

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal
Complaint of Lisa Roush against
Rocky Mountain Power

Docket No. 14-035-25

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FORMAL HEARING  
~~~~~

Location: Utah Public Service Commission
160 East 300 South, Fourth Floor
Room 451
Salt Lake City, Utah

Date: March 13, 2014

Time: 8:33 a.m.

Taken by: Teena Green, RPR, CSR, CRR, CBC

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APPEARANCES

HEARING OFFICER MELANIE REIF

LISA ROUSH

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AMERICAN SIGN LANGUAGE INTERPRETER FOR MS. ROUSH:
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APPEARANCES (Cont.)

ALSO FOR ROCKY MOUNTAIN POWER:

AUTUMN BRAITHWAITE

KIM FELICE

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22
23
24
25

INDEX		
Witness		Page
LISA ROUSH		
Presentation		7
(Through ASL Interpreter)		
CHRISTI RICHARDS		
Examination by Ms. Roush		42
(Through ASL Interpreter)		
ANN RICHARDS		
Examination by Ms. Roush		49
(Through ASL Interpreter)		
EXHIBITS		
No.	Description	Page
1	Roush (House)	12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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Formal Hearing

March 13, 2014

PROCEEDINGS

THE HEARING OFFICER: Good morning,
everyone.

My name is Melanie Reif and I serve as the
Administrative Law Judge for the Utah Public Service
Commission. This morning is the hearing scheduled In the
Matter of the Formal Complaint of Lisa Roush against Rocky
Mountain Power in Docket No. 14-03525.

Let's start by taking appearances. And we will start
with Ms. Roush who is being assisted with an interpreter this
morning.

(MS. ROUSH THROUGH THE INTERPRETER): I
am Lisa Roush.

THE HEARING OFFICER: And, Ms. Roush, would
you please provide your physical address for the record.

(MS. ROUSH THROUGH THE INTERPRETER):
1136 Violet Drive, Sandy, Utah, 84094.

THE HEARING OFFICER: Thank you. Thank you
for being here this morning.

(MS. ROUSH THROUGH THE INTERPRETER):
You're welcome.

THE HEARING OFFICER: Next the Company,
please.

1 MR. SOLANDER: Good morning. My name is
2 Daniel Solander, I'm an attorney on behalf of Rocky Mountain
3 Power.

4 I have with me at counsel table the witnesses the
5 Company intends to call today, Ms. Autumn Braithwaite and Mr.
6 Kim Felice.

7 THE HEARING OFFICER: Welcome to all of you.
8 And if I might ask, it might be helpful for the interpreter--

9 And, sir, if you have any difficulty, we can take this
10 at a pace that is as doable for you and as you'd like. Okay?

11 THE INTERPRETER: I appreciate it. And if
12 everybody just speaks normally and at a regular pace, that's
13 easier for me. And if I need somebody to repeat or slow down,
14 I'll ask.

15 THE HEARING OFFICER: Okay. Thank you very
16 much. Thank you.

17 THE INTERPRETER: Thank you.

18 MR. JETTER: My name is Justin Jetter, and I'm
19 here representing the Utah Division of Public Utilities.

20 THE HEARING OFFICER: Thank you. Welcome,
21 Mr. Jetter.

22 Ms. Roush, this is your complaint and we'll begin by
23 hearing from you and the concerns that you are raising with
24 respect to the docket that we've opened.

25 (MS. ROUSH THROUGH THE INTERPRETER):

1 Okay. Do you want me to start from the beginning or is there a
2 specific point that you want me to begin with?

3 THE HEARING OFFICER: Wherever you're
4 comfortable, as long as the Commission has a clear
5 understanding of what your concerns are, and we'll go from
6 there.

7 You're also welcome to call witnesses if you wish.
8 That is also an option for you.

9 (MS. ROUSH THROUGH THE INTERPRETER): I
10 have Christi, who's a witness, and my mother as well, Ann.

11 Is that all right with you?

12 THE HEARING OFFICER: Absolutely. Could we
13 have first and last names for the witnesses, please.

14 MS. RICHARDS: I can tell you my name. My name
15 is Ann Richards, I'm her mother. And Christi Richards is
16 another witness.

17 (MS. ROUSH THROUGH THE INTERPRETER):
18 Yes, that's my sister-in-law.

19 THE HEARING OFFICER: Okay. Thank you. Ms.
20 Roush, typically the way we handle these hearings is we put the
21 witness under oath. So inasmuch as you are testifying this
22 morning, we'll put you under oath, and any witnesses that you
23 intend to testify on your behalf, we will do the same with them.

24 So if you are prepared to do so, I would like to put
25 you under oath and then you can proceed with providing your

1 information.

2 (MS. ROUSH THROUGH THE INTERPRETER):

3 Okay.

4 LISA ROUSH, called as a witness, being first duly
5 sworn through the interpreter, was examined and testified as
6 follows:

7 THE HEARING OFFICER: Would you kindly raise
8 your right hand.

9 And do you swear that the testimony you are about
10 to give is the truth?

11 (MS. ROUSH THROUGH THE INTERPRETER):

12 Yes.

13 THE HEARING OFFICER: Thank you. You may
14 proceed.

15 (MS. ROUSH THROUGH THE INTERPRETER):

16 Last July, on the 18th, a Rocky Mountain Power worker named
17 Jared--and in my notes I have his last name--it was Jared
18 Mietchen.

19 THE HEARING OFFICER: Could you spell his last
20 name, please, Ms. Roush?

21 (MS. ROUSH THROUGH THE INTERPRETER):

22 Yes. M-I-E-T-C-H-E-N.

23 THE HEARING OFFICER: Thank you.

24 (MS. ROUSH THROUGH THE INTERPRETER):

25 Jared sent me an e-mail and informed me about this box. And I

1 believe he called it a phase ground sleeve box, and there was
2 an attachment with a picture and it was east of my home.

3 I didn't know exactly where on the east side of my
4 home he was planning on installing it, but the picture that I
5 have--

6 THE HEARING OFFICER: Is that the same picture
7 that was submitted with your informal complaint to the Division?

8 (MS. ROUSH THROUGH THE INTERPRETER):

9 Yes. This is the picture he sent me with this box and with the
10 pad, and there's dimensions, measurements on the pad, but no
11 measurements on the box. I wasn't sure, I thought it was going
12 to be some small box.

13 THE HEARING OFFICER: Excuse me one moment,
14 please.

15 For the record, Ms. Roush is referring to the
16 pictures that are on a page that were included with her informal
17 complaint. I just wish to note that she's not submitting it as an
18 exhibit, but the Commission does take administrative notice of
19 that.

20 Please proceed, Ms. Roush.

21 (MS. ROUSH THROUGH THE INTERPRETER): So
22 there were no measurements on the box. I thought maybe it
23 was a small box. Jared told me that I would have to have my
24 fence taken down.

25 Excuse me while I look for a picture of my house.

1 This is my house and this is my fence.

2 THE HEARING OFFICER: Ms. Roush, one moment,
3 please.

4 That picture is not part of the Commission's record.
5 Are there additional copies of that that you have with you?

6 (MS. ROUSH THROUGH THE INTERPRETER): I'm
7 not sure I understand what you mean.

8 THE HEARING OFFICER: We would like to make
9 sure that all parties know what you're referring to and we would
10 like to make sure that the Commission's record has a complete
11 record of the document that you're referring to. So if we need
12 to take a recess and make copies of that, we'll do that.

13 MR. SOLANDER: Your Honor, we don't need a
14 copy. If we could just be shown the picture and Mr. Felice can
15 verify that it matches his recollection of what the property looks
16 like, we don't need a copy.

17 THE HEARING OFFICER: I understand that. The
18 Commission would like the record to be complete, sir.

19 (MS. ROUSH THROUGH THE INTERPRETER):
20 That's fine with me.

21 THE HEARING OFFICER: We'll be in recess for
22 five minutes.

23 Are there any other documents that she wishes to
24 submit or refer to so that we can make sure we have copies of
25 those?

