

Oct.10, 2017

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To: The Public Service Commission Of Utah

Re: Docket No. 17-035-46

Re: Response to Rocky Mountain Power's Response To Formal Complaint and Motion to Dismiss

Dear P.S.C. of Utah,

In response to Rocky Mountain Power's (R.M.P.) Response and Motion To Dismiss, I must point out to the P.S.C. that I did indeed go through the Division Of Public Utilities (D.P.U.) Informal Complaint process prior to filing my Formal Complaint with the P.S.C. I spoke with Gwen Flores and Stefanie Liebert in those offices. In fact, since R.M.P. showed no intent to attend mediation in this matter, representatives of the D.P.U. suggested to me that I then file a Formal Complaint with the P.S.C.

Ms. Liebert explained to me that a P.S.C. investigator would contact the D.P.U. to get background information and documentation in this matter. (SEE EXHIBIT A).

There are some misleading claims in R.M.P.'s Response which was filed on Sept.22, 2017. I am not a professional attorney but I will attempt to present evidences of these as best I can, with the expectation that a P.S.C. investigator will utilize them to assist their investigation into this matter.

Under R.M.P.'s "BACKGROUND" paragraphs, Paragraph 2 claims that I contacted R.M.P. "to report flickering lights". This is inaccurate. I contacted R.M.P. specifically to report the alarming sudden and overwhelming odor of what I described as "burning electrical motor", or "burning rubber" smell. At that time the incandescent lights were glowing dimly after they had momentarily flickered. I explained to the agent that the lights were glowing dimly, and after 17 years of owning this home I had never experienced that before. I request that the P.S.C.

investigator obtain the three R.M.P.-recorded phone calls from June 12, 2017, which will reveal which of us is being truthful about this.

Also under R.M.P.'s paragraph 2, they state that my electrical meltdown was the result of a windstorm which caused an outage, with recorded gusts up to 53 m.p.h. in the area.

There are a few interesting points about this. I have done some research and I believe the winds up until the time of my furnace meltdown were dramatically lower than 53 m.p.h.

Please note that my initial call to report the burning odor occurred at 11:23 A.M. on June 12 (SEE EXHIBIT B).

I have learned that Wind Speeds are recorded and referenced from the Salt Lake City International Airport. This fact is supported by public weather records from June 12 showing a Gust Speed of exactly 53 m.p.h. at the S.L.C. International Airport. Two facts are compelling about this:

A- Weather records reveal the 53 m.p.h. Gust Speed occurred at 12:20 P.M., a full hour after the property damage at my home. From 10:54 to 11:54 A.M., the Gust Speed did not exceed 35.7 m.p.h. at the Salt Lake City International Airport.(SEE EXHIBIT C).

B- The S.L.C. Int'l. Airport is over 10 miles West-Northwest of my home. That is an entirely different part of the Salt Lake Valley with much more exposure to Northern and Southern winds, virtually no trees, and dramatically less building density to buffer these winds. Records reveal the wind direction was primarily from the South. (SEE EXHIBIT C).

My home is on 600 East, just 1.2 miles due South of Hawthorne Elementary School, which is also on 600 East at 1700 South. The Utah Division of Air Quality runs an independent building housing an elaborate monitoring station on the premises of this school. Utah D.A.Q. Environmental Science Records reveal that between 10:00-11:00 A.M. on June 12, the maximum wind speed in my area was 23.3 m.p.h. (occurring at 10:59 a.m.), and that between 11:00 a.m. and 12:13 p.m. the maximum wind speed was 26.8 m.p.h. (at 11:06 a.m.). This is almost exactly half the windspeed which the Airport experienced over an hour later, and it is a much more accurate representation of wind speed on June 12 for my area. Any power outage that occurred that day was not city-wide. However my home never did experience a power outage, it had power with dim glowing lights. Please note R.M.P.'s wording in their paragraph 2 claiming flickering lights "*resulted from a wind storm in the area with recorded wind gusts up to 53 m.p.h.*"(SEE EXHIBIT D).

R.M.P.'s Paragraph 3 claims that I did not contact them until June 19 to report my property damage. This is a blatantly false representation to the P.S.C. This can easily be proven through R.M.P.'s phone records. When I called them for the third time on June 12, I spoke with Aubrey who told me she was keeping detailed notes "on my account" of all I explained to her. I have a recording of this phone conversation as well which I can provide to the P.S.C. investigator, if R.M.P. proves uncooperative in providing this information.

R.M.P.'s Paragraph 4 claims that I was seeking \$1,657.77 in reimbursement. I believe this is inaccurate and misleading. In accompanying documentation, I submitted to R.M.P. a quote from ESCO Heating and Air for repairing the furnace, and also a quote from ESCO for installing an equivalent replacement furnace. The reason I did this is because the inspector/repairman for ESCO explained to me that it would be a bad idea to spend that amount of money on a repair, and there would be no guarantee on longevity with the scope and type of damage incurred. He also explained that the costs to repair (with no guarantee) would cover almost 50% of the cost of replacement, and replacement would be a wiser investment. I provided both quotes to R.M.P. in the spirit of fairness and full transparency.

