

2015 JUN 19 10:51 AM BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

<b>In the Matter of the Formal Complaint</b>	:	
	:	
<b>of Kelly Margetts</b>	:	
<b>Petitioner</b>	:	<b>Docket #'s: 15-035-19 &amp; 15-049-04</b>
	:	
	:	<b>Motion for Mistrial/Agency Review</b>
	:	<b>Motion of Administrative Error</b>
	:	<b>Motion of Expungement From</b>
	:	<b>Public Record</b>
	:	<b>Exhibits A, B</b>
	:	
<b>Vs.</b>	:	
	:	
<b>Rocky Mountain Power and</b>	:	
<b>Century Link</b>	:	
<b>Respondent</b>	:	

**Motion for Mistrial/Agency Review**

It has come to Petitioner's attention that a procedural protocol error has taken place. In the fact that unknown to Petitioner in his "Numerous phone calls" (1 actual 2 at best) to a Marialie Martinez who now is Marialie Wright after getting married (away from her desk) during this time, that Ms. Martinez-Wright was supposed to do her job and communicate in the informal complaint process and contact Century Link. This error taken place in that "Court Procedures" at that time would have granted Petitioner his right to at "informal level" to communicate and understand Century Links viewpoint and perhaps be known to as whom so might have been their representative such as Eric Holje of Rocky Mountain Power for example; with Century Links representative (who was?) {that the PUC lacked Jurisdiction etc... this being their attorneys reasoning and standpoints only known at the "formal level}.

**EXHIBIT A:** February 11<sup>th</sup> filing date  
February 20<sup>th</sup> filing date

**Motion of Administrative Error**

This being said brings into light that Petitioner at the informal level may have learned and was denied Petitioners rights at informal level due to administrative error that the PUC did not have jurisdiction [reason cited by Century Link by attorneys at formal level for dismissal] regarding Petitioners' quest for remedy in regards to "{a) correcting service problems- cited in Dept of Commerce/PUC document page 5}".

To wit Petitioner “at informal level” then may have ascertained Petitioner’s right to or Petitioner’s right not to ponder situation, mediate situation, and to with presented facts perhaps maybe move or not move into the formal complaint process. It was perceived by Petitioner that Century Link and then due to lack of a timely correspondence from Rocky Mountain Power being absent; of which Petitioner states he brought to Ms. Martinez-Wright’s attention {of which she knew existed but failed to inform Petitioner-another mistake?}, that the NO contact at that particular time in front of Ms. Martinez-Wright from Utility Companies was the “reason” this informal complaint needed to be moved forward [February 20<sup>th</sup> 2015] by Petitioner into a formal complaint. Ms. Martinez-Wright stating she would forward the complaint for the sake of “*Petitioner’s convenience?*” when brought to her attention of NO contact from Utility Companies.

This created a situation where Petitioner still was seeking remedy and trying to get the procedural protocol stated per the 5-page Department of Commerce/PUC document; but was locked into “formal complaint procedure”.

Therefore it should have been that the “formal level” remanded the matter back to the “informal level” to do their job but as that the “formal level” stayed the matter {*Petitioner would assert he felt Utility Companies per Meeting with Ms. Martinez-Wright did not want to reply to informal complaint*} to wit this legal action then denied Petitioner his rights of protocol at the “informal level” to have immediate correspondence with Utility Companies at time, potentially mediate, and ponder whether to move forward or not move forward to “formal level” with facts gathered at “informal level”.

*Would this not create a misunderstanding that utility Companies did not want to reply to the “informal complaint”; again Petitioner had no correspondence in hand at time of speaking to move forward to formal complaint when handing documents directly to Ms. Marialie Martinez-Wright?*

Petitioner filed a timely “Motion to Continue” {April 16<sup>th</sup> 2015} in regards to Utility Companies “Motions to Dismiss” {April 15<sup>th</sup> 2015}.

*Petitioner states why otherwise would Petitioner be asking for a Motion to Continue unless Petitioner was of notice Respondent was asking for Dismissal?*

“Petitioner notes: Was never placed on notification per document from Utility Company that a failure to reply to Motion to Dismiss was being asked for by Utility Company”

Petitioner feels baited into perceiving remedy was available to Petitioner in that due to this Department of Commerce and PUC document **Page #5...**

**TO:** All Parties Seeking Further Resolution After Exhausting the Informal Complaint Process.

*Did Petitioner really get Petitioner's right to fully exhaust the informal complaint process?*

**Page#5:** The State Legislature has granted the Commission limited authority over utilities regarding customer complaints. The Commission may order a utility to: a) correct service problems... **EXHIBIT B**

Thus: Petitioner believed that being blocked from being able to gain access to use Petitioners public utilities was indeed the service problem; meaning if you cannot use your service where you need to that is indeed fact the service problem.