1 (MS. ROUSH THROUGH THE INTERPRETER):

2 Yes, I do have several images, mostly pictures of the home.

3 THE HEARING OFFICER: Okay. Let's be in recess
4 while we get pictures and copies to everyone. Thank you.

5 (A recess was taken.)

6 THE HEARING OFFICER: Let's go back on the
7 record for just one second.

8 We're back on the record. Ms. Roush has just
9 indicated that she has several documents in addition to the
10 photographs that she's already referred to that she wishes to
11 make part of this case and, inasmuch as those documents are
12 not already part of this record before the Commission, we will all
13 need copies of those, in particular, the Commission, so while
14 we're in recess, we will make copies of everything.

15 Thank you.

16 (MS. ROUSH THROUGH THE INTERPRETER):

17 When can we do that?

18 THE HEARING OFFICER: We'll recess right now.
19 We're off the record.

20 (A recess was taken.)

21 THE HEARING OFFICER: Let's be back on the
22 record.

23 The record should reflect that the parties and the
24 court reporter have now been provided with copies of numerous
25 pieces of paper that Ms. Roush has indicated an intent to

1 address and request to have admitted in this docket.

2 So, Ms. Roush, the floor is yours and you may
3 continue, please.

4 (MS. ROUSH THROUGH THE INTERPRETER): I'm
5 just trying to locate one of the images that I just can't seem to
6 find. There's one picture of the house that's missing, the one
7 that I original showed.

8 Oh, yes, thank you. I apologize.

9 THE HEARING OFFICER: Let's mark this Roush
10 Exhibit No. 1 (House.)

11 Exhibit-1 marked

12 (MS. ROUSH THROUGH THE INTERPRETER): So
13 the box is located on the property. The misunderstanding was
14 that I believed it was going to be where this X in the box is
15 marked, between the sidewalk and the curb.

16 THE HEARING OFFICER: Excuse me just a
17 moment, please.

18 Could the interpreter make sure the microphone is
19 on?

20 (MS. ROUSH THROUGH THE INTERPRETER): It
21 appears that the microphone is on now.

22 THE HEARING OFFICER: Thank you.

23 (MS. ROUSH THROUGH THE INTERPRETER):
24 You're welcome, Your Honor.

25 THE HEARING OFFICER: Please proceed.

1 (MS. ROUSH THROUGH THE INTERPRETER):

2 Should I go back?

3 THE HEARING OFFICER: No, we got that. Thank
4 you.

5 (MS. ROUSH THROUGH THE INTERPRETER):

6 Okay. Because English is not my first language, American Sign
7 Language is my first--or a language, because ASL and English,
8 the grammatical structure is different, and so maybe I just didn't
9 understand, and I told them to go ahead based on my
10 understanding of where the box would be placed.

11 When Jared sent me the e-mail, I think there was
12 very limited conversation, which led to more misunderstanding
13 and a lapse in communication. Maybe I didn't ask enough
14 questions and there weren't enough answers provided, but I feel
15 that if Jared would have come to my home, talked to me,
16 showed me exactly where it would have been, I would have
17 understood, and then I could have said, "Well, maybe I'm not
18 understanding. Can you please provide an interpreter so that I
19 can get all the information, more than what was communicated
20 by e-mail?" I didn't feel satisfied with the communication that
21 was provided.

22 THE HEARING OFFICER: Ms. Roush, may I
23 interrupt for a moment, please, and ask you just a few questions
24 that I think will help the Commission's understanding of this and
25 perhaps solidify what the main issue is here.

1 (MS. ROUSH THROUGH THE INTERPRETER):

2 Okay.

3 THE HEARING OFFICER: You've identified your
4 address and you've identified the picture of the house in which
5 you reside. Do you own that house?

6 (MS. ROUSH THROUGH THE INTERPRETER): My
7 mother owns the home.

8 THE HEARING OFFICER: Was your mother part of
9 these conversations with Rocky Mountain Power pertaining to
10 the box?

11 (MS. ROUSH THROUGH THE INTERPRETER): No.
12 My mother didn't know about it and they didn't inform her.

13 THE HEARING OFFICER: So you are a tenant at
14 the property; that is correct?

15 (MS. ROUSH THROUGH THE INTERPRETER):
16 Correct, I rent.

17 THE HEARING OFFICER: Okay. Thank you.
18 Please proceed.

19 (MS. ROUSH THROUGH THE INTERPRETER): So
20 the e-mails that Jared and I corresponded with, it wasn't until
21 July that we had a face-to-face where he came to me in person
22 and got to know who I was. And I think by e-mail he was
23 unaware of my deafness and was unaware that I wasn't
24 understanding what was going on. So I think there was a lot of
25 misunderstanding.

1 So Jared sent me an e-mail that said September
2 16th is when the process will begin, but they didn't show up until
3 the 24th and Jared did not update me, he didn't update me, so I
4 waited a few days and heard nothing.

5 When the 24th of September came, I was not home
6 and they showed up and went ahead and began and left. When
7 I came home, I was shocked. And can you see this picture?

8 THE HEARING OFFICER: Could you help us
9 identify that in the documents that have been copied and
10 presented to the Commission?

11 (MS. ROUSH THROUGH THE INTERPRETER): So
12 this is a picture with cable on the ground, there's trucks and
13 machines. And I don't know what to call all the machines, but
14 this is what I observed.

15 THE HEARING OFFICER: One moment, please, I'm
16 trying to locate the picture.

17 MR. JETTER: I think it's 11 pages from the back, if
18 you count.

19 THE HEARING OFFICER: Is it before or after the
20 picture of the gas meter?

21 MR. FELICE: After the gas meter.

22 THE HEARING OFFICER: Okay. I think I see it
23 here. There's a truck in the background, it looks like.

24 (MS. ROUSH THROUGH THE INTERPRETER):
25 Correct, a white truck.

1 THE HEARING OFFICER: Okay. Please proceed,
2 Ms. Roush.

3 (MS. ROUSH THROUGH THE INTERPRETER):
4 Okay. So I thought this was a Rocky Mountain Power truck.

5 THE HEARING OFFICER: Could you explain what
6 this picture is? What is it a picture of, Ms. Roush?

7 (MS. ROUSH THROUGH THE INTERPRETER):
8 Jared didn't inform me about these cables that would go
9 underground and I didn't know what it was, what it was for.

10 THE HEARING OFFICER: Could you explain what
11 the picture is of, please. Is this a picture of your property, is
12 this a picture of the work that's being done?

13 (MS. ROUSH THROUGH THE INTERPRETER):
14 Yes, this is my mother's property.

15 THE HEARING OFFICER: And does this represent
16 the area where the box is being installed?

17 (MS. ROUSH THROUGH THE INTERPRETER):
18 Over here by the -- there is a close-up of where the box was
19 installed.

20 THE HEARING OFFICER: Okay. And the date that
21 this was taken, was this taken on the 24th of September?

22 (MS. ROUSH THROUGH THE INTERPRETER):
23 September 24th. And then the next day, the one just with the
24 box near the fence is the next day, the 25th, and I wasn't home
25 that day when they installed the pad and the box. It was done

1 and they left. When I got home, I was shocked--

2 THE HEARING OFFICER: Wait just one moment,
3 please.

4 So when you took the picture on the 24th, did you
5 communicate with Rocky Mountain Power? The first picture, the
6 picture on the 24th showing the pipes and the truck in the
7 background.

8 (MS. ROUSH THROUGH THE INTERPRETER): No,
9 I did not call them. I thought that--when I saw all this I still
10 thought that it was going to be between the sidewalk and the
11 curb. The next day, on the 25th when I went home during the
12 day, that's when the box was installed on the property where I
13 live and the workers were already gone. I got home and was
14 just shocked to see this big four-foot box. And like I said, the
15 picture that was e-mailed me didn't explain the measurements.
16 When I realized how big it was, I called the power company and
17 asked them, "What's the deal? What's this?"

