your Balance With Us	
Previous Account Balance	0.00
Payments/Credits	0.00
New Charges	+2,587.64
Current Account Balance	\$2.587.64

Payments Received

No payments have been received since your last billing statement.

Detailed Account Activity

ITEM 1 - OTHER SERVICE	1/14/21 370pheasantvw Chsecbox Schedule EXP			
NEW CHARGES - 03/21	UNITS	UNITS COST PER UNIT		
Material, External Bill	1 lot	70.6200000	70.62	
Labor, External Bill	1 hour	2517.0200000	2,517.02	
Total New Charges	1.1104.			

Effective March 1, the Utah Public Service Commission approved an increase to the Energy Balance Account (Schedule 94) charge. This charge collects the difference between the estimated costs of power and the actual, incurred costs of power. Your bill will reflect charges billed at old and new rates.

When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

Now you can earn \$6 in bill credits each year when you sign up for paperless billing. See details and enroll at rockymountainpower.net/paperless.

Looking for other ways to pay?

Visit rockymountainpower.net/pay for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

Write account number on check & mail to: Rocky Mtn Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS.

RETURN THIS PORTION WITH YOUR PAYMENT.







ROCKY MTN POWER PO BOX 26000 PORTLAND OR 97256-0001



BILLING DATE: Mar 12, 2021

ACCOUNT NUMBER:

Apr 5, 2021 **DUE DATE:**

AMOUNT DUE:

\$2,587.64

We're helping customers impacted by COVID-19 get back on track. We're resuming normal billing and business practices so visit our website or call us now to discuss options for your account.

Estamos ayudando a los clientes afectados por COVID-19 a volver a la normalidad. Estamos reanudando las prácticas comerciales normales, así que visite nuestro sitio web o llámenos ahora para analizar las opciones para su cuenta.

Late Payment Charge for Utah A late payment charge of 1% may be charged on the delinquent balance per month.

Change of Mailing Address or Phone? Check here & provide information on back.

Account Number:

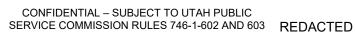
Date Due:

Apr 5, 2021

AMOUNT DUE: \$2,587.64

Please enter the amount enclosed

JENNIFER J SAMPSON DANIEL D SAMPSON 370 F PHFASANT VIEW DR DRAPER UT 84020-8345



ROCKY MOUNTAIN POWER

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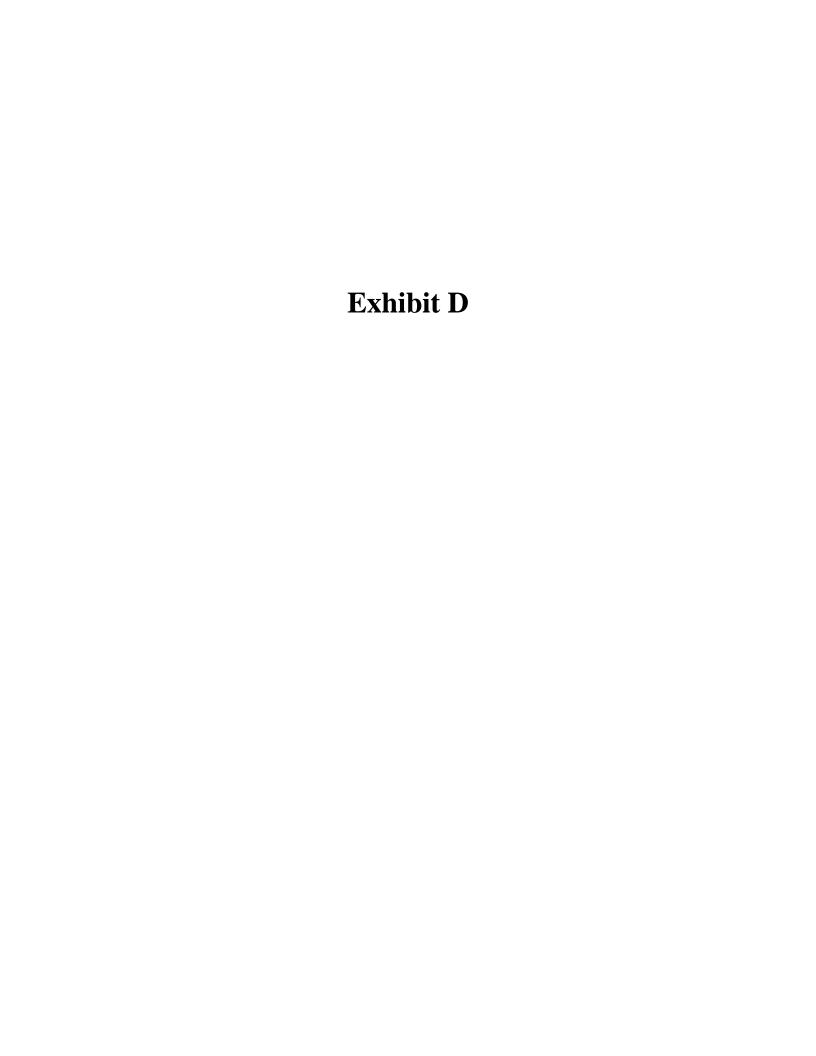
ZIP

