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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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

**COMPLAINANT’S OBJECTION
TO TUID’S POST HEARING
BRIEF**

Docket No. 15-2508-01

COMES NOW MARIAN L. SEAMONS (“Complainant”), by and through her counsel of record from SALCIDO LAW FIRM, PLLC, and submits her objection to Ticaboo Utility Improvement District’s (“TUID”) Post Hearing Brief (“Brief”), based upon the following:

ARGUMENT

On August 26, 2016, TUID submitted its Post Hearing Brief to the Utah Public Service Commission (“Commission”) in accordance with the Commission’s July 27, 2016 Order. However, Complainant objects to TUID’s Post Hearing Brief, more specifically the exhibits attached thereto, due to relevance.

**I. TUID’S SUBMITTED NOTICE IS NOT RELEVANT SINCE IT DOES NOT
DEMONSTRATE NOTICE OF STANDBY FEES OR RATE CHANGES**

TUID’s Brief, Exhibit F, provides a Declaration from Chip Shortreed stating that “mailed notices to all customers...notifying them of the August 29, 2013 public meeting at which the

TUID board of trustees planned to adopt a system of standby fees and make other changes to the District's Tariffs." The Declaration also states that the notices were mailed "simultaneously with the submission of *the notice* to the newspaper." (Bold and italics added).

TUID's Brief, page 6, provides that the notice in the local newspaper is attached to the Brief as Exhibit D. Upon inspection of Exhibit D, the notice states that there is "scheduled a public hearing regarding the rate increase for water, wastewater, and solid waste services, and rule changes for the District" to be held on August 29, 2013. Nothing in the notice demonstrated that the board of trustees planned to adopt a system of standby fees or any rate changes.

Also, TUID's Brief, page 6, states that the minutes of the August 29, 2016 meeting are attached as Exhibit E. Exhibit E also contains notices of a public hearing to be held on August 29, 2013, although the notices in Exhibit E only detail that the purpose of the public hearing is to address the issuing and selling of bonds for "an electric generating unit and related facilities and equipment (the "Project") and paying costs and expenses incident thereto." There is nothing in the notices pertaining to an adoption of standby fees or any rate changes.

A. TUID's Notices Are Not Consistent With Mr. Shortreed's Declaration

Mr. Shortreed, in Exhibit F, expressly states that he sent out notices specifically stating that TUID's board of trustees planned to adopt a system of standby fees. In his own Declaration, Mr. Shortreed stated that the meeting notice he mailed out was "simultaneously" submitted to the newspaper. However, the notice submitted to the newspaper by TUID, Exhibit D, is not consistent with Mr. Shortreed's statement since it does not provide any language of an adoption of standby fees or the like. Further, other notices submitted by TUID, Exhibit E, also are not consistent with Mr. Shortreed's statement since they also do not have any language concerning the adoption of standby fees. Therefore, based upon the TUID's own evidence, there is nothing

provided that demonstrates any notices were mailed out informing anyone that the board of trustees would be planning on adopting standby fees. As a result, TUID's Exhibits D, F, and E are not relevant and should be disregarded by the Commission.

II. TUID'S SUBMITTED DECLARATIONS ARE NOT RELEVANT SINCE THEY ARE OUTSIDE THE SCOPE OF THE PENDING CASE

TUID's Brief, p. 5, states that Declarations are provided in Exhibits A, B, and C, consisting of individuals stating that they were aware of an August 29, 2013 public meeting, received in the mail written notice at least 10 days before the meeting, and some actually attended the meeting. However, not one Declaration speaks to whether or not Complainant received written notice and general claims without any specifics such as dates of receiving a notice.

Likewise, in Exhibit F, Mr. Shortreed's Declaration does not specifically state that Complainant received written notice. Mr. Shortreed's Declaration only uses general terms, including "to all customers," "notices were mailed at least 10 days in advance of the meeting," and "before August 15, 2013." Mr. Shortreed cannot give any specific dates or names concerning what he did, or did not do, in facilitating proper notice, including to Complainant. In fact, all of the Declarations are similar to Mr. Shortreed's with no specifics, just general claims.

Exhibit C is a Declaration of Andria Jones, who is Mr. Shortreed's longtime residential partner. Clearly any Declaration by Ms. Jones is engrossed in bias and should not be considered relevant or credible.

Despite the fact that the Declarations are entirely flawed by general statements and no specifics, they are all irrelevant since not one addresses Complainant, who is the party to this case. It is likely that the Commission would be intrigued to know who go what and when, although in the present case the only relevant facts is whether Complainant received any written

notice. Complainant testified before the Commission that she did not receive any written notice and TUID cannot demonstrate that the Complainant was ever sent a written notice. Therefore, since the Declarations submitted by TUID are not relevant, even though they are also severely flawed, the Commission should disregard such Declarations in making any decisions.

CONCLUSION

Therefore, based upon the foregoing, Complainant respectfully objects to TUID's Brief, including the attached Exhibits A-F.

DATED AND SIGNED this 30th day of August, 2016.

SALCIDO LAW FIRM, PLLC

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

CERTIFICATE OF DELIVERY

I hereby certify that on this 30th day of August, 2016, a true and complete copy of the foregoing was provided to the following, via email:

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