

September 14, 2022

***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 Administrator

**Re: Docket No. 22-035-41**  
**In the Matter of the Formal Complaint of Helen Taylor Against Rocky Mountain Power**  
*Rocky Mountain Power's Response and Motion to Dismiss*

Pursuant to the Notice of Filing and Comment Period issued by the Public Service Commission of Utah on August 15, 2022, Rocky Mountain Power ("Company") hereby submits for filing its Response 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](mailto:datarequest@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,



Joelle Steward  
Senior Vice President, Regulation and Customer & Community Solutions

cc: Service List Docket No. 22-035-41

**CERTIFICATE OF SERVICE**

Docket No. 22-035-41

I hereby certify that on September 14, 2022, a true and correct copy of the foregoing was served by electronic mail to the following:

**PacifiCorp dba Rocky Mountain Power**

Data Request Response Center [datareq@pacificorp.com](mailto:datareq@pacificorp.com),  
[customeradvocacyteam@pacificorp.com](mailto:customeradvocacyteam@pacificorp.com)

Jana Saba [jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)

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Alyson Anderson [akanderson@utah.gov](mailto:akanderson@utah.gov)

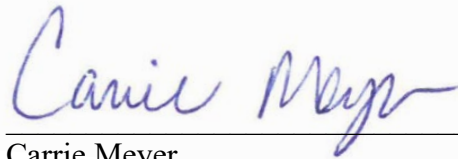
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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

Formal Complaint of Helen Taylor against Rocky Mountain Power	Docket No. 22-035-41
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**RESPONSE AND MOTION TO DISMISS**

Pursuant to Utah Code Ann. § 63G-4-204(1) and Utah Admin. Code §§ R746-1-203, R746-1-206, and R746-1-301, and Utah Rules of Civil Procedure 12(b)(6), Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or the “Company”) hereby provides its answer to the formal complaint (“Complaint”) filed by Helen Taylor (“Complainant”) with the Public Service Commission of Utah (“Commission”) on August 15, 2022. In addition, the Company moves to dismiss the Complaint in its entirety because Complainant has failed to state a claim upon which relief can be granted. Complainant has not alleged that Rocky Mountain Power violated any statute, administrative rule, Commission order, or Company tariff.

Communications regarding this Docket should be addressed to:

By e-mail (preferred):

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## **INTRODUCTION**

Electric Service Schedule No. 136 – Transition Program for Customer Generators (“Schedule 136”) prohibits customers “from receiving an accommodation for a non-standard meter.” Schedule 136.6, ¶ 19. Complainant opposes the installation of an AMI meter because she believes it will collect “invasive personal-use data” that is not collected from her current bi-directional meter. The Company informed the Complainant that service under Schedule 136 requires an AMI meter because Schedule 136 customers are compensated for their electricity generation netted at fifteen-minute intervals. The Company also advised the Complainant that an option to avoid an AMI meter exists by moving to Electric Service Schedule No. 137 – Net Billing Service (“Schedule 137”), but cautioned the Complainant that Schedule 137 provides lower compensation for customer generated electricity than Schedule 136. Complainant requests that the Commission direct the Company to allow Complainant to continue receiving the export credit rate provided under Schedule 136 with their current meter through December 31, 2032. Providing the requested accommodation would be at odds with the terms and conditions of Rocky Mountain Power’s approved tariff. Therefore, the Commission should dismiss the Complaint.

## **BACKGROUND & RESPONSE TO COMPLAINANT’S ALLEGATIONS**

1. Complainant is a Rocky Mountain Power residential customer currently receiving service under Electric Service Schedule 136. One of the conditions of service under Schedule 136 is that “A Customer with service under this Schedule is prohibited from receiving an accommodation for a non-standard meter.” This condition was added to Schedule 136 in 2021 because the billing under the tariff requires 15-minute interval netting of delivered and exported energy which requires recording power usage and power received in every 15-minute interval during the billing period. The Commission approved the addition of this condition, stating that it was “reasonable and appropriate” to ensure that the full benefits of AMI are achieved.<sup>1</sup>

2. In July 2022, the Complainant contacted the Division of Public Utilities with her concerns about the required installation of an AMI meter, which complaint was forwarded to the Company. The Company responded to the informal complaint by advising her of the metering requirements of service under Schedule 136. The Company also provided the option of opting out of the AMI installation by switching to Schedule 137, which the Company also informed the Complainant of the full effects of that choice, including the effect on the rate the Complainant would be paid for exported energy. Included in the email were two attachments: the current version of Schedule 136 and a brochure outlining the health and safety of smart meters.

3. On August 15, 2022, Complainant filed a formal complaint with the Commission, requesting that the Commission allow her to retain her non-AMI meter and remain on Schedule 136 for the duration of the schedule.

4. On that same day, the Commission issued the Notice of Filing and Comment Period, requiring the Company to respond to the Complaint by September 14, 2022.

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<sup>1</sup> *Rocky Mountain Power’s Proposed Tariff Changes Associated with PacifiCorp’s Advanced Metering Infrastructure Project and Various Housekeeping Changes*, Docket No. 21-035-T08, Order, at 4 (August 11, 2021).

5. The Company denies all factual allegations in the Complaint not specifically admitted herein.

### **MOTION TO DISMISS**


Complainant has failed to state a claim upon which relief can be granted and the Company moves, under Rule 12(b)(6) of the Utah Rules of Civil Procedure, for an order dismissing the Complaint. In support of this motion, the Company asserts that Complainant has not alleged Rocky Mountain Power violated any administrative rule, order, statute, or applicable provision of the Company's tariff. In fact, granting the Complainant's requested relief would be contrary to the Company's approved tariffs, as Schedule 136 expressly prohibits customers from opting out of a non-standard meter. Accordingly, the Commission should dismiss the Complaint.

### **CONCLUSION**

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

DATED this 14th day of September, 2022.

Respectfully submitted,

  
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Emily Wegener

*Attorney for Rocky Mountain Power*