

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Glynn N. Donahue
against Rocky Mountain Power

DOCKET NO. 20-035-11

ORDER GRANTING MOTION TO DISMISS

ISSUED: May 21, 2020

On March 6, 2020, Glynn N. Donahue (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP). The Complaint alleges RMP has wrongfully demanded Complainant pay more than \$13,000 in damages (“Damages”) relating to the destruction of a power pole. Complainant denies he is responsible for the damage to the pole, alleging the pole failed because of harsh weather, insects, and RMP’s negligent maintenance. In addition to seeking relief from RMP’s claimed damages, the Complaint asserts RMP damaged his property when making repairs and asks the PSC to award him \$300 in damages.

On April 6, 2020, RMP filed a Motion to Dismiss (“Motion”). The Motion represents that RMP sent Complainant a bill for the Damages, separate from Complainant’s utility bill, because Complainant is responsible for costs RMP incurred to replace a power pole on or near Complainant’s property. Specifically, RMP believes horses on Complainant’s pasture extensively chewed the pole, necessitating its replacement. RMP alleges its inspection records from February 2018 and publicly available photographs from June 2018 indicate the pole was in good condition, yet in March 2019 it discovered the pole had been nearly “chewed through.”

RMP argues this is a civil dispute and asks the PSC to dismiss the Complaint for lack of jurisdiction.

Complainant filed no response to the Motion.

DOCKET NO. 20-035-11

- 2 -

Having reviewed the Complaint and Motion, the PSC finds the contested issues have nothing to do with RMP's provision of electric service to Complainant but entirely relate to the cause and amount of damages to property. No allegation exists that RMP violated a provision of statute, rule, or tariff within the PSC's jurisdictional purview. Accordingly, the PSC concludes this is a civil matter that belongs in a court of appropriate jurisdiction. The Motion is granted, and the Complaint is dismissed.

DATED at Salt Lake City, Utah, May 21, 2020.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed May 21, 2020, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#313937

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on May 21, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By U.S. Mail:

Glynn N. Donahue
6136 S 2200 W
Taylorsville, UT 84129

USAA Colorado Springs Claim Center
1855 Telstar Drive
Colorado Springs, CO 80920

By Email:

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

Jana Saba (jana.saba@pacificorp.com)
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