Questions about your bill: Call toll free 1-888-221-7070 rockymountainpower.net

LLING DATE. IIIGI 12, 2021	ACCOUNT NUMBER:			
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ew Mailing Addres ase print your new informati	ion below and check the box on			
COUNT NUMBER: 16310666-	002 6			
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N STREET ADDRESS				

TELEPHONE NUMBER

This product contains fiber from well-managed, independently certified forests.



CONFIDENTIAL - SUBJECT TO UTAH PUBLIC SERVICE COMMISSION RULES 746-1-602 AND 603 **ROCKY MOUNTAIN**

JENNIFER J SAMPSON DANIEL D SAMPSON 370 E PHEASANT VIEW DR **DRAPER UT 84020-8345**

REDACTED

U.S. POSTAGE PAID

Questions: Call 1-888-221-7070

24 hours a day, 7 days a week rockymountainpower.net

BILLING DATE:

POWER

Mar 30, 2021

ACCOUNT NUMBER:

Apr 21, 2021

DUF DATE AMOUNT DHE:

\$1,403,16

We're helping customers impacted by COVID-19 get back on track. We're resuming normal billing and business practices so visit our website or call us now to discuss options for your account.

Estamos avudando a los clientes afectados por COVID-19 a volver a la normalidad. Estamos reanudando las prácticas comerciales normales. así que visite nuestro sitio web o llámenos ahora para analizar las opciones para su cuenta.

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Your Balance With Us		Payments Received
Previous Account Balance	2,587.64	No payments have been received since your last billing statement.
Payments/Credits	0.00	
New Charges	0.00	
Adjustments	-1,184.48	
Current Account Balance	\$1,403.16	

Detailed Account Activity

ITEM 1 - OTHER SERVICE	1/14/21 370pheasantvw Chsecbox Schedule EXP	
ADJUSTMENTS		CHARGE
03/21 Other Adjustments - Not Coded		-1,184.48
Total Adjustments		-1,184.48

Effective March 1, the Utah Public Service Commission approved an increase to the Energy Balance Account (Schedule 94) charge. This charge collects the difference between the estimated costs of power and the actual, incurred costs of power. Your bill will reflect charges billed at old and new rates.

Tenants and landlords

Funds are available from the federal Emergency Rental Assistance Program to help renters unable to pay utilities and rent due to circumstances related to COVID-19. Find out more at rockymountainpower.net/assistance.

When you provide a check as payment, you authorize us to use the information from your check either to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as we receive your payment and you will not receive your check back from your financial institution. If you would like to opt out of this program and continue processing your payment as a check transaction, please call 1-800-895-0561. If you have opted out previously, please disregard this message.

Now you can earn \$6 in bill credits each year when you sign up for paperless billing. See details and enroll at rockymountainpower.net/paperless.

See reverse



Write account number on check & mail to: Rocky Mtn Power, PO Box 26000, Portland, OR 97256-0001

RETAIN THIS PORTION FOR YOUR RECORDS



RETURN THIS PORTION WITH YOUR PAYMENT.



ROCKY MTN POWER PO BOX 26000 PORTLAND OR 97256-0001

:<u>Արժ (ի կիս Ու իլի իրըսդիները իրինիաիս Ուի</u>սիսի

Late Payment Charge for Utah A late payment charge of 1% may be charged on the delinquent balance per

Change of Mailing Address or Phone? Check here & provide information on back.

Account Number:

Date Due:

Apr 21, 2021

AMOUNT DUE:

\$1,403.16

Please enter the amount enclosed.

