

10/21/20

Public Service Commission of Utah
% Gary Winderburg, Secretary
Heber M. Wells Building, 4th Floor
160 East 300 South / Box 45585
Salt Lake City, UT 84111

UTAH PUBLIC
SERVICE COMMISSION

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RE: Docket No: 20-028-01

Dear Mr. Winderburg,

I have not heard from you since my last communication of 9/24/20. I take that as a good sign, and hope my request for help has been accepted.

I first contacted Garkane management on 1/11/17 and registered a complaint respecting their use of member money, mandatorily collected in a power bill, for giveaways. I asked them to discontinue this policy because I saw it as immoral. I had no intentions of making this a legal matter at that time. To the contrary, even after I became aware of H.B. 266, I repeatedly, over a period of years, tried to get them to change this policy and practice. However, they have been defiant and have used their financial and "connection" muscle to silence me. In fact, Garkane managers have gone to great lengths to silence me. Management held a special meeting in Loa, where I live, and nowhere else in the service area. That meeting was attended by the editor of the Richfield Reaper who published a front page article that lauded Garkane and was uncomplimentary to me. I had met with David Anderson, editor of the Richfield Reaper, prior to that meeting and he had invited me to submit articles to the editor free of charge. But, obviously, between our conversation and the special meeting, something changed his mind. Following his unfriendly article published in the paper he edits, he refused to print any articles I submitted respecting Garkane Energy. A special meeting with the editor of the Reaper there with notebook in hand, the subsequent publishing of an article praising Garkane Managers and giving me a negative report, followed by the media shutdown respecting my articles after a cordial invitation to publish them, got my attention.

I have tried to get Garkane managers to correct this property transfer, for the right reasons, for a very long time and they have refused. I now see legal action as my only recourse.

I am writing because I wish to know what actions the Department of Public Utilities and Public Service Commission are willing to take to help me prosecute this matter. If you refuse to take this on, I will seek help elsewhere.

What I think I know at this time is that H.B.'s 255 and 266 take property from co-op members and give that property to co-op CEOs and boards. If I am correct in this thinking, and I am quite certain I am, the State has erred. States cannot take property from A and give it to B. If these House Bills are "improper" State Actions, the state of Utah can be sued. What I am presently thinking is that if you are not going to take this on, it may be possible for me to get a law firm to prosecute this case for a % of the settlement. However, I am not really interested in profiting from that sort of law suit. My desire is to see policy and practice change; and, at this point in time, to see those punished that conceived, and implemented this scheme.

This is a large, complicated case I know; but, it is important for the health of coops that it be prosecuted. This practice of transferring property ownership is destructive of co-op purpose. I

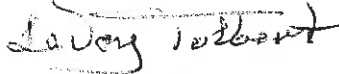
believe Garkane Energy has suffered great financial and operational damage as a result of the implementation of property ownership transfers. Any management team that goes to the trouble of enacting legislation to capture unclaimed property will work to create unclaimed property rather than serve member interests by managing to return margins to members. Garkane, for example, is in debt; yet, exorbitant amounts of capital credits are awarded members each year. To me, that raises a red flag. I believe a comprehensive audit is in order.

It is my belief that this scheme for transferring property ownership originated with Garkane management and has been enhanced by Garkane management. Both bills were spearheaded by Garkane CEO's and boards of directors.

It is my desire to have the State work with me on this. Wouldn't it be a lot better if the State cleaned up its own mess?

Please give me an update on where this is with the Commission so I can decide what to do. I'm not super anxious; but, I'm not getting any younger.

Sincerely,

A handwritten signature in black ink that reads "LaVoy Tolbert". The signature is written in a cursive style with a horizontal line drawn through the middle of the name.

LaVoy Tolbert