

Katherine Smith (18823)
Rocky Mountain Power
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone No. (435) 776-6980
katherine.smith@pacificorp.com

Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of Courtney Rayne Buchanan against Rocky Mountain Power	DOCKET NO. 24-035-02 ANSWER AND MOTION TO DISMSS
---	--

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 Courtney Rayne Buchanan (“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):

datarequest@pacificorp.com
katherine.smith@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

Katherine Smith
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
Telephone: (435) 776-6980
katherine.smith@pacificorp.com

BACKGROUND AND ANSWER TO COMPLAINANT’S ALLEGATIONS

1. Ms. Buchanan is a residential customer of Rocky Mountain Power taking service on Electric Service Schedule No. 1 at the service address listed in the formal complaint filing submitted by the Complainant on January 5, 2024 (“Complaint”).

2. The Company’s Electric Service Regulation No. 10 – Termination of Service and Deferred Payment Agreement (“Regulation 10”), provides a residential customer the right to request a residential deferred payment agreement, consisting of 12 months of equal monthly payments if unable to pay a delinquent account balance on demand (“Time Payment Plan”). The customer must pay an initial monthly installment and the Company is required to provide a written summary of the Time Payment Plan to the customer.

3. Regulation 10 also states that if an applicant or account holder breaches any condition or term of the deferred payment agreement, the Company may treat that breach as a delinquent account and shall have the right to terminate electric service pursuant to the regulation, and the account holder shall not have the right to renewal of the deferred payment agreement. Renewal of deferred payment agreements after breach is at the option of the Company.

4. In December 2022, Ms. Buchanan contacted the Company with concerns regarding financial hardship. The Company offered the Complainant a Time Payment Plan. A copy of the written summary for the Complainant’s Time Payment Plan dated December 23, 2022, is provided

as Confidential Exhibit 1. Ms. Buchanan paid the initial monthly installment required to start the Time Payment Plan but failed to pay her January 2023 bill, resulting in a default of her Time Payment Plan.

5. In January 2023, Ms. Buchanan requested another Time Payment Plan. Due to the concerns of financial hardship expressed by the Complainant, the Company elected to provide a second Time Payment Plan to Ms. Buchanan. A copy of the written summary for the Complainant's Time Payment Plan dated January 30, 2023, is provided as Confidential Exhibit 2. Ms. Buchanan paid the initial monthly installment required to start the Time Payment Plan but failed to pay her February and March 2023 bills, resulting in a default of her Time Payment Plan.

6. In May 2023, Ms. Buchanan requested another Time Payment Plan. The Company opted to initiate a third Payment Plan for Ms. Buchanan. A copy of the written summary for the Complainant's Time Payment Plan dated May 24, 2023, is provided as Confidential Exhibit 3. Ms. Buchanan paid the initial monthly installment required to start the Time Payment Plan but failed to make payments in accordance with her Time Payment Plan.

7. In August 2023, Ms. Buchanan requested another Time Payment Plan. Based on Ms. Buchanan's continued claims of financial hardship, the Company opted to provide a fourth Payment Plan. A copy of the written summary for the Complainant's Time Payment Plan dated August 24, 2023, is provided as Confidential Exhibit 4. Ms. Buchanan paid the initial monthly installment required to start the Time Payment Plan but failed to make timely payments in accordance with her Time Payment Plan.

8. On or around November 30, 2023, Ms. Buchanan contacted the Division of Public Utilities and initiated an informal complaint, claiming the Company was refusing to provide a Time Payment Plan.

9. On December 4, 2023, a Company representative spoke with Ms. Buchanan regarding her circumstances, which is memorialized in an email included in the informal complaint. Based on the discussion, the Company agreed to suspend Ms. Buchanan's scheduled disconnection to provide time for her to apply for energy assistance. In exchange, Ms. Buchanan agreed to pay \$100 by December 14, 2023, and to call the Company on that date to discuss the status of her energy assistance application. The Company committed that if Ms. Buchanan called the Company by December 14, 2023, with the status of her energy assistance application, it would establish additional payment arrangements.

10. Ms. Buchanan did not contact the Company or pay the agreed upon \$100 payment by December 14, 2023. To date, the energy assistance program has not made a pledge on behalf of Ms. Buchanan.

11. On January 5, 2024, Ms. Buchanan filed a Formal Complaint, alleging the Company refused to provide a Time Payment Plan.

12. Confidential Attachment 5 provides a thirteen-month history of Ms. Buchanan's account including monthly bill charges and payments. The information provided in the Confidential Attachments included with this filing demonstrates that the Company worked with Ms. Buchanan on multiple occasions to provide a Time Payment Plan. In accordance with Regulation 10, the Company is not required to provide a Time Payment Plan to the Complainant due to the breach of prior Time Payment Plans.

MOTION TO DISMISS

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

14. Ms. Buchanan claims the Company refuses to provide payment plans and should remove all late payment fees to her account. However, the Company provided Ms. Buchanan with four Time Payment Plans between December 2022 and December 2023.

15. Ms. Buchanan breached all Time Payment Plans by failing to make timely payments in accordance with the agreements. Therefore, the Company is under no obligation to provide Ms. Buchanan with another Time Payment Plan in accordance with Regulation 10.

16. Therefore, the Company requests the Commission dismiss the Complaint with prejudice because the Company has not violated any provision of law, Commission order or rule, or Company tariff.

CONCLUSION

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

Dated this 7th day of February 2024,

ROCKY MOUNTAIN POWER

/s/ Katherine Smith

Katherine Smith (18823)

1407 West North Temple, Suite 320

Salt Lake City, Utah 84116

Telephone No. (435) 776-6980

Attorney for Rocky Mountain Power

EXHIBITS 1-5 ARE CONFIDENTIAL IN THEIR ENTIRETY
AND ARE PROVIDED UNDER SEPARATE COVER

CERTIFICATE OF SERVICE

Docket No. 24-035-02

I hereby certify that on February 7, 2024, a true and correct copy of the foregoing was served by electronic mail to the following:

Utah Office of Consumer Services

Michele Beck mbeck@utah.gov
ocs@utah.gov

Division of Public Utilities

dpudatarequest@utah.gov

Assistant Attorney General

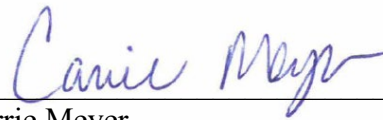
Patricia Schmid pschmid@agutah.gov
Robert Moore rmoore@agutah.gov
Patrick Grecu pgrecu@agutah.gov

Rocky Mountain Power

Data Request Response Center datarequest@pacificorp.com
Jana Saba jana.saba@pacificorp.com
utahdockets@pacificorp.com
Katherine Smith katherine.smith@pacificorp.com

Complainant

Courtney Rayne Buchanan outlaw4u2@yahoo.com



Carrie Meyer
Adviser, Regulatory Operations