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State of Utah
Department of Commerce
Division of Public Utilities

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REVISED MEMORANDUM

TO: Public Service Commission

FROM: Division of Public Utilities
Chris Parker, Division Director
Marialie Martinez, Customer Service Manager

DATE: September 15, 2014

RE: 14-030-02 – In the matter of Formal Complaint of Jeff McCollin against Moon Lake Electric Assn.

Recommendation: Reject Complaint if Further Evidence of Violation is not Provided

Complaint Analysis:

On June 23, 2014, Mr. Jeff McCollin called the Division of Public Utilities (Division) to file an informal complaint against Moon Lake Electric Assn. (Company).

Mr. McCollin owns a recreational property in Hanna, Utah with the following parcel numbers 00-032-5860 and 00-0031-7660. He claims that the Company came to his property without notice or permission and has trimmed his trees unnecessarily and unreasonably. Mr. McCollin adds that the Company has cut down his willow trees down to the ground, stripped to look like totem poles, and took away the privacy it provided on his property. He feels that the Company has trimmed the trees more than was necessary. He states that he has attempted to work with the Company directly but the Company refused to meet with him.

Company Response:

Mr. Alan Haslem, Company's Manager of Finance responded to Mr. McCollin's informal complaint. Mr. Haslem states that the Company has the right and duty to trim trees that grow into its power lines that can cause outages and pose safety concerns. He adds that the trees on Mr. McCollin's property has evidence of burning on contact.

Mr. Haslem further states that the Company maintains a 20 feet easement on distribution lines, and 10 feet on either side of center. He adds that regulations prohibit anyone from constructing anything within 10 feet of the conductor. The power lines have been in place for many years before the trees were planted. Mr. Haslem feels that the fact that fast growing willow trees were

planted close to the power line demonstrated a willful disregard of the easement by Mr. McCollin.

Mr. Haslem further explains that since Mr. McCollin is not a member of the Company receiving electric service, the Company therefore did not have contact information on file in order to notify him of the tree trimming. Mr. Haslem adds that the Company's contractor did cut a few of the trees at ground level because in the contractor's opinion, the trees were dead or dying. The contractor felt he was giving Mr. McCollin a favor.

In addition, the Company has expressed its preference in a telephone conversation between the Company's CEO, Grant Earl and Mr. McCollin that a complete removal of the trees is necessary as it will create continual problem and expense to the Company's members. The Company has proposed that Mr. McCollin maintain the regular trimming of the trees away from the power lines, no closer than 10 feet to the conductor at his expense. This allows Mr. McCollin to maintain the desired shape of the trees, and relieves the Company from having to trim the trees at its customer's expense. The Company feels it has acted appropriately in this case.

Division Review and Recommendation:

It is not apparent that the Company has violated any Commission Administrative Rules, Utah Law, court ruling, Commission ruling or the Company Tariff. Additionally, electric utilities have the legal right and authority to maintain electrical transmission and distribution facilities in a manner that promotes a high standard of safe and reliable service. Therefore, the Division recommends that this complaint be dismissed unless Mr. McCollin provides evidence demonstrating the Company's failure to comply with relevant rules, tariff, or laws.