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*Attorneys for Marian L. Seamons*

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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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**In the Matter of Marian L. Seamons v.  
Ticaboo Utility Improvement District**

**NOTICE OF APPEARANCE,  
MOTION FOR LEAVE TO  
AMEND FORMAL COMPLAINT  
AND STAY FOR FILING OF  
REPLY**

Docket No. 15-2508-01

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**NOTICE OF APPEARANCE OF COUNSEL**

JON M. HOGELIN and BENJAMIN LAKEY, from the law firm LAKEY HOGELIN, PLLC, enters their appearance as counsel for the Complainant, Marian L. Seamons (“Complainant”), in the above titled matter.

**MOTION FOR LEAVE TO AMEND FORMAL COMPLAINT**

Complainant moves the Utah Public Service Commission (“Commission”) for leave to amend her formal complaint, which was originally filed with the Commission on December 8, 2015. *See Docket*. The basis for Complainant’s motion is predicated upon the fact that the formal complaint likely lacks a clear and concise request for relief, while also comingling alleged grievances that are not within the scope for adjudication by the Commission.

In an attempt to save on costs, where Complainant has limited resources, Complainant attempted to bring forth her formal complaint on her own accord. However, it has become apparent that due to her lack of legal resources and understanding of required procedures, that Complainant's interest is not adequately reflected in her formal complaint. This is despite her good faith intention to bring forward issues with merit.

On December 29, 2015, the Division of Public Utilities ("Division") recommended no action as to Complainant's formal complaint due to the fact that the Division recognized that the complaint is incomplete. *See Docket*. The Division also addressed the fact that the complaint may include issues outside the scope of Utah Code Ann. § 54-4-1. *See Ibid*. Further, the Division found the complaint to be "vague", lacking "specific requests for relief", and possibly moot. *See Ibid*.

Based upon the aforementioned findings of the Division, Complainant believed that she may have inadequately represented her specific concerns regarding Ticaboo Utility Improvement District ("TUID"). As a result, Complainant sought out legal counsel in an attempt to bring forth to the Commission a proper representation of her concerns that are complete, concise, and for which will identify the specific relief Complainant seeks.

Therefore, based upon the foregoing, and more appropriately based upon the finding by the Division that her complaint is incomplete, Complainant respectfully requests for leave to amend her formal complaint. More specifically to have the Commission administratively adjudicate whether TUID is providing service in accordance with its approved tariff.

#### **MOTION FOR STAY REGARDING THE DEADLINE TO FILE A REPLY**

Based upon Complainant's Motion for Leave to Amend her Formal Complaint, Complainant respectfully requests for the Commission to stay the existing deadline for her to file

a reply to TUID's Response to her formal complaint. The current deadline for her Reply is February 5, 2016. However, in the event that the Commission grants Complainant's Motion for Leave, such a deadline would be moot. However, should the Commission deny Complainant's Motion for Leave, Complainant requests for a new date to file her Reply.

### **CONCLUSION**

Therefore, based upon the foregoing, Complainant respectfully requests for the Commission to grant her Motion for Leave to Amend her formal complaint and to grant a stay regarding the deadline to file her Reply.

DATED AND SIGNED this 4th day of February, 2016.

**LAKEY HOGELIN, PLLC**

/s/ Jon M. Hogelin  
Jon M. Hogelin  
Attorney for Respondent

### **CERTIFICATE OF DELIVERY**

I hereby certify that on this 4th day of February, 2016, prior to filing the foregoing **NOTICE OF APPEARANCE, MOTION FOR LEAVE TO AMEND FORMAL COMPLAINT AND STAY FOR FILING OF REPLY**, a true and complete copy was provided to the following, via email:

Utah Public Service Commission  
*psc@utah.gov*

Ticaboo Utility Improvement Distirct  
*ticabooUID@gmail.com*

/s/Jon M. Hogelin  
Jon M. Hogelin  
Attorney for Respondent