18 THE HEARING OFFICER: Was that on the 25th of
19 September?

20 (MS. ROUSH THROUGH THE INTERPRETER):
21 That's correct, yes.

22 So I called and asked what the deal was and they
23 didn't give me details.

24 THE HEARING OFFICER: Was your mother
25 involved at this point? Did she know what was going on?

1 (MS. ROUSH THROUGH THE INTERPRETER): No.
2 After the box was installed, I informed my mother
3 and Christi and they had no idea.
4 THE HEARING OFFICER: Ms. Roush, do you know
5 if there is a utility easement on your mother's property?
6 (MS. ROUSH THROUGH THE INTERPRETER): I
7 don't know, you'd have to ask my mother.
8 MS. RICHARDS: I have no idea.
9 THE HEARING OFFICER: Please continue.
10 (MS. ROUSH THROUGH THE INTERPRETER): So
11 on the 25th, these pictures were taken.
12 THE HEARING OFFICER: And could you identify
13 the pictures that you just held up, please.
14 (MS. ROUSH THROUGH THE INTERPRETER):
15 This is the pad, which Jared didn't inform me of the pad, and
16 this is the box. And although I'd seen the box, I had no idea
17 what was inside of it. Then there are four cables underground,
18 which the ground was dug up and they were placed under
19 ground level, and this is a front view.
20 After I saw all of this, then I called and asked,
21 "What's up with this box?"
22 And they told me--they didn't tell me what it meant.
23 What they did tell me--
24 THE HEARING OFFICER: Who did you speak with,
25 Ms. Roush?

1 (MS. ROUSH THROUGH THE INTERPRETER):
2 Rocky Mountain.

3 THE HEARING OFFICER: Do you recall who you
4 spoke with?

5 (MS. ROUSH THROUGH THE INTERPRETER): No.

6 THE HEARING OFFICER: So it wasn't Jared
7 Mietchen?

8 (MS. ROUSH THROUGH THE INTERPRETER): No.

9 THE HEARING OFFICER: Okay.

10 (MS. ROUSH THROUGH THE INTERPRETER):
11 They told me that I could -- that they would start working the
12 next day, September 26th, at 7:00 in the morning. And I said,
13 "Okay." We hung up.

14 And the next morning at 7:00, I saw the workers
15 come in. And I said, "Wait, stop, tell me what's going on."

16 And this is a picture--

17 THE INTERPRETER: Your Honor, I asked her to
18 describe the picture.

19 (MS. ROUSH THROUGH THE INTERPRETER):
20 This is a picture of the workers near the manhole where they
21 connect the lines. And I said, "Please, stop, what are you
22 doing? What's going on?"

23 And they just ignored me and they continued to
24 work, ignoring me. And I tried to get their attention. What I
25 didn't realize was that they are not from Rocky Mountain Power,

1 they hired a construction crew to do the work for Rocky
2 Mountain Power. And I have this letter here.

3 THE HEARING OFFICER: Is the letter part of the
4 documents that have been copied?

5 (MS. ROUSH THROUGH THE INTERPRETER):
6 Yes.

7 THE HEARING OFFICER: And could you help me
8 locate that letter, please. Who is it from? What is it dated?

9 (MS. ROUSH THROUGH THE INTERPRETER):
10 From PacifiCorp dated March 3rd, 2013.

11 THE HEARING OFFICER: Okay. Thank you. I've
12 located it.

13 (MS. ROUSH THROUGH THE INTERPRETER): And
14 in one of the paragraphs it says that somebody from Rocky
15 Mountain Power with an ID came to the door, but I was not
16 aware that they were from Rocky Mountain Power. I thought
17 they were just construction workers. So I guess I didn't know
18 who these individuals were.

19 THE HEARING OFFICER: Which individuals, Ms.
20 Roush, the individuals you saw out by the manhole, or other
21 individuals?

22 (MS. ROUSH THROUGH THE INTERPRETER):
23 These construction workers by the manhole were not from Rocky
24 Mountain Power, but Rocky Mountain Power hired them to do
25 their work, and I was uninformed and unaware. So the phone

1 conversation on the 25th, they said that I could stop them and
2 talk to them, but they didn't identify themselves as being from
3 Rocky Mountain Power. And when I tried to interrupt them, they
4 continued to work, ignoring me, and that's when I called the
5 police and the police came and stopped them and asked what
6 was going on. And I e-mailed Jared and asked what was going
7 on.

8 Jared did not show up. And then about 30 minutes
9 later I met him for the first time, and Jared was shocked
10 because he didn't realize that I was deaf, because we had
11 always had written communication. And I asked what was going
12 on.

13 And Jared said--Jared wrote, "We have an
14 easement to put our utilities," and it's written here on this paper.

15 THE HEARING OFFICER: Could you help me
16 locate that, Ms. Roush? There are numerous pieces of paper.

17 (MS. ROUSH THROUGH THE INTERPRETER):
18 Written in black ink, the last two or three pages, the
19 handwritten--

20 THE HEARING OFFICER: What does it say at the
21 very top?

22 (MS. ROUSH THROUGH THE INTERPRETER):
23 "Whether the box is in the front or back, kids will be able to see
24 it."

25 THE HEARING OFFICER: Okay. Just a moment.

1 Okay. Go ahead.

2 (MS. ROUSH THROUGH THE INTERPRETER): So
3 this phrase, "We have an easement to put utilities there." And
4 to be honest with you, I've never seen this word, never seen this
5 word "easement" before and, in ASL, there's not a sign for
6 "easement." It's not a common word and so it's something that I
7 don't use very often.

8 Jared also wrote--

9 THE HEARING OFFICER: Ms. Roush, before you
10 continue, back to the issue of this note from Jared regarding the
11 easement. After he brought that to your attention, did you
12 discuss it with your mother?

13 (MS. ROUSH THROUGH THE INTERPRETER): And
14 if you can hold that line of questioning, Jared informed me of
15 the easement and then Jared's boss--or, no, sorry, the officer--
16 the officer wrote on the last page, "The easement is Rocky
17 Mountain's. If they won't move, then you will have to sue."

18 THE HEARING OFFICER: Okay. So, Ms. Roush, I
19 understand that you had this conversation. And back to my
20 earlier question, could you please respond to that?

21 When you were made aware of Rocky Mountain's
22 allegation that there is a utility easement on which they placed
23 the box, did you discuss that with your mother?

24 (MS. ROUSH THROUGH THE INTERPRETER):
25 Yeah, and I was getting to that. Once the officer wrote that and

1 then Jared's supervisor named Kim e-mailed me and let me
2 know of this word "easement," I still was unaware of what it was.

3 Last night, I found information that I was not
4 provided at the time. There's this pamphlet here.

5 THE HEARING OFFICER: And what does the
6 pamphlet say, what is it entitled?

7 (MS. ROUSH THROUGH THE INTERPRETER):
8 "Easement, A Guide for Property Owners."

9 THE HEARING OFFICER: And was the Commission
10 provided with a copy of that in the documents that were copied?

11 (MS. ROUSH THROUGH THE INTERPRETER):
12 Yes.

13 THE HEARING OFFICER: Okay. Let me see if I
14 can locate that.

15 MR. SOLANDER: Your Honor, it doesn't appear
16 that we have a copy.

17 THE HEARING OFFICER: I don't believe that I
18 have a copy of it either. We'll be in recess while we take a copy
19 of that for the parties.

20 (A recess was taken.)

21 THE HEARING OFFICER: We're back on the
22 record and we have received two copies, one of which Ms.
23 Roush was referring to as we went off the record, which is a
24 two-sided copy of a pamphlet from Rocky Mountain Power
25 entitled, "Easements, A Guide for Property Owners," and the

1 other document, which is entitled, "Company Practices," and it's
2 also a document with Rocky Mountain Power's name and logo
3 on it.

4 You may continue, Ms. Roush.

5 (MS. ROUSH THROUGH THE INTERPRETER): So
6 they didn't inform me or give me this information until after the
7 fact. I showed my sister-in-law Christie all the writings, the
8 communication that had gone back and forth. And Christie
9 asked me if I knew what "easement" meant, and I said no.

