

May 25, 2007

Public Service Commission
Heber M. Wells State Office Building
160 E. 300 S. – 4th Floor
Box 45585
Salt Lake City, UT 84145

Subject: **Docket No. 07-035-08 - Continued problems**

Dear Public Service Commission:

I want to thank Steve G., the hearing officer for the way in which he conducted the **Technical Conference** on May 1, 2007. His professionalism, and willingness to conduct a conference which was not tied up in academic "legalese" was very refreshing.

In preparation for the Technical Conference, scheduled for June 14, 2007, I and the 50 Petitioners of Millcreek Township find it important to share a few facts subsequent to the 1st Conference, but totally pertinent to the official complaint filed with the Public Service Commission, Docket No. 07-035-08. In fact I would ask that this document be added as an addendum to the above docket, and posted on the Web.

On Thursday night, May 3, 2007 there was a flash and explosion which lit up the sky. It was seen and heard 3/4 of a mile away. A high voltage wire fell off a cross arm at about 3150 Millcreek Canyon Road. It appears that the high voltage wire on the south side of the street fell onto a low voltage service cable crossing the road for the purpose of connecting some homes. Two females driving west on the north side of the street appeared to have been blinded and took evasive action to avoid running into the site where the explosion occurred. Apparently their car ran off the north shoulder of the street hitting a smaller pole carrying a low voltage circuit. The two females were injured in the subsequent automobile accident.

The behavior of the power company which disturbs me deeply is that it appears a Rocky Mountain Power Company representative had a deputy sheriff threaten my technical assistant with arrest for interference as he tried to examine the accident scene and make certain inquiries. **These Gestapo tactics are highly inappropriate**, especially for a Company that is suppose to be a responsible citizen of the community, and should be expected to be as transparent in their operations **as possible**. Due to the Gestapo tactics used the fire department, paramedics and a deputy sheriff, my assistant was prevented from completely verifying the facts surrounding this dangerous situation.

A summary of the facts:

The high voltage power line was on the south side of Millcreek Canyon Road at about 3200 South.

A 7200 volt wire fell on the south side of the street onto a low voltage service cable crossing the street and serving homes on the north side of the street.

Two females ran off the north shoulder of the street striking a pole supporting the service cable to the homes on the north side of the street.

The high voltage wire on the south side of the street should not have fallen even if the pole on the north side of the street was hit first.

The high voltage wire appears to have burned in two in the explosion when it landed on the larger heavier low voltage service cable.

Without talking to the injured victims it is difficult to validate what happened first, except that the high voltage wire supports appeared to have been worn out.

When the high voltage wire fell, it energized all of the house wiring in the area with 7200 volts of electrical power. Light switches, plugs, lamps, television sets, et. cetera were all energized at 7200 volts. The houses and appliances were most likely all damaged.

The downed wire blacked out a large part of East Millcreek.

Due to a shortage of journeyman line crews, no line crew was available to work on the downed line until after mid-night. Power was restored at 1:00 a.m.

It's very troubling that the Company's P.R. man and his associates so successfully, in their Gestapo modus operandi, so successfully keep the press from knowing, or reporting any of the above type incidents. Spin, at all costs is allowing PacifiCorp and Rocky Mountain Power, it's subsidiary, to get by with behavior that should land some of their higher ups in jail.

As a former Vice-President of a large institution we were held absolutely accountable for preventive maintenance. I disciplined and fired key employees for failure to ensure that our MA-1 Volume ventilators (life-support respirators) were in top working order, or that our de-fibrillators were releasing the amount of voltage in compliance with all of the standards related to safely reversing the lethal condition of asystole, or life-threatening arrhythmias. If I didn't do my job, I was expected to step-down. It is a horrible thing to have to do a tracheostomy on a patient when your respiratory therapist doesn't have a functional intubation respirator/ventilator.

I do not know how a CEO of a major monopoly can ignore the evident dangers to the public. I do not know how State oversight committees can ignore those dangers. I want to believe that you are very concerned and will take meaningful action to ensure the safety of the Utah citizen, over the financial goals of a utility. Fining PacifiCorp for safety violations is a must. The only language they seem to understand is money. It's time to stop their gravy-train.

Those same standards I have been talking about in the above must apply to a Corporation sworn to comply with the Utility Statutes of the State of Utah, and especially the safety standards that a civilized society expects. Without question, the first responsibility of PacifiCorp and the Public Service Commission is to ensure the safety of the community in the distribution of electrical energy throughout the State. Recognizing this the William's report urged PacifiCorp to specifically break down Category B maintenance problems into at least 5-6 subsections, each subsection spelling out clearly a responsible and timely response to each threat. To over-generalize Category B, which essentially is a no-brainer, allows the power company to stretch out for years their response to different types of problems, while at the same time putting State residents at risk. This monopoly utility has not demonstrated that safety comes first, as they so testified in the Technical Conference hearing. At this very moment, the extremely hazardous pole on Neffs Lane, as shown by KSL Television the night of May 1, 2007, is still standing as a monument of colossal disregard for the safety of the residents along Neff's Lane.