JENNIFER J SAMPSON DANIEL D SAMPSON 370 E PHEASANT VIEW DR DRAPER UT 84020-8345

CONFIDENTIAL - SUBJECT TO UTAH PUBLIC SERVICE COMMISSION RULES 746-1-602 AND 603

ROCKY MOUNTAIN POWER

REDACTED

PAGE 2 OF 2

Questions about your bill: Call toll free 1-888-221-7070 rockymountainpower.net

BILLING DATE: Mar 30, 2021 ACCOUNT NUMBER:

DUE DATE: Apr 21, 2021 AMOUNT DUE: \$1,403.16

Looking for other ways to pay?

Visit rockymountainpower.net/pay for all your options. You can choose to pay on your device using our mobile app, on our website, at a pay station in your community, or pay over the phone by calling 1-888-221-7070.

New Mailing Address or Phone?

Please print your new information below and check the box on the reverse side of this Payment Stub. Thank you.

ACCOUNT NUMBER: 16310666-002 6

LAST		FIRST	М.І.
NEW STREET /	ADDRESS		
CITY			
ST	ZIP	TELEPHONE NUMBER	Philosophian Agricus and Mary Chicago States and Commission of the

This product contains fiber from well-managed independently certified forests.

REDACTED



Page 1 Of 2

BILL TO:

Jennifer J Sampson 370 E Pheasant View Dr Draper, UT 84020

Invoice Date: Date of Loss: Account No:

3/22/2021 (adj'd hrs) 1/14/2021

W.O. No:

6969493

DESCRIPTION OF SERVICES RENDERED:

Secondary box at end of driveway hit and damaged

ADDRESS OF INCIDENT:

370 E Pheasant View Dr Draper UT 84020

SUMMARY OF CHARGES: (See page 2 for details)

MATERIALS:	\$ 70.62
LABOR/TRANSPORTATION:	\$ 1,332.54
OTHER CHARGES:	\$ -
TOTAL AMOUNT:	\$ 1,403.16

This invoice is now due. Please note the account number on your remittance - thank you!

PLEASE RETURN ONE COPY OF THIS FORM WITH YOUR REMITTANCE TO:

Rocky Mountain Power Bill Payment Processing PO Box 26000 Portland, OR 97256-0001

DESCRIPTION	QTY		COSTS	
MATERIAL				
PEDESTAL, SEC, ABOVE GRADE, 2PIECE, POLY	1	\$	70.62	
Total Material		s	70.62	
LABOR/TRANSPORTATION				
Journeymen/1st Responder/2man Thumper Crew	17	\$	2,517.02	
adjusted off 8 hours		\$	(1,184.48)	
Total Labor/Transportation		S	1,332.54	
OTHER SERVICES				
Total Other Services		S	•	
TOTAL COST OF JOB				\$ 1,403.16

Any questions, please call: Rocky Mountain Power Attn: Jolee M (801) 220-7455

Title	Date	WO#	WO # text	From	End time	Hours
1st Rpndr	1/14/2021	6969493	DCP FP315780-A 374 E PHEASANT VIEW DR	9:00:00	11:00:00	2
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79523	13:46		Charges for next job begin
1			

Vehicle	Date	Landmark	Comment
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79523	10:03		Travel
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79523	10:13	DR	Arrived/Work
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79523	10:15		Arrived/Work
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79523	11:38	DR	Arrived/Work
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79523	11:39	DR	Arrived/Work
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79523	The second secon	DR	Arrived/Work
73323	1/15/2021		Alliveu/ work
79523		374 E PHEASANT VIEW DR	Arrived/Work
17323	11:48		Arrived/ Work
70522	1/15/2021	374 E PHEASANT VIEW	Andread Natore
79523	11:50	DR	Arrived/Work
70500	1/15/2021	374 E PHEASANT VIEW	A and an all this art.
79523	13:36	DR DUFACANTAUTIA	Arrived/Work
79523	1/15/2021	374 E PHEASANT VIEW	Ambin d Batail
	13:36	DR	Arrived/Work
70500	1/15/2021		Toursel
79523	13:38		Travel
	1/15/2021		
79523	13:40		Travel
79523	1/15/2021		
	13:42		Travel
	1/15/2021		
79523	13:44		Travel
	1/15/2021		
	13:46		Charges for next job begin