Public Service Commission
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114

Docket No. 14-030-02

Mr. McCollin's response to Moon Lake Electric(the Company) and The Department of Public Utilities(DPU):

As to the DPU's recommendation for dismissal, respectfully, they have no information regarding this situation, any recommendation from DPU must be rendered moot.

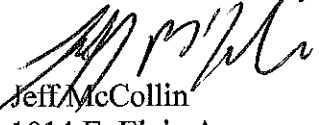As to the Companies responses, Mr. McCollin replies in the following:

1. The Companies claim of burnt trees is hearsay and must not be considered as true.

2. Although the Company may not be required legally to notify landowners prior to entry, when an illegal act is performed upon that entry, that entry becomes trespassing, criminal trespass with malice in this case. Ethically and morally, notification would be required. Mr. McCollin is a customer with the Company and believes any person/company knew or should have known to put a notice in his monthly bill. The Company installed power box is clearly visible from the disputed site.

3. 15 or 35, neither is, "a few" trees as the company states, though this point has also become moot, as Mr. McCollin now claims damage to all 110 trees affected by the company. Google earth, zip code 84031, across highway 35 from the storage tanks in Hanna, Utah, shows none were dead. And you are right Mr. Betts, the Companies actions make no sense.

4. It's quite simple, the only thing the company had to do is notify me that my trees were causing them grief, and I'd come trim them. That's actually what I do for a living.

5. It is astounding that the company does not realize they need only look to their, (the companies), tree contractor to address the erratic tree growth. Any time a tree is cut it promotes growth. Had the trees been cut timely and properly, the growth rate would not be extreme. More interesting though, is the way the Company attempts to mask Mr. McCollin's losses, and the Companies responsibilities for these losses. By stating this growth is "unacceptable", implying that somehow Mr. McCollin is responsible for this erratic growth and that the hundreds upon hundreds of branches cut off and the 15 to 35 trees removed are now being replaced by their, (the companies), 10 foot water sprouts. Obviously 15 years tree growth cannot be replaced in a few months.

6. The Companies hearsay stories about what Mr. McCollin said and thought about his trees, are again just that, hearsay.

7. Moon Lake is showing the growth rate of water sprouts less than one inch in diameter, again growing that rapidly due to the fact that twenty-five foot tall trees were cut to six feet tall, and then every remaining branch was cut off (Exhibit A), leaving only a stump, shocking. What type

of growth did the Company expect? While far beyond their, (the companies), clearance desires, every single tree was cut this way (Exhibit B), except of course for the trees that were completely removed.

8. Now, the company is asking Mr. McCollin to maintain a six foot clearance, between his remaining trees and the companies power lines. While Mr. McCollin does make a living in tree care he is unsure how to maintain that clearance when dealing with the water sprouts the Company has left him. Perhaps a weed eater on a long stick?

Penal Code Title 7 section 30 Criminal trespass 30.05 (e)(2)(A)(vii) offers a defense to prosecution of criminal trespass for an electric co. op., or their contractor performing a duty within the scope of that employment or agency.

However, Mr. McCollin's standing is, that the Company, entering his property, cutting seventy-five, twenty-five foot tall trees into six foot stumps and removing thirty-five other trees completely, was not within the scope of that employment or agency and therefor was in fact, unlawful. Mr. McCollin asks the commission to deny the companies request for dismissal. .

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Exhibit "A"

Exhibit "B"