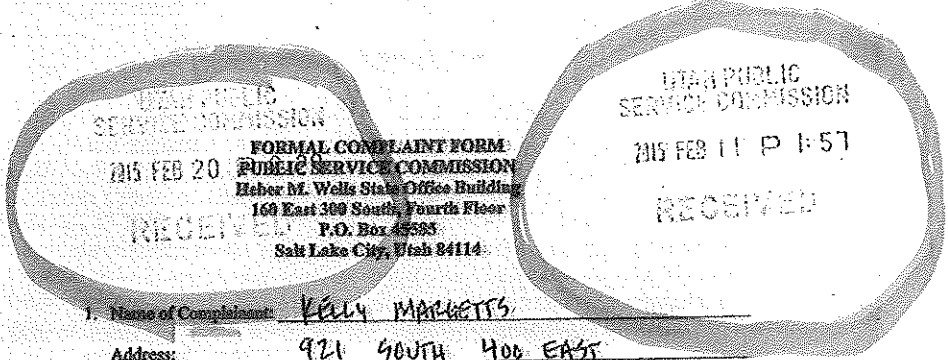
**Per Code 54:** "service problems are undefined".

*Why is this caveat "(a)" page #5 being disseminated at inception of filing by the Department of Commerce and the PUC?*

### **Motion of Expungement From Public Record**

Due to administrative error, protocol mistakes and undefined definitions cited as abilities, Petitioner asserts that these proceedings are tainted and that they might have or might have not needed to happen at all per that all protocols in a timely manner were allowed to fruition.

Therefore it is asked by Petitioner of the Commission to expunge these proceedings from public record.



1. Name of Complainant: KELLY MARGRETT  
 Address: 921 SOUTH 400 EAST  
 Telephone No.: 801-323-9169

If represented by counsel, list:

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_

2. The utility being complained against is: POCONO MOUNTAIN POWER COMPANY  
 3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper?  
 Include exact dates, times, locations and persons involved, as closely as you can.

\* SEE ADDENDUM

4. Why do you (the Complainant) think these activities are illegal, unjust or improper?

\* SEE ADDENDUM

5. What relief does the Complainant request?

\* SEE ADDENDUM

6. Signature of Complainant: [Handwritten Signature]  
 Date: \_\_\_\_\_

Utility companies are represented by their lawyers. You may also have a lawyer, if you wish. If you come without your lawyer, you will be held to have given up your right to legal representation. If you fail to attend a hearing, and have not alerted the Commission, your complaint will be dismissed.

Formal complaints are the last resort in the complaint process. The Commission will not permit a customer to file a formal complaint unless it seems unlikely that a settlement can be reached through the informal process.

The State Legislature has granted the Commission limited authority over utilities regarding customer complaints. The Commission may order a utility to: a) correct service problems; and b) refund incorrect billings.

The Commission has no authority to correct property damage from maintenance operations or sales of defective telephone equipment, nor rudeness on the part of the utility representative to name three examples.

Your rights and responsibilities are contained in Utah Law (Title 54 Chapter 1) and PSC rules and regulations.

Mail or bring, your written formal complaint to: Public Service Commission, 160 East 300 South, Fourth Floor, P.O. Box 45585, Salt Lake City, Utah 84145-0585. Questions should be directed to GARY WIDERBURG at the Public Service Commission telephone 530-6716

(Please note: Complaints elevated to formal complaints and filed with the Commission are public documents and will be published on the Commission's website.)

**CERTIFICATE OF SERVICE/COVER SHEET**

It is hereby certified that on this 19<sup>th</sup> day of April 2015, a true and genuine copy (6 Total Pages) of the foregoing (Docket #'s: 15-035-19 & 15-049-04) was sent via the United States mail system, hand delivered, emailed or faxed to the concerned listed below:

Division of Commerce-Division of Public Utilities  
160 East 300 South, 4<sup>th</sup> Floor  
SLC, Utah 84111

A handwritten signature in black ink, appearing to read 'KELLY MARGETTS', is written over a horizontal line. The signature is somewhat stylized and scribbled.

**KELLY MARGETTS**  
**PETITIONER**  
**921 SOUTH 400 EAST**  
**SLC, UTAH 84111**  
**801-323-9169**