

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal)
Complaint of Pinnacle)
Engineering and Land)
Surveying Inc.)

DOCKET NO. 05-035-01

REPORT AND ORDER

ISSUED: June 27, 2005

SYNOPSIS

Complainant having failed to appear to prosecute this matter, the Commission dismissed the same.

By The Commission:

This matter came on for hearing before the Administrative Law Judge on June 24, 2005, pursuant to Scheduling Notice issued April 8, 2005. Complainant Pinnacle Engineering and Land Surveying, Inc., failed to appear. Attempts to contact Complainant's representative, Stephen Fackrell, at the telephone number listed on the Complaint Form were unsuccessful. Having delayed the start of the hearing some fifteen minutes while attempting to contact Complainant, the Administrative Law Judge opened the hearing and took appearances from Respondent Utah Power & Light represented by counsel David L. Elmont.

Due to Complainant's failure to appear, Respondent requested Complainant's default be entered and the docket dismissed. Respondent also noted that witnesses had traveled from Portland, Oregon, to testify and requested that if further hearing is scheduled in this matter the Commission order Complainant to pay travel expenses for Respondent's witnesses.

Therefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The complaint of PINNACLE ENGINEERING AND LAND SURVEYING, INC., against UTAH POWER AND LIGHT, be, and the same is hereby, dismissed.

2. Pursuant to Utah Code 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

Dated at Salt Lake City, Utah, this 27th day of June, 2005.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 27th day of June, 2005, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/Julie Orchard
Commission Secretary

G#44931