Again in summary:

1. In 2004 the power company was forced to do an inspection of the power lines in (approximation) eighteen blocks between 2300 east and 3200 east, Millcreek Circuit #12 (PSC Docket No 04-035-01). Over 150 maintenance problems and safety hazards were found and repaired. This circuit is representative of many in the Millcreek, Holladay, and other unincorporated areas.
2. Residents in a 12 block, Millcreek Circuit #13 have documented over 50 safety hazards this year (PSC Docket No 07-035-08). This complaint is posted on the PSC website. Also Dr. Drake's response to PacifiCorp's denial is posted on the web site, summarizing the reasons why PacifiCorp's "smokescreen" is without merit.
3. An official report ordered by the Utah Division of Public Utilities (PSC Docket No 04-035-01) reports that Utah electrical distribution system ranks 49th out of 50 utilities studied in system reliability, all in contradiction to PacifiCorp's spin in the last rate-payer bill mailed to all electrical consumers.
4. While Utah has approximately twice the customers as the State of Oregon, PacifiCorp spent twice as much of Scottish Power's maintenance budget in Oregon because Oregon's PSC fines for safety violations.
5. Utah Public Service Regulations and State Statutes mandate a fine for safety violations. (Statute 54-7-25) . The fine is per day, per violation. The money is to go to the general fund.
6. Information in Dr. Drake's complaint shows PacifiCorp has admitted to over 18,000 violations of the National Electric Safety Code. Dr. Drake revealed PSC's own documentation showing thousands of uncorrected safety violations which have existed for years. If collected the outstanding fines would exceed over 1 billion dollars.

7. Utah rate payers paid for maintenance as part of the rate structures. Part of the justification for the last rate hike was to pay for additional maintenance. Rate payers are now being asked to pay a second time for work they already paid for, but was never done.
8. **If necessary** County residents need to petition for the following:
 - a. The Utah State Auditor General review maintenance funding and expenses from 1995 until the present to determine how the money paid by Utah rate payers was spent.
 - b. Implement the 18 pages of recommendations made by William Consulting Inc., required to improve maintenance and safety of power lines, and power line distribution systems in Utah. (When the Power Company's public relations officer said, in an interview with KSL television on May 1, 2007, that the power company was spending 60 million dollars this year for maintenance in Utah, one wonders how such a spin artist can, with a straight face mix maintenance dollars with outage restoration dollars, as if the Utah public are idiots.) His testimony was in direct contradiction to a member of PacifiCorp's team member who testified that about 40 some million would be spent in 2007 on maintenance, in contrast to the Williams Consulting Inc. report that revealed PacifiCorp had committed 20.1 million dollars to be spent on maintenance in 2007. Which is it spin-meisters?
 - c. Require the PSC to interview all journeyman linemen in the State of Utah. They are the most experienced and knowledgeable experts in the State as to the exact condition and safety hazards of the over-head power lines. (Having the reduced number of qualified linemen in the State is like staffing a cardiovascular unit with 40% of the qualified staff necessary to do open-heart surgery, and successfully recover the patient. That hospital would be out of business in one week.)
 - d. Require the PSC to follow the lead of the Oregon PSC to enforce all existing Utah State Statutes. The PSC has to decide, as do the advising attorneys, as to whether they are going to conduct business according to the rule of law, rather than the whims of myopic special interest groups, some of which are ethically challenged politicians. The Oregon PSC learned long ago that levying fines keeps the system safe. All the required statutes are on the books. They just are not being enforced. This would increase funding for badly needed services within the State while resulting in safer overhead power lines and few outages.

I believe the above information will be valuable to you, the PSC. I appreciate the work you do, but I want to challenge you to step to the plate and take that fast ball, even if it hits you in the ribs. You are up to it. It is okay to forge a legacy of safety and accountability in behalf of Mr. Joe-Blow Utahn, to include widows, young couples, and every soul whether they be at the bottom of the economic ladder, or higher. Do the right thing, forget the fiery darts of the special interest groups, ignore the advice of so-called advisers whose perspective, in most cases is very

narrow. I have served on Boards that have had the challenge to carry out the mission of a particular entity. Many times Board members were almost seduced into the losing the bigger picture, the very purpose for why they existed. I wrestled with that responsibility, and that challenge to get the 'whole picture," while given the responsibility to make some very difficult decisions. I believe you will do the right thing.

I thank you for your service and pray you will always walk with the lighted lamp that is always there for you, that you will enjoy your work while standing tall in behalf of the "common Utahn."

Most sincerely,

Dr. Richard E. Drake
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cc:

Michelle Beck, Committee of Consumer Services
Connie While, Division of Public Utilities
Patricia Jones, State Senator, District 4
Phil Rieson, Representative, District 36
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