10 And so she tried to explain in writing. And I started
11 gaining a superficial understanding, but I didn't completely
12 understand. And as she continued to explain, I decided to go to
13 the Deaf Center where they have social workers who know sign,
14 sign language, and asked if they could explain to me what
15 "easement" meant.

16 And then I gained more understanding of the term
17 "easement," but I was disappointed because I didn't want them
18 to think that I was ignorant and just trying to argue with them.

19 Now I am aware that it means that they have the
20 right to put this without payment, without discussion, without
21 permission. So I'm beginning to understand what easement
22 means, but it's taken so long.

23 THE HEARING OFFICER: Ms. Roush, do you know
24 if a utility easement, in fact, exists on your mother's property?

25 (MS. ROUSH THROUGH THE INTERPRETER): I

1 asked my mom and she was unaware. I asked Christie. So the
2 three of us are unaware of whether or not there is indeed an
3 easement even though we understand now the word "easement."

4 THE HEARING OFFICER: Okay. So aside from
5 your understanding of the word "easement," have you done any
6 other investigation, such as calling the county records office or
7 contacting the county recorder's office in your area to determine
8 whether there is an easement recorded on the property which
9 your mother owns?

10 (MS. ROUSH THROUGH THE INTERPRETER): To
11 be honest with you, I had no idea that that is what I was
12 supposed to have done. I wouldn't know to have done that.

13 THE HEARING OFFICER: Okay. Okay. Go ahead,
14 please.

15 (MS. ROUSH THROUGH THE INTERPRETER): So
16 after that was over, I filed a complaint September 26th, because
17 I saw-- according to this photo--

18 THE HEARING OFFICER: Again, she's referring to
19 the photo of her mother's house with the box installed, it's a
20 black and white photo. We marked that Exhibit No. 1.

21 Please proceed. Thank you.

22 (MS. ROUSH THROUGH THE INTERPRETER):
23 There was a warning label which just freaked me out, absolutely
24 freaked me out, because I have grandchildren, I cannot hear,
25 and if my grandchildren are playing with this box, it's just

1 freaking me out.

2 And I asked them if they could please move the
3 box. And Jared said--well, let me refer to--this is Jared's
4 writing.

5 THE HEARING OFFICER: One moment, please,
6 while I locate that.

7 (MS. ROUSH THROUGH THE INTERPRETER): I
8 wrote this to Jared. On the top it says, "Jared, you informed me
9 about box but no one informed me exact where to put. I'm very
10 concerned, having grandchildren."

11 And then Jared wrote as a response, and at the top
12 it says, "Lisa, I am very sorry you were misinformed. I do have
13 the e-mail I sent you stating where the box would exactly be. I
14 will send you that e-mail again."

15 So then the next page continues where Jared sent
16 an e-mail of the house that it would be outside of your fence,
17 not on the other side of the sidewalk and you told me you had a
18 dog. And I said that--not to worry because he's in your
19 backyard.

20 And then I said, "Well, can you move it now
21 because I have grandchildren I'm worried about?"

22 And Jared said, "Whether it's in the front or the
23 back, the kids will see it. I was never informed that you had
24 small children running around." So with the previous
25 communication by e-mail, it seems that there wasn't enough

1 information. And so when I saw this warning, it's freaked me
2 out.

3 And I went online to see what's in the box. I went
4 online to research. I thought that it was a transformer, a
5 transformer box, that was my assumption. Plus, online I saw
6 that these boxes can catch fire.

7 THE HEARING OFFICER: By "boxes," Ms. Roush,
8 are you referring to transformer boxes that you were researching
9 on the Internet?

10 (MS. ROUSH THROUGH THE INTERPRETER): I
11 still don't know what to call this box. It's a green box.

12 MR. SOLANDER: To the extent that Ms. Roush is
13 attempting to introduce this as evidence, I'm going to object
14 there's no foundation for where these pictures are taken or what
15 they're of.

16 THE HEARING OFFICER: I think she's testified
17 that she went online and she was under the understanding that
18 she was looking for information for a transformer box.

19 Is that correct, Ms. Roush?

20 (MS. ROUSH THROUGH THE INTERPRETER):

21 Yes.

22 THE HEARING OFFICER: And do these pictures
23 reflect what you found online when researching for that
24 information?

25 (MS. ROUSH THROUGH THE INTERPRETER):

1 Yes, my Google search. And I just typed in the word, "green
2 box," I also tried "power box." I didn't know what to call the
3 box, so I typed in different words. And I tried "transformer box"
4 as well, and I started seeing these pictures of fire, and
5 that--that made me even more scared and freaked out.

6 MR. SOLANDER: I'm going to object again, Your
7 Honor. There is no foundation for what these are pictures of,
8 where they're located, what they are. They certainly don't
9 appear to be Rocky Mountain Power equipment. If she wants to
10 testify that they made her concerned, that's fine. I just
11 don't--this should not be introduced as evidence.

12 THE HEARING OFFICER: I don't think that's what
13 she intends, but let me ask her some more questions.

14 Ms. Roush, if I'm understanding you correctly, you
15 thought when you were doing your research that the box you
16 had in your yard was a transformer box; is that correct?

17 (MS. ROUSH THROUGH THE INTERPRETER):
18 Correct.

19 THE HEARING OFFICER: And do you now
20 understand that that's not the case?

21 (MS. ROUSH THROUGH THE INTERPRETER):
22 Yes, that's correct. It's a switch, switch gear box.

23 THE HEARING OFFICER: Okay. So these pictures
24 are not--well, let me back up.

25 So these pictures that originally concerned you are

1 of images or things that don't exist in your yard; correct?

2 (MS. ROUSH THROUGH THE INTERPRETER): I
3 can't--to be honest with you, I can't identify--they look similar
4 and I know--I know what the Rocky Mountain Power one looks
5 like. I can't identify the ones online as to which type of boxes
6 they are.

7 THE HEARING OFFICER: Okay.

8 (MS. ROUSH THROUGH THE INTERPRETER): So
9 I really have no idea. I just saw pictures of fire coming out of
10 boxes, and that's what freaked me out, because I'm correlating
11 it to the box in front of my house, which is about 20 feet from
12 my bedroom.

13 And the wall that you see here in Exhibit 1 is the
14 wall of my bedroom, so it causes my paranoia that if there were
15 a fire, I'm not going to hear if someone's knocking on the door,
16 if the power goes out, that's what's the cause of my fear, and
17 that's where I--

18 THE HEARING OFFICER: Ms. Roush, I need to
19 interrupt you here for a moment, please.

20 There's been an objection here from the Company
21 based on these pictures not being-- there's been no foundation
22 laid for them, which means--essentially, their argument is that
23 they should not be admitted in this case.

24 I think what I will allow is that you didn't entirely
25 understand what it was that you had in your yard and you were

1 attempting to do research and that research caused you to be
2 concerned.

3 (MS. ROUSH THROUGH THE INTERPRETER):

4 That's correct, yes.

5 THE HEARING OFFICER: I am, however, going to
6 exclude the photographs on the basis that the Company has
7 objected.

8 So what we're going to do now, there's another
9 proceeding that's going to be happening in a few minutes. And
10 as soon as that proceeding is over, we'll come back and
11 continue with your matter.

12 And we will not be admitting the photographs that
13 you have in this stack that entail numerous pictures of boxes
14 and fires and things as evidence in this case, but I do take note
15 of your concern and we'll continue on when we reconvene.

16 And you're welcome to stay here or let the
17 Commission secretary know where you can be contacted and we
18 will reconvene just as soon as the other matter is finished.

19 Are there any questions before we recess?

20 (MS. ROUSH THROUGH THE INTERPRETER):

21 How long do we anticipate the break to be?

22 THE HEARING OFFICER: We don't know for sure
23 and that's a very difficult question. You know, it's like trying to
24 judge how long this case is going to go. We simply don't know.
25 We can estimate, I will say it will be at least a half an hour,

1 could be longer.

