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Salt Lake City, UT 84116

December 15, 2023

***VIA ELECTRONIC FILING***

Utah Public Service Commission  
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. 23-035-52**  
In the Matter of the Formal Complaint of Andrea Reich-Armbruster Against Rocky Mountain Power  
*Rocky Mountain Power's Answer and Motion to Dismiss*

Pursuant to the Notice of Filing and Comment Period issued by the Public Service Commission of Utah on November 16, 2023, Rocky Mountain Power ("Company") hereby submits for filing its Answer and Motion to Dismiss in the above referenced matter. The Company's filing also includes Confidential Attachment A, which has been uploaded to the Commission's SFTP site.

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)  
[utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com)  
[jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
[katherine.smith@pacificorp.com](mailto:katherine.smith@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

Enclosures

Katherine Smith  
Rocky Mountain Power  
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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

Formal Complaint of Andrea Reich-Armbruster against Rocky Mountain Power	DOCKET NO. 23-035-52 <b>ANSWER AND MOTION TO DISMSS</b>
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Pursuant to Utah Code Ann. § 63G-4-204(1) and Utah Admin. Code §§ R746-1-206, and R746-1-301, Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or the “Company”) answers the formal complaint (“Complaint”) filed by Andrea Reich-Armbruster (“Complainant”) with the Public Service Commission of Utah (“Commission”). The Company also moves to dismiss the Complaint with prejudice 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):

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## **BACKGROUND AND ANSWER TO COMPLAINANT’S ALLEGATIONS**

1. Ms. Reich-Armbruster is a residential customer of Rocky Mountain Power taking service on Electric Schedule No. 1 at the service address listed in the formal complaint filing submitted by the Complainant on November 15, 2023 (“Formal Complaint”).

2. As shown in Rocky Mountain Power’s Confidential Attachment A, included with this filing, a review of the Ms. Reich-Armbruster’s account over the past three years shows she has a history of submitting a lump-sum payment in the spring of each year. Based on statements made by Ms. Reich-Armbruster throughout her Formal Complaint, the Company believes she does so with the expectation the lump-sum payment will be sufficient to cover her monthly electric bills for following year.

3. On March 15, 2023, Ms. Reich-Armbruster submitted a lump-sum payment of \$700 intended to cover the subsequent twelve months of monthly electric bills. However, this lump-sum payment was not sufficient to cover the next 12 months of electric bills and was exhausted with Ms. Reich-Armbruster’s September 13, 2023, bill.

4. After receiving her September 2023 bill showing a balance was due, Ms. Reich-Armbruster contacted the Company asking for an audit of her account in order to explain why the lump-sum payment was not enough to cover a full year's worth of electric bills as anticipated. In its interactions with Ms. Reich-Armbruster, the Company’s customer service representatives interpreted her request for an “audit” to be a request for an in-home energy audit. In the email dated September 28, 2023, included with the Formal Complaint, the Company

informed Ms. Reich-Armbruster it did not perform in-home energy audits and offered to review her monthly bills with her to address her concerns.

5. On October 13, 2023, Ms. Reich-Armbruster contacted the Division of Public Utilities (“DPU”) and initiated an informal complaint claiming the Company was stealing her money and refused to perform an audit of her account.

6. On October 18, 2023, the Company responded to Ms. Reich-Armbruster's informal complaint, providing a written explanation for the accounting of Ms. Reich-Armbruster's lump-sum payment, a copy of her monthly bills from February through November 2023, an offer to enroll her in the Company’s Equal Payment Plan, and options for potential payment arrangements. Based on the information provided, the DPU closed the informal complaint.

7. On November 15, 2023, Ms. Reich-Armbruster filed the Formal Complaint, again requesting an audit of her account, claiming she was “told twice that they do not do audits on the meters or accounts.”<sup>1</sup> Ms. Reich-Armbruster requested a formal audit to her meter and account, expressing willingness to pay if the audit demonstrates the amounts are truly owed.

8. Prior to the formal complaint, the Company interpreted Ms. Reich-Armbruster’s request for an audit of her account to be requesting a billing history and an in-home energy audit. As previously stated, the Company responded to the request for an audit by providing Ms. Reich-Armbruster with her billing history and informing her that the Company did not perform in-home energy audits.<sup>2</sup>

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<sup>1</sup> Complaint p. 2.