Concerning R.M.P.'s Paragraph 5: I hope the P.S.C. investigator will review all other Regulations besides the Regulation 4, Section 5 which R.M.P. specifically provided. The D.P.U. representative told me the P.S.C. will do this as part of their investigation. There may be Regulations protecting the Consumer from property damage due to reasons such as faulty power quality, erratic power delivery equipment, etc. I must remind the P.S.C. that on 11/23/2010, approximately 9:30 a.m., R.M.P. Field Engineer Luke Hoffman had told me he had power quality concerns and reliability concerns when he reviewed records. If his concerns were addressed and rectified at that time, it stands to reason that my furnace would most likely not have been fried in the summer of 2017 (I do not have air-conditioning, so this furnace hadn't even been turned on for about 2 months).

R.M.P.'s Paragraph 6:

I have already addressed the fact that I initially provided all quotes from ESCO Heating and Air in the spirit of fairness and transparency, so I believe R.M.P. is misleading the P.S.C. in claiming I escalated my compensation request.

R.M.P.'s Paragraph 7:

As I demonstrated with Exhibits earlier, winds were not excessive in my area. R.M.P.'s claimed "Area Wind Speed of 53 m.p.h." occurred about an hour after my

property damage, but in an entirely different part of the Salt Lake Valley. This is a good paragraph to point out that R.M.P. recorded an extended Power Outage in my area, but in fact my power was only out momentarily, then I had some strange level of low power with the dim lights for the rest of the afternoon. I received an automated phone call around 2:30 PM or so from R.M.P. saying "Power Has Been Restored In Your Area". If power was out in my area for some 3 hours or so, why did my furnace fry, lights stay on dim, and cooking stove L.E.D. clock stay illuminated during this outage?

R.M.P.'s MOTION TO DISMISS

R.M.P.'s Paragraph 9:

Again, I did attempt to work in good faith with R.M.P. through the D.P.U. Their representatives suggested I contact the P.S.C., as evidenced in my Exhibit A, and further evidenced through D.P.U. records and documents. The D.P.U. explained that the P.S.C. will investigate this matter, and their investigator is better able and equipped to decipher and conclude what P.S.C. action is warranted.

R.M.P.'s Paragraph 11:

I believe the P.S.C. needs to review my home's outage history, incident history, telephone history, and reliability history going back to the beginning of 2007. This is based on reviewing my notes from speaking with Engineer Luke Hoffman in 2010. He referenced Req.# 5496657 or 5496652, he was unable to read the last number clearly at the time. He had suggested I ask the 1-800 call center for R.M.P. "What's being Done On Your End?"

R.M.P. has apparently provided the P.S.C. with a 3-year Power Outage History. R.M.P., over the phone, has read to me record of a line down affecting my house only on 8/15/16 which is not shown in their 3-year history. The 06/12/17 incident itself is not shown either. The 12/17/15 Equipment Failure due to Deterioration is of some concern, I wonder if that may have been only a partial repair to a bigger problem? There was an emergency damage repair and "Unknown" cause on 9/26/14. Might this be related to why my furnace fried in summer season while it was dormant?

After reading R.M.P.'s Motion To Dismiss in late September, I called R.M.P. Customer Service to request not only outage history, but any and all Service History from 1/1/2007 on. This request was denied on the grounds that I have submitted this Formal Complaint. I asked how can I obtain this information, and they replied it would have to be through you, the P.S.C. I was somewhat taken aback that they are being this covert. So again, I request the P.S.C. to obtain all Records from 1/1/2007 onwards to compare to standard and average service.

R.M.P.'s Paragraph 12:

Whatever has happened with my electrical service to cause Engineer Hoffman concern in 2010, and then to cause "Unknown" issues on 9/26/16, and "Equipment Failure" on 12/17/15, and to fry my dormant furnace on 6/12/17, and to cause dim lights while there was reportedly no power in the area on the same day, is unfortunately so inconsistent and elusive an issue that it wasn't revealed in a one-week power monitoring operation last month.

I do not believe a 1 week monitoring of power delivery is sufficient evidence, nor sufficient cause, to Dismiss a very valid and documented Consumer Complaint to the P.S.C.

R.M.P.'s Paragraph 13:

This has been brought up at least twice previously on the same document. The P.S.C., upon contacting the D.P.U., will find I am being truthful in stating the fact that I sought remediation through the D.P.U, and they referred me to the P.S.C. as the next standard course of remedy. I asked the D.P.U. to provide me with documentation to present to the P.S.C., but they assured me the P.S.C. investigator will contact them for that.

CONCLUSION

I believe misleading statements made to the P.S.C. by R.M.P., which I have addressed and contradicted above, show a position of disingenuousness on the part of R.M.P. in this matter, and this speaks volumes. D.P.U. records and R.M.P. phone recordings from 6/12/17 should speak for themselves. Power history from Jan. 2007 on, if valid and complete, should speak for itself. This is not a frivolous complaint. I wish I experienced a Power Outage on 6/12/17, as so many others presumably did. Then my 2-month dormant furnace would not have fried. My understanding is that there is R.M.P. equipment in place to act as a system circuit-breaker so these kinds of costly damages don't happen, otherwise they would be more common. Something failed on June 12. I have had numerous outages over the 17 years in this house, but never suffered or witnessed property damage or dim glowing lights until this summer. If R.M.P. would simply do the right thing and compensate this homeowner for actual cost of an equivalent replacement furnace and kitchen light, I would be willing to drop this Complaint.

Respectfully,
Steven Seftel