

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)	<u>DOCKET NO. 08-035-96</u>
Bart R. Tatton against Rocky Mountain)	
Power)	<u>REPORT AND ORDER</u>
)	

ISSUED: April 9, 2009

By The Commission:

The Commission dismissed Mr. Tatton’s formal complaint on March 3, 2009. In that Complaint, Mr. Tatton had complained that Rocky Mountain Power (Company) had not relocated a guy wire, and a service line and poles that cross his property, despite its promises and his demands that those items be done. The service line apparently did not service his property, nor did the Company have an easement for the line to cross his property. On February 12, 2009, the Company informed the Commission that the work to move the “electric facilities in question from Mr. Tatton’s property to the neighboring property was completed on February 11, 2009.” Therefore, finding that the work which Mr. Tatton complained as not having been done, was completed, the Commission dismissed his complaint.

On March 25, 2009, Mr. Tatton filed a post-dismissal request for general and special damages in the amount of \$50,000 for the Company’s alleged “cutting down trees, destruction of property, and mental [anguish].” Although Mr. Tatton may be free to pursue any damages he feels are due him in a civil court, such damages are beyond the jurisdiction of the Commission to award. *See Utah Code Ann. § 54-7-20.; see also McCune v. Mountain Bell Tel., 758 P.2d 914 (Utah 1988) (holding that the “district court, not the Commission, . . . has jurisdiction to consider claims for . . . torts committed by a public utility.”)* Therefore, his request for damages is denied.

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DATED at Salt Lake City, Utah, this 9th day of April, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 9th day of April, 2009, as the Report and Order of
the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#61461