<sup>2</sup> At the time of the communication with the Complainant, the Company notes it was in the early stages of implementing a new program that offers in-home energy audits. The Company believes Complainant intended her reference to an audit to be a request for a meter test. However, the Company is also able to perform an in-home energy audit to identify potential energy savings if desired by the Complainant.

9. After reading Ms. Reich-Armbruster's characterization of her request for an audit of her account in the formal complaint, specifically the reference to an audit of her meter, the Company believes she may have been referring to a meter test, not an in-home energy audit. The Company performs meter tests at the request of customers in accordance with Electric Service Regulation No. 7 (“Regulation 7”).

10. In response, the Company tested Ms. Reich-Armbruster meter on November 22, 2023. The meter test results showed her meter is 99.9% accurate.

11. Confidential Attachment A provides a three-year history of Ms. Reich-Armbruster’s account including the lump-sum payments, monthly bill charges, and monthly usage history. The information shows that Ms. Reich-Armbruster's lump-sum payment on April 13, 2021, was large enough to cover the subsequent year of billing statements. Ms. Reich-Armbruster made a smaller lump-sum payment on March 15, 2022, which, when combined with the credit balance remaining from the 2021 lump-sum payment, was sufficient to cover her bills until January 2023. As shown in Confidential Attachment A, Ms. Reich-Armbruster’s March 15, 2023, lump-sum payment was insufficient to cover the subsequent 12 months of bills primarily because a portion of the payment was applied to the amounts still owing from January and February 2023 and her overall energy usage was higher on average than in previous years.

### **MOTION TO DISMISS**

12. The Company requests the Commission dismiss the Complaint with prejudice under Utah Rule of Civil Procedure 12(b)(6), because the Complainant has failed to allege or establish that the Company has violated any applicable law, Commission rule, or Company tariff.

13. Ms. Reich-Armbruster claims the Company is stealing her money because her lump-sum payment was not enough to credit her account to cover her monthly bills for the subsequent year. The Company provided the Ms. Reich-Armbruster with her monthly statements, a summary of her account, which reflects the accounting of her lump-sum payments, and results of her meter test. The information provided explains why Ms. Reich-Armbruster's lump-sum payment was not enough to cover her utility bill for the subsequent year.

14. In addition to providing Ms. Reich-Armbruster with a detailed breakdown of her account billing, the Company explained its programs for billing assistance going forward, such as the Equal Payment Plan, the Time Payment Plan, and Equal Time Payment Plan. The Company provided Ms. Reich-Armbruster with a phone number and email address to explore these payment plans further.

15. Ms. Reich-Armbruster also claims the Company refused to perform an audit on her account. The Company respectfully disagrees but acknowledges there may have been a misunderstanding to the extent the Ms. Reich-Armbruster intended this to be a request for a meter test.

16. The Company performed a test on Ms. Reich-Armbruster's meter to confirm that the meter is operating well within the limits established in Regulation 7.

17. In sum, the Company believes that in providing Ms. Reich-Armbruster with copies of her statements, meter test results, and the account and usage summary in Confidential Attachment A, it has provided adequate information to demonstrate how her lump-sum payments have been applied to her account and that the amounts due on her electric bills are accurate and truly owed to the Company.

## CONCLUSION

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

Dated this 15th day of December 2023,

ROCKY MOUNTAIN POWER

/s/ Katherine Smith

Katherine Smith

1407 West North Temple, Suite 320

Salt Lake City, Utah 84116

Telephone No. (435) 776-6980

*Attorney for Rocky Mountain Power*

# **Confidential Attachment A**



**THIS ATTACHMENT IS CONFIDENTIAL IN ITS  
ENTIRETY AND IS PROVIDED UNDER SEPARATE  
COVER**

## CERTIFICATE OF SERVICE

Docket No. 23-035-52

I hereby certify that on December 15, 2023, a true and correct copy of the foregoing was served by electronic mail to the following:

<b><u>Complainant</u></b>	
Andrea Reich-Armbruster	<a href="mailto:areich1983@gmail.com">areich1983@gmail.com</a>
<b><u>Utah Office of Consumer Services</u></b>	
Michele Beck	<a href="mailto:mbeck@utah.gov">mbeck@utah.gov</a>
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Bela Vastag	<a href="mailto:bvastag@utah.gov">bvastag@utah.gov</a>
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Coordinator, Regulatory Operations