2 (MS. ROUSH THROUGH THE INTERPRETER):

3 Okay.

4 THE HEARING OFFICER: And Gary Widerberg,
5 who is to the left, to my left, will be happy to take any contact
6 information if you intend or need to leave the building. Thank
7 you. We'll be in recess.

8 (A recess was taken.)

9 THE HEARING OFFICER: We're on the record.

10 Ms. Roush, we're going to let you proceed with your
11 presentation. And it would be helpful if you could give me a
12 sense as to how much more you think you have regarding your
13 presentation.

14 (MS. ROUSH THROUGH THE INTERPRETER):

15 Maybe ten minutes.

16 THE HEARING OFFICER: Okay. And are you still
17 planning to call your witnesses, Ms. Ann Richards and Ms.
18 Christi Richards?

19 (MS. ROUSH THROUGH THE INTERPRETER):

20 Yes, but after I'm finished.

21 THE HEARING OFFICER: Okay. Please proceed.

22 (MS. ROUSH THROUGH THE INTERPRETER): And

23 I understand that these photos are inadmissible. I just had no
24 idea, I should have called and asked the Company, "What is
25 this," instead of doing my own research on Google, but that did

1 cause paranoia and it caused me to freak out.

2 November 5th, there was a meeting with Jared, his
3 boss Kim, and Autumn, I can't remember the last name, Autumn
4 Braithwaite, and her boss, Rod, the gentleman who is sitting in
5 the seats, and EMF, we all got together and had a meeting
6 where they explained about the easement.

7 After the explanation, I asked what the box was,
8 and they explained that it was switch gears. And I asked,
9 "What's the difference between a transformer and switch
10 gears?"

11 And they explained the difference. I understand
12 that one is high voltage to convert to low voltage; whereas, this
13 is a switch to plug and unplug. So I asked them to open the box
14 so that I could see and they could explain it.

15 And even though I understand, I still have that
16 paranoia of fire or my deafness giving me an inability to respond
17 and so I still can't sleep. I'm losing sleep almost every night.
18 Last night I couldn't sleep. I maybe slept two hours. It's just
19 become very frustrating. If I sleep at my daughter's house, I
20 sleep fine. I traveled to Washington State for three weeks, I
21 slept well. When I went to my mother's house, I slept well. But
22 when I came to the house that I reside in, I stay up through the
23 night and I feel like I'm scarred, so--

24 My goal, what I want is that somebody knock on my
25 door, show me their ID, and communicate with me in person,

1 which would have been much better than e-mail. E-mail
2 was--my understanding of the e-mail was very limited.

3 And this e-mail, Company Practices, Rocky
4 Mountain Power Company Practices, I took this with me to the
5 Deaf Center and I had the social worker read it and then
6 interpret into sign language. It doesn't say anything about
7 e-mail or written communication and so I'm hoping that this can
8 be resolved. This is a great point of frustration for me.

9 The last thing was that I looked--when I researched
10 Google--and let me back up a little bit.

11 The notes between Jared and I, this handwritten
12 note, this is Jared's writing. It says, "I need a ten-foot
13 clearance around the box in the front, three feet to each side."
14 This is from September 25th.

15 "I need a ten-foot clearance around the box in the
16 front and three feet on each side." And at that point, I didn't
17 understand what he meant. Jared didn't inform me specifically
18 what this meant.

19 When I looked online, I found--it's a PacifiCorp
20 document. On the top it's labeled, "2011 Electric Service
21 Requirement, Second Edition, Section 5," and I can see there's
22 a diagram where it shows the three feet and ten feet clearance
23 that he was referring to, but before then I was wondering what
24 he meant. And then there's other information that's very similar.

25 This document I also got online, it's Clark Public

1 Utilities, labeled "Trees and Shrubs." And it shows what the
2 clearances are around plants and that there can be no
3 obstructions. So this definitely helps me to understand what
4 was meant by his note.

5 So the meeting November 5th, Autumn offered that
6 they would put a fence around the box. And I e-mailed her and I
7 said, "You mean like a three-foot fence?"

8 And she has not responded. And I have that
9 information somewhere here.

10 I asked three times and I still haven't received an
11 answer. Finally, the reply I did receive I didn't understand, so I
12 asked Christi to read it. And it seemed to be nonspecific about
13 the fence going around the box.

14 So now I would ask again, if I'm going to get a
15 fence that's going to be three feet away or one feet away, I still
16 don't know if that's going to happen, and if it does, what it would
17 look like. So that's one of the things that I'm still wondering
18 about.

19 THE HEARING OFFICER: Ms. Roush, may I ask
20 you a question, please?

21 (MS. ROUSH THROUGH THE INTERPRETER):
22 Sure.

23 THE HEARING OFFICER: With respect to the
24 fence, were there other options discussed in addition to the
25 fence?

1 (MS. ROUSH THROUGH THE INTERPRETER):

2 Yes, bushes, shrubs, plants that could be--Autumn said that
3 they can be as close as you want, but she didn't say anything
4 about three feet.

5 THE HEARING OFFICER: My understanding in
6 reading the record, and please help me if I'm misunderstanding
7 this, was that Rocky Mountain Power offered two different
8 options, one of which was a landscaping option, which I think
9 you're referring to as the bushes, and the other was the fence,
10 and it was the property owner's decision to elect the
11 landscaping and the property owner was your mother.

12 (MS. ROUSH THROUGH THE INTERPRETER):
13 Yeah, I turned down the fence because they didn't--they didn't
14 reply to my question as to how far away from the box it would
15 be. And so I decided to drop the fence and Rocky Mountain
16 Power gave my mother \$200--I didn't know that there was
17 a--that this was in response, but they e-mailed Christi, they
18 never e-mail me. They sent my mother the money, and that's all
19 I understand, but the work has not yet begun.

20 THE HEARING OFFICER: Okay. So, Ms. Roush,
21 what is it that you are seeking from Rocky Mountain Power?

22 (MS. ROUSH THROUGH THE INTERPRETER): First
23 of all, I'd like an apology with good credit or something.

24 THE HEARING OFFICER: What do you mean by
25 "good credit"?

1 (MS. ROUSH THROUGH THE INTERPRETER):
2 Credit my electric bill, like six months free, or I talked to Autumn
3 and I explained to some friends and family, they didn't
4 understand what the picture was going to look like. I was given
5 a picture that was not similar to my circumstance.

6 This is the picture that I was given.

7 THE HEARING OFFICER: Who provided that
8 picture?

9 (MS. ROUSH THROUGH THE INTERPRETER):
10 Autumn.

11 THE HEARING OFFICER: And what was the
12 explanation given when you received the picture? What was it
13 supposed to depict?

14 (MS. ROUSH THROUGH THE INTERPRETER): I
15 was told that this is not the same, that this is different, but I
16 wanted a picture of what was inside of the box outside of the
17 home where I reside and then I was told no. She said no.

18 THE HEARING OFFICER: And you would like to
19 know what's inside the box and you haven't received that
20 information?

21 (MS. ROUSH THROUGH THE INTERPRETER): I've
22 seen it, it's been shown to me, but I want to have a picture of
23 what's inside the box. And this picture I was given is not what I
24 remember being inside the box.

25 THE HEARING OFFICER: Okay.

1 (MS. ROUSH THROUGH THE INTERPRETER): And
2 also, I want them to identify themselves in person and when
3 they realize that there's somebody who needs an
4 accommodation, like a deaf person, to get an interpreter. Rocky
5 Mountain Power never asked me for my personal e-mail address
6 and I didn't provide it.

7 During the meeting on November 5th, I asked
8 Jared, "Where did you get my e-mail address from?"

9 And he said, "I don't know, I don't know, I'll have to
10 look into that. I'll have to look into the office." But I was never
11 informed how my e-mail address was given in the first place.
12 And then I got this letter from PacifiCorp.

13 THE HEARING OFFICER: What is the date on that
14 letter, please?

15 (MS. ROUSH THROUGH THE INTERPRETER):
16 March 3rd, 2014.

17 THE HEARING OFFICER: Okay.

18 (MS. ROUSH THROUGH THE INTERPRETER): And
19 it says how Mr. Mietchen got your personal address, you
20 provided your address through a phone translation service.

