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Division of Public Utilities

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Director, Division of Public Utilities

## MEMORANDUM

**DATE:** December 29, 2015

**TO:** Public Service Commission

**FROM:** Division of Public Utilities  
Chris Parker, Division Director  
Marialie Wright, Customer Service Manager  
Erika Tedder, Office Specialist

**RE:** Marian Seamons v. Ticaboo Utility Improvement District  
Docket No. 15-2508-01

**Recommendation: No Action - Incomplete Complaint**

**Complaint Analysis:**

On October 29<sup>th</sup>, 2015, Ms. Marian Seamons (Complainant) submitted an online informal complaint to the Division of Public Utilities (Division) against Ticaboo Utility Improvement District (Company) regarding charges on vacant lots.

The Complainant requested the Company to “justify... costs and fees to vacant lots” among multiple other grievances. The complaint goes on to list numerous grievances concerning how the regulations were put into place, the unprofessionalism of the Company’s office staff, and others.

**Company Response:**

Chip Shortreed, Ticaboo Utility Improvement District’s CEO and District Manager, responded to Marian Seamons’ informal complaint on November 25<sup>th</sup>, 2015. Mr. Shortreed stated that the issues illuminated by the Complainant have been previously addressed by the Company in a hand-delivered correspondence given to the Complainant on October 26<sup>th</sup>, 2015. This correspondence also included answers to the information requested in five letters by the Complainant regarding business practices. In Mr. Shortreed’s response on November 25<sup>th</sup>, 2015 he included copies of the aforementioned

correspondence, the Complainant's five letters requesting information, and the responses to every inquiry submitted by the Complainant.

**DPU Comments & Recommendation:**

The Division recommends that no action be taken because the complaint is incomplete and there is uncertainty of relief sought. In addition, the Public Service Commission (Commission) is granted only limited authority over utilities regarding customer complaints. The Commission may order a utility to correct service problems and refund incorrect billings.

The issues addressed in the complaint are vague, and/or do not have specific requests for relief. E.g. “[h]ow have contracts and open enrollment been enacted throughout the district without knowledge of the property owner...” As per Utah Code Title 54-4-1, the Commission has no authority over issues dealing with the business management of a utility. To the extent the utility suffers from infirmities concerning customer service beyond tariff provisions, the Commission has no jurisdiction to remedy them. The Company in this case has unique tariff provisions arising from its unique operations and difficult-to-serve area. The Division has been unable to determine that the complaint involves the violation of a tariff provision or other applicable law or rule.

There exists a question from the Complainant about whether the Company's tariff is in compliance with the “State of Utah Codes.” A regulated utility company's tariffs must be filed with the Commission before adoption. The tariff submitted to the Commission by the Company on May 18<sup>th</sup>, 2015 was found “to be just and reasonable, and in the public interest” on September 10<sup>th</sup>, 2015 in [Docket 15-2508-T01](#). This Order was open to aggrieved parties for review or rehearing for 30 days after the issuance, but none was requested by any party. Additionally, any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure. Apart from those proceedings, the Division cannot determine from the complaint that any other law or rule has been violated.

The Complainant can obtain additional information about the content and filing of a formal complaint, and how to obtain written instructions as well as the litigation process by visiting <http://www.psc.utah.gov/complaints/index.html>.