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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE FORMAL	)	
COMPLAINT OF KELLY MARGETTS	)	Docket No. 15-035-19
AGAINST ROCKY MOUNTAIN POWER	)	
	)	

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**I. SUPPLEMENTAL RESPONSE AND REQUEST TO DENY MR. MARGETTS’  
VARIOUS MOTIONS**

1. Rocky Mountain Power respectfully reinstates its first Answer and Motion to Dismiss (“first Answer”), filed on April 15, 2015, and requests that all of Mr. Margetts’ various motions be denied in their entirety. Rocky Mountain Power hereby incorporates by reference the factual background included in its first Answer and responds with the following additional information in response to Mr. Margetts’ additional various motions filed with the Public Service Commission of Utah on April 16, 2015.

2. During the excavation work by another Customer’s<sup>1</sup> contractor, Mr. Margetts’ electric service was in no way interrupted nor did the Company deny Mr. Margetts use of his electric facilities. He had use of the electricity in his home during the construction. The Company rejects the claim that Mr. Margetts was prohibited from using the electricity service.

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<sup>1</sup> The customer referenced is a business entity that requested new electrical service.

3. While the Company was not responsible for any inconvenience that Mr. Margetts may have experienced, the Company has apologized to Mr. Margetts for any inconvenience he experienced resulting from the excavation work done by the Customer digging the trench.

4. The Company followed the permitting process with the City of Salt Lake and did not barricade access to Mr. Margetts' property; rather, the Customer's contractor provided a temporary alternative route during the course of the Contractor's work.

## **II. MOTION TO DISMISS**

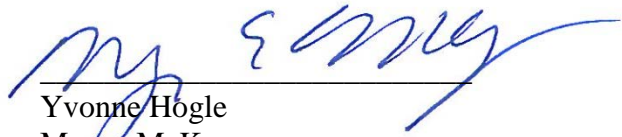
5. The Company moves, under Utah Rules of Civil Procedure, Rule 12(b)(6), for an Order dismissing the Complaint and all of Mr. Margetts' various motions. In support of this motion, the Company states the Complaint fails to state a claim upon which relief can be granted, and fails to establish the Company violated Commission rules, Company tariffs or that its actions are unjust.

6. The Public Service Commission of Utah lacks jurisdiction to provide Mr. Margetts any of the relief he requests. The Commission only has the power granted to it by the legislature. *Williams v. Public Service Comm'n*, 754 P.2d 41, 50 (Utah 1988) (internal citations omitted). The only statutory provision allowing for compensation is Utah Code Ann. § 54-7-20, providing for rate reparations when charges have been in excess of tariff schedules or have been unjust, unreasonable, or discriminatory. Mr. Margetts has presented no factual evidence or even allegations in his Complaint that the Company has charged a rate other than that authorized by the Commission, or that the Company otherwise violated any law, tariff or Commission order. Hence, Mr. Margetts' claims are baseless. The Commission has not been granted the power to award the type of reparation Mr. Margetts seeks, and his Complaint, and all of Mr. Margetts' various motions should be dismissed in their entirety.

WHEREFORE having fully answered Complainant's complaint and finding no violation of law, Commission rules, or Company tariffs to base an award of the relief requested, the Company prays for the dismissal of the Complaint with prejudice.

Dated this 1<sup>st</sup> day of May 2015.

Respectfully submitted,



Yvonne Hogle  
Megan McKay  
*Attorneys for Rocky Mountain Power*

## CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May 2015, a true and correct copy of the foregoing was served pursuant to the Utah of Civil Procedure by electronic mail to the following:

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