21 THE HEARING OFFICER: Do you know what that's
22 referring to, Ms. Roush?

23 (MS. ROUSH THROUGH THE INTERPRETER): I
24 don't believe it--it was without my permission.

25 THE HEARING OFFICER: Okay. So--

1 (MS. ROUSH THROUGH THE INTERPRETER): So
2 my goal would be that they actually knock on the door, show
3 their ID, understand who a person is. If it's a normal
4 interaction, that's fine. If somebody doesn't speak English or
5 another language as their primary language, that they provide
6 an interpreter, whether it be a spoken language or a deaf
7 interpreter.

8 I know Questar Gas Company, they've come to my
9 door and I'd open the door and I said, "I can't hear, I can't read
10 lips."

11 And they said, "Okay." They were very friendly and
12 they showed me the new smart meter and they said, "We're
13 showing the neighborhood what this is and that"--

14 THE HEARING OFFICER: Is that why you have a
15 picture of the gas meter in your exhibits, Ms. Roush?

16 (MS. ROUSH THROUGH THE INTERPRETER):
17 Yes, that's correct. Is this the picture you're referring to?

18 THE HEARING OFFICER: Yes.

19 (MS. ROUSH THROUGH THE INTERPRETER):
20 Yes. Yeah. So they replaced--or this is the replacement smart
21 meter.

22 And also, Comcast cable company came to my
23 door, knocked on the door. I told them that I couldn't hear, that
24 I was deaf, and they showed me that they were going to replace
25 cable and they showed me where exactly. And I gave them

1 permission because I understood. Whereas, Rocky Mountain
2 Power never came to the door, all the communication was by
3 e-mail. And I have very limited understanding--there was a lot of
4 misunderstanding and English is not my first language.

5 THE HEARING OFFICER: Thank you, Ms. Roush.
6 Do you have anything further?

7 (MS. ROUSH THROUGH THE INTERPRETER):
8 Yes. The issue I have is, I don't know how I'm going to resolve
9 the issue with sleeping. This is the bedroom, which is 20 feet
10 away from the box, and my--I'm just paranoid. I've lost sleep
11 and it's been since September.

12 Plus, before the box was installed, life was fine,
13 until this was installed. I've been distracted while driving
14 because every time I see a green box--a few times I was almost
15 in an accident because of those distractions.

16 THE HEARING OFFICER: Ms. Roush, may I
17 interrupt?

18 (MS. ROUSH THROUGH THE INTERPRETER): I
19 don't know how to resolve that issue.

20 THE HEARING OFFICER: Ms. Roush, may I
21 interrupt, please?

22 (MS. ROUSH THROUGH THE INTERPRETER):
23 Sure.

24 THE HEARING OFFICER: Regarding the issue of
25 your concern about the box, have you had any conversations

1 with Rocky Mountain Power about the concerns that you have
2 about the safety concerns and have they discussed that with
3 you? And I know part of your--

4 (MS. ROUSH THROUGH THE INTERPRETER):

5 Yes, that was November 5th.

6 THE HEARING OFFICER: Part of your complaint, I
7 know, was that you were concerned if there was injury who
8 would be responsible for that. Have you discussed that with
9 Rocky Mountain Power?

10 (MS. ROUSH THROUGH THE INTERPRETER):

11 Yes.

12 THE HEARING OFFICER: And how did they
13 respond?

14 (MS. ROUSH THROUGH THE INTERPRETER):

15 They told me that it was my mother's responsibility, that they
16 were not liable.

17 THE HEARING OFFICER: Okay. Have you covered
18 what you want to cover this morning?

19 (MS. ROUSH THROUGH THE INTERPRETER): I do
20 have one more thing I'd like to add. My sister-in-law Christi
21 informed me that my brother Eric looked into the records and,
22 yes, there is easement on the property. That's all.

23 Thank you, Your Honor.

24 THE HEARING OFFICER: Thank you. Do you wish
25 to call your mother and sister-in-law at this time? And I just

1 want to mention that, in the event that they are going to
2 reiterate what you've already said, we don't necessarily have to
3 call them, but if you would like to call them for other purposes,
4 we can do that.

5 (MS. ROUSH THROUGH THE INTERPRETER): I
6 think with Christi, I was going to ask her about the--specifically
7 about the word "easement" and to explain how I was unaware of
8 the definition.

9 THE HEARING OFFICER: I think the Commission
10 is adequately aware of your testimony and your explanation as
11 to your misunderstanding or lack of understanding of what that
12 meant. If you think your witness would add something to that,
13 we can swear her in and have her testify.

14 (MS. ROUSH THROUGH THE INTERPRETER): I
15 think she would like to say one thing.

16 THE HEARING OFFICER: Okay. Ms. Richards,
17 could you please come up to the desk, please, and I'll swear
18 you in. You'll need to be at a microphone so you might want to
19 be--

20 CHRISTI RICHARDS, called as a witness, being
21 first duly sworn, was examined and testified as follows:

22 THE HEARING OFFICER: Could you raise your
23 right hand, please. And do you swear that the testimony you
24 are about to give is the truth?

25 MS. RICHARDS: Yes.

1 THE HEARING OFFICER: Could you please state
2 your full name.

3 THE WITNESS: Christi Lee Richards.

4 THE HEARING OFFICER: Thank you. And, Ms.
5 Roush, you have the opportunity to question your witness and
6 present the information that you wish.

7 (MS. ROUSH THROUGH THE INTERPRETER): I'm
8 sorry, Your Honor, can you repeat that?

9 THE HEARING OFFICER: Since she's your
10 witness, you have the opportunity to question her and present
11 the information that you wish.

12 (MS. ROUSH THROUGH THE INTERPRETER): So
13 I need to ask her questions?

14 THE HEARING OFFICER: That's correct.

15 EXAMINATION

16 (MS. ROUSH THROUGH THE INTERPRETER): I
17 showed you the notes that Jared and the police wrote regarding
18 the easement and you asked me if I understood what it meant.
19 Can you please elaborate on that?

20 THE WITNESS: The only thing that I wanted to add
21 here is, as I've been trying to--we did check into whether there
22 was an easement or not and found out that there was. So I
23 tried to explain to her at that point that, because there's an
24 easement, Rocky Mountain Power doesn't have to communicate
25 with her, they don't have to get her permission, they can pretty

1 much do whatever they want with it. That any communication
2 they have had has been in an attempt to educate her and make
3 them aware that things are happening just so the homeowners
4 and/or the residents are aware of what's happening.

5 A couple of things that go along with this is I am a
6 property manager for Ann's other properties and so they ask me
7 lots of questions with Lisa's home or her brother's home as
8 things come up like this, so I try to help them with these things.

9 THE HEARING OFFICER: One moment, Miss.
10 When you say "Lisa's home," are you referring to where Ms.
11 Roush lives?

12 THE WITNESS: Yes, correct.

13 THE HEARING OFFICER: This is her mother's
14 home?

15 THE WITNESS: Her mother's home, I'm sorry,
16 where Lisa resides and has for 17 years.

17 One of the things that I wanted to mention is, her
18 mother is the homeowner, Lisa's lived there 17 years, and the
19 Rocky Mountain Power bill comes to Lisa's home. And so I
20 don't know if there is anywhere on record with Rocky Mountain
21 Power that she is not the homeowner.

22 So Ann was not pulled into this at all until
23 November 5th. Well, I take that back. On September 25th,
24 when the box went in, Lisa contacted her mother, was extremely
25 upset, but we had no prior knowledge that anything was

1 happening because she gets the bill, so they contacted her.

2 THE HEARING OFFICER: So let me back up just
3 one second here.

4 So you testified that you confirmed that there is an
5 easement and you explained to Ms. Roush and you've stated
6 that--based on that information, that Rocky Mountain Power
7 didn't need her permission, that they could do whatever they
8 wanted. Why, then, would it be necessary for the property
9 owner to be notified?

