

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Sundial Lodge Homeowners Association against Rocky Mountain Power	<u>DOCKET NO. 19-035-05</u>
	<u>NOTICE</u>

ISSUED: February 26, 2019

On February 25, 2019, Sundial Lodge Homeowners Association (“Sundial”) filed a formal complaint with the Public Service Commission of Utah (“PSC”) regarding a planned power outage by Rocky Mountain Power (“RMP”) scheduled for February 28, 2019. We issued a Notice of Filing and Comment Period, and the Division of Public Utilities (“DPU”) responded on February 26, 2019, recommending that we either issue a temporary stay or hold an emergency hearing.

We recognize the DPU’s self-evident assertion that a normal complaint process will not accommodate PSC action prior to the scheduled power outage. We also are cognizant of the impacts of the outage that Sundial alleges to be significant. Nevertheless, neither Sundial nor the DPU has alleged any violation, or potential violation, of a rule, statute, or tariff. In our initial review of Sundial’s complaint, we similarly do not see any obvious legal violation by RMP. Additionally, neither Sundial nor the DPU has made any attempt to compare or balance the impact of the power outage on Sundial with the impact of a delay on the related construction project.

We conclude that at this preliminary stage, we are unaware of a legal basis for taking either of the emergency actions the DPU recommends. We conclude that due process requires some basic understanding of how RMP has balanced the impacts of the outage on Sundial against the potential impacts of a delay on the construction project. We do not have a factual

DOCKET NO. 19-035-05

- 2 -

record to demonstrate what the consequences of a regulatory-mandated temporary stay would be, and in the absence of any obvious or potential legal violation, we do not see a basis to force RMP to participate in a hearing on less than one day's notice.

We expect RMP to understand and comply with its obligations related to safe and reliable utility service, and we expect RMP to respond to the complaint. We urge RMP to respond as soon as possible and to demonstrate the ways it has considered the concerns of Sundial. If we ultimately conclude that RMP has violated any of its obligations to Sundial, we will consider appropriate consequences.

DATED at Salt Lake City, Utah, February 26, 2019.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

DW#306810

CERTIFICATE OF SERVICE

I CERTIFY that on February 26, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Alan Finnegan (afinnegan@asrlodging.com)

Data Request Response Center (datarequest@pacificorp.com),
(customeradvocacyteam@pacificorp.com)

PacifiCorp

Jana L. Saba (jana.saba@pacificorp.com)

Daniel E. Solander (daniel.solander@pacificorp.com)

Megan McKay (megan.mckay@pacificorp.com)

Eric Holje (eric.holje@pacificorp.com)

Autumn Braithwaite (autumn.braithwaite@pacificorp.com)

Rocky Mountain Power

Patricia Schmid (pschmid@agutah.gov)

Justin Jetter (jjetter@agutah.gov)

Robert Moore (rmoore@agutah.gov)

Steven Snarr (stevensnarr@agutah.gov)

Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)

Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, UT 84111

Administrative Assistant