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**Division of
Public Utilities**

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M E M O R A N D U M

March 7, 2005

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES

Irene Rees, Director

Kent Evans, Manager, Customer Service

Ross Hudson, Customer Service Specialist

RE: 05-035-01 - In the matter of the Formal complaint of Pinnacle Engineering and Land Surveying vs. PacifiCorp d/b/a Utah Power & Light

Background: Complainant filed an informal complaint through Pinnacle Engineering President, Mr. Steve Fackrell, with the Division on November 17, 2004 alleging that Utah Power was charging more to move power poles at 4000 S. 5100 W., in West Haven, Utah than it cost to move other power poles that were in the same area a year before. Pinnacle Engineering and Land Surveying also wanted to know the difference in costs.

On November 26, 2004 information from Utah Power & Light determined that the work order # 2543736 for Pinnacles current project is for 1670 feet - 4/0 Overhead primary, 4 - down guys and anchor assemblies, 1 - 3-phase fused cutout and arm, 5 - 45 foot poles, 7 spans of reconductor, including miscellaneous cross arms and insulators. Utah Power & Light also state that the job from a year ago was 954 feet of overhead primary, 3 or 4 poles, & 3 spans of conductor relocated. Which shows the job from a year ago was roughly one-half the size of the current job. Pinnacle Engineering President Steve Fackrell was not satisfied with the answer given by Utah Power & Light and filed a formal complaint with the Commission stating Utah Power claims that their client should shoulder the entire burden of the work to be done while their calculations show that a single phase line would suffice for this local.

On January 10, 2005 Data Requests were sent to Pinnacle Engineering for response.

On February 3, 2005 The Division received PacifiCorp's Motion To Dismiss and Answer wherein they

stated Pinnacle Engineering did not have standing in this matter. On this same day a data request was sent to PacifiCorp for answer. The answer to this data request was received from PacifiCorp on February 14, 2005.

On February 24, 2005 a letter was received from Ran D. Jones of Fair Grove Construction, Inc., stating that Stephen Fackrell of Pinnacle Engineering does have authorization to represent them in this matter.

On February 25, 2005 I made contact with Pinnacle Engineering by phone and left a message for Steve Fackrell that the answer to the Divisions data request had not been received and needed to be faxed ASAP.

On March 3, 2005 I made contact with Steve Fackrell at Pinnacle Engineering by phone and told him I needed the answer to our Data Request by the end of the day. I waited until the end of the day on March 4, 2005 and no answer to the Data Request was received.

Recommendations: No answer to the Data Requests to Pinnacle Engineering have been received by The Division even after asking for them to produce same on two different occasions by phone. I therefore recommend that this Formal Complaint be dismissed.