10 THE WITNESS: I was stating that fact just because
11 you questioned her several times earlier about when was Ann
12 notified, when was Ann notified. So I'm just clarifying why
13 perhaps Rocky Mountain Power didn't notify the owner. Why
14 would they notify--I'm trying to establish why they would notify
15 the renter versus the owner of the home. They obviously tried
16 to make some communication to educate somebody, so I was
17 trying to establish why perhaps they didn't notify Ann.

18 The other thing that I just wanted to mention is, one
19 of the things that has confused Lisa and concerned Lisa
20 tremendously is she has other deaf friends who have had
21 utilities, boxes, different things put on their properties, and each
22 one of them had someone show up at their door, talk to them
23 about it, communicate with them about it, educate them. And
24 she didn't get that same courtesy.

25 And so I think one of her big goals here is to make

1 a point with Rocky Mountain that things like that happen--if they
2 want to provide the customer a service that they have for other
3 people, that they're consistent with their communications, that
4 they try to provide people with other languages or people that
5 are disabled with complete communication, not just e-mails.

6 THE HEARING OFFICER: Okay. Anything further,
7 Ms. Richards?

8 (MS. ROUSH THROUGH THE INTERPRETER):
9 Yes. You understand that my primary language is ASL and you
10 can tell by my written communication, is that clear to you? Can
11 you maybe explain the history of my knowledge or lack of
12 knowledge of the English language?

13 THE WITNESS: Well, I would just concur what she
14 says, that ASL is her primary language. She does struggle with
15 her written language and when she's in any public setting--well,
16 let me make sure I'm accurate with this.

17 When she has interactions professionally, she
18 always has an interpreter.

19 (MS. ROUSH THROUGH THE INTERPRETER): And
20 you've seen my handwriting, and sometimes when you and I
21 write back and forth, is it hard for you to understand what I'm
22 trying to say and sometimes we have to clarify so that we
23 understand each other?

24 THE WITNESS: Yes, I'm consistently clarifying.
25 And I can tell by reading e-mails or text or Facebook that she

1 doesn't speak like I do. She misses words, she misses adverbs
2 and things that we use in the English language that she doesn't
3 use. So I can tell by reading what she writes that she doesn't
4 speak English fluently.

5 (MS. ROUSH THROUGH THE INTERPRETER):

6 That's correct. Is there anything else that you'd like the Court
7 to know?

8 THE WITNESS: There was one other thing, but I
9 can't remember what it was.

10 I don't know if this is pertinent or not, but as far as
11 the fence goes, when Rocky Mountain came out, when
12 everybody came out on--was it November 5th?

13 (MS. ROUSH THROUGH THE INTERPRETER):

14 Yes.

15 THE WITNESS: We had agreed at that time--her
16 decision at that time was to accept the fence as a solution to
17 covering up the box to making it more safe for her
18 grandchildren.

19 As she asked Autumn more questions about it, she
20 was trying to--she was confused between communications that
21 she'd received from Autumn and communications she'd received
22 from Jared on how close that fence was going to be.

23 They explained it very clearly when we were there,
24 but she didn't understand. Ann and I understood, but she didn't
25 understand exactly how close or how far or how big that fence

1 enclosure was going to be.

2 So she contacted Autumn to ask her what that was
3 going to look like. From my recollection, I don't have the
4 paperwork in front of me, but from my recollection, Autumn
5 e-mailed her back and explained it.

6 It was clear to me what she meant and how close it
7 had to be, but it wasn't clear to Lisa. And so, ultimately, I
8 guess she just gave up and said, forget the fence, I'll just do
9 plants.

10 And then I had a communication with Autumn and
11 we had the voucher sent to Ann. So she does have the
12 vouchers for the plants. I don't believe Rocky Mountain intends
13 to plant them, they just gave us a voucher so we could buy them
14 and plant them ourselves. That's my understanding.

15 So I just wanted to clarify my view of what
16 happened with the fence.

17 THE HEARING OFFICER: Thank you, Ms.
18 Richards.

19 (MS. ROUSH THROUGH THE INTERPRETER):
20 Thank you.

21 THE HEARING OFFICER: Before you leave, are
22 there any questions for Ms. Richards?

23 MR. SOLANDER: No questions.

24 MR. JETTER: No questions.

25 THE HEARING OFFICER: Okay. Thank you. You

1 may be excused.

2 Ms. Roush, does that--

3 (MS. ROUSH THROUGH THE INTERPRETER): I
4 would like to call my mother.

5 THE HEARING OFFICER: Okay.

6 Ms. Roush, before I swear in your witness, let me
7 just clarify a few things.

8 The Commission has received not only your
9 informal complaint, but your testimony today, as well as the
10 testimony of your first witness, Christi Richards, as to a number
11 of things.

12 It is not necessary for you to repeat any of that
13 testimony and there has been no question of the prior witness
14 with respect to, for example, the issue of the fence or the issue
15 of the need for an ASL interpreter. So I just want to ask you if
16 you could please move it along.

17 And we will swear in Ms. Richards and then we'll
18 give the opportunity for the Company to discuss its position and
19 for the Division to weigh in on the issue and conclude the
20 hearing.

21 (MS. ROUSH THROUGH THE INTERPRETER):
22 Okay.

23 THE HEARING OFFICER: Thank you.

24 Ms. Richards, are you prepared to testify today?

25 THE WITNESS: Yes, I guess so.

1 ANN RICHARDS, called as a witness, being first
2 duly sworn, was examined and testified as follows:

3 THE HEARING OFFICER: Could you please speak
4 up and speak into the microphone.

5 THE WITNESS: Sorry, I had a frog in my throat.
6 Yes.

7 THE HEARING OFFICER: Would you please raise
8 your right hand. And do you swear that the testimony you are
9 about to give today is the truth?

10 THE WITNESS: Yes.

11 THE HEARING OFFICER: Ms. Roush, you may
12 proceed.

13 EXAMINATION

14 (MS. ROUSH THROUGH THE INTERPRETER): Did
15 Rocky Mountain Power inform you by e-mail or written
16 communication about the box to be installed?

17 THE WITNESS: No.

18 THE HEARING OFFICER: And are you the owner
19 of the property?

20 THE WITNESS: Yes.

21 (MS. ROUSH THROUGH THE INTERPRETER):
22 When I first informed you about the box, how did you feel about
23 having the box installed on your property?

24 THE WITNESS: Well, to tell the truth, I didn't
25 really know anything about it. She called me quite upset and

1 told me about what had happened, and that's the first I'd heard
2 of it.

3 (MS. ROUSH THROUGH THE INTERPRETER): Do
4 you remember the day that you saw the box for the first time?

5 THE WITNESS: I don't remember.

6 (MS. ROUSH THROUGH THE INTERPRETER):
7 Were you familiar with the term "easement"?

8 THE WITNESS: Well, yeah, I know what it means.

9 (MS. ROUSH THROUGH THE INTERPRETER): Is
10 there anything else you'd like to say?

11 THE WITNESS: No.

12 (MS. ROUSH THROUGH THE INTERPRETER):
13 That's all the questions I have.

14 THE WITNESS: Okay. No, I don't.

15 (MS. ROUSH THROUGH THE INTERPRETER):
16 Okay. Thank you.

17 THE HEARING OFFICER: Ms. Richards, before you
18 leave, please--

19 Are there any questions for Ms. Richards?

20 MR. SOLANDER: No questions.

21 THE HEARING OFFICER: Ms. Richards, I have one
22 question for you, please.

23 THE WITNESS: Okay.

24 THE HEARING OFFICER: As a property owner, are
25 you aware of any law, rule or tariff that Rocky Mountain Power

1 has that requires them to give you notice of the box being
2 installed?

3 THE WITNESS: I don't--I don't know of any.

4 THE HEARING OFFICER: Okay. Thank you.

5 Ms. Roush, do you have anything further?

6 (MS. ROUSH THROUGH THE INTERPRETER):

7 Nothing I can think of. If you'd mind giving me just a moment to
8 look through my papers.

9 I do wish that Jared was here, Mr. Mietchen, I
10 would have wanted to--I wanted to ask him--I guess it's hard to
11 make my point.

12 I wanted to ask him when he met me the first time
13 what was his response because I'm a deaf individual, but since
14 he's not here, I can't gather that information. But I do recall
15 meeting him for the first time on September 25th and he was
16 very much in shock, he seemed very nervous.

17 And I'm used to meeting with people who are
18 unaware of my deafness and I just let them know I can't hear, I
19 can't read your lips, but if we write, we can communicate.

20 I felt comfortable because I'm used to it, but I could
21 tell--I noticed right away that it was very uncomfortable for him,
22 he seemed to be in shock that I was a deaf person. And
23 according to our e-mails, I didn't think that he was aware of
24 that.

25 And Jared's boss, Kim, was also unaware until I

1 told him by e-mail, and I can't remember--I believe it was
2 November 5th where Kim told my mother that he felt bad, that
3 he should have met with me in person to make sure that
4 communication was effective. That's all I have.

5 THE HEARING OFFICER: Thank you. Thank you,
6 Ms. Roush.

7 Are there questions for Ms. Roush?

8 MR. SOLANDER: No questions.

9 MR. JETTER: No questions.

10 THE HEARING OFFICER: Ms. Roush, I'd like to
11 ask you a few questions, please.

12 Based on your testimony today, are you asking for
13 the fence in addition to what the Company has already
14 provided?

15 (MS. ROUSH THROUGH THE INTERPRETER): I
16 wanted to know specifically what it would look like and how far
17 around the box it would be before I made that decision.

18 THE HEARING OFFICER: So that's still an open
19 issue for you?

20 (MS. ROUSH THROUGH THE INTERPRETER):
21 Yes. Yes. I'd like to have dimensions and a better idea of what
22 the fence would look like before I made that decision.

23 THE HEARING OFFICER: Okay. I want to make a
24 couple of things clear, and in some cases -- in many cases it
25 might be where Rocky Mountain Power is taking action or it

1 might be where a customer has a concern, the important thing
2 for you to understand at this point is that the Commission has
3 very limited ability in these kinds of situations.

4 So inasmuch as we are interested in hearing your
5 concern, having heard it and the kinds of things that you're
6 asking for are not within the purview of the Commission to
7 require from the Company. That's not to say, however, that you
8 cannot have private discussions with the Company and see what
9 you might be able to work out, but --

10 For example, the request for money that was asked
11 for in the letter that was written to the Governor's office, we
12 don't have the ability to issue damages or credits to your
13 account, that sort of thing. That would be something that you
14 would need to work out with the Company.

15 And so I just want to make sure that -- from your
16 perspective, that you feel like your concern has been fully heard
17 and that if there's anything more that you want to add, that
18 you're welcome to do that. And next we're going to move to the
19 Company so that they can present their case.

20 And in the event at some point you two can come
21 together and have a conversation, that's something that the
22 Commission will leave to you individually. And we're not saying
23 that you have to do that or that the Company is obligated, but
24 that's entirely a private issue.

25 (MS. ROUSH THROUGH THE INTERPRETER):

1 Understood.

2 THE HEARING OFFICER: Thank you. And I want
3 to thank you very much for giving your feedback today. I hear
4 your frustration and I'm sure that the Company hears your
5 frustration and I wish you all the best in the situation.

6 And we'll now turn to Mr. Solander so Mr. Solander
7 can give his presentation.

8 MR. SOLANDER: Well, I mean I think I would move
9 to dismiss at this time. I don't believe there's any request that
10 can be granted by the Commission.

11 Ms. Braithwaite here is happy to work with Ms.
12 Roush informally but, at this time, I don't believe there's
13 anything in the formal complaint that is still pending. I don't
14 know that there's any outstanding request for relief that can be
15 granted by the Commission, and we ask that the formal
16 complaint be dismissed, with the understanding that the
17 Company is happy to work with Ms. Roush informally to address
18 her concerns, but there's been no allegation of a violation of a
19 tariff.

20 I believe that Ms. Roush's witness's testimony was
21 that the box is located in a public utility easement on the
22 property and that there are no allegations that are outstanding
23 at this time.

24 THE HEARING OFFICER: Thank you, Mr.
25 Solander.

1 Mr. Jetter, do you wish to add anything?

2 MR. JETTER: I have nothing to add. Thank you.

3 THE HEARING OFFICER: Okay. Just to follow up
4 with you, sir, from the Division's standpoint, has there been a
5 violation of a rule, statute or tariff in this instance?

6 MR. JETTER: Nothing that I'm aware of. And I
7 guess that's all I have. I'm not aware of any violation.

8 THE HEARING OFFICER: Okay. Thank you, Mr.
9 Jetter.

10 Ms. Roush, do you understand what the Company is
11 asking for at this time with their motion to dismiss?

12 (MS. ROUSH THROUGH THE INTERPRETER):
13 Can you maybe explain a little more?

14 THE HEARING OFFICER: The Company has asked
15 that the Commission dismiss your complaint based on
16 essentially our statute which says that when a complaint arises,
17 it must be based on a violation of a rule, law or tariff, and
18 there's been no such allegation in this case.

19 The Company, however, has indicated that there
20 may be an interest in discussing this privately, but that's not an
21 issue for the Commission to hear. And, as such, they have
22 moved to dismiss the complaint.

23 Do you have a response to that?

24 (MS. ROUSH THROUGH THE INTERPRETER): I do
25 have a question regarding the meeting on November 5th.

1 Autumn was very friendly, but when it came to asking for help, it
2 seemed that that respect and friendliness went away.

3 When I e-mailed Kim and Jared to thank them for
4 coming and thank them for their time and their patience, they
5 never responded, they never responded back. And it was a
6 couple of weeks until I contacted Autumn again where she said
7 that the e-mail went directly to her, that they're no longer
8 involved and that they can't say anything regarding the matter
9 anymore, that it has to go directly between Autumn and I.

10 So I feel like there's not more communication, but
11 less communication. And when I asked about taking a picture of
12 the box open or if it could be, you know, beautified, I feel like
13 I've been shut down and that they've become more strict, not as
14 enthusiastic as I am to work together and to try and resolve my
15 concerns, so I feel like I've been cut off. That's all I have.

16 THE HEARING OFFICER: Thank you, Ms. Roush.

17 Based on there being no substantive response to
18 the motion, inasmuch as the Commission is reviewing this for a
19 violation of a rule, law or tariff and there's been no such
20 allegation, the Commission will find that the complaint is
21 dismissed.

22 Ms. Roush, we do hear your concern and are
23 concerned about the issue. We simply don't have the ability to
24 require the kinds of things that you're asking for.

25 So if you choose to do so, have further

1 conversations with the Company, that's entirely up to you, but
2 as far as this matter is concerned, it is now closed and this
3 hearing is adjourned.

4 Do you have any questions?

5 (MS. ROUSH THROUGH THE INTERPRETER): I
6 guess I'm concerned about communication with Autumn. I'm
7 wondering if there's somebody else that I can communicate with
8 other than Autumn.

9 THE HEARING OFFICER: Again, that is an issue
10 that would not be under the Commission's jurisdiction. The
11 Commission would not be involved in that. We don't act as a
12 mediator or mediary between the parties. So if you want to
13 address that once we adjourn and I leave the room, you're
14 welcome to do that, but I'm afraid I don't have an answer for you
15 on that. So good luck to you, and if there are further concerns
16 that you believe involve a rule, law or tariff, that's what we're
17 here for and--

18 (MS. ROUSH THROUGH THE INTERPRETER): I
19 don't have any information in that regard.

20 THE HEARING OFFICER: Okay. Thank you very
21 much.

22 We'll be off the record and adjourned. And as I
23 mentioned, the matter is dismissed. Thank you for your time
24 today.

25 (Concluded at 11:35 a.m.)

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CERTIFICATE

This is to certify that the proceedings in the foregoing matter were reported by me in stenotype and thereafter transcribed into written form;

That said proceedings were taken at the time and place herein named;

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action and that I am not interested in the event thereof.

Teena Green, RPR, CSR, CRR, CBC

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