

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of Ted)
Reynolds against Rocky Mountain Power) DOCKET NO. 08-035-71
) ORDER OF DISMISSAL
)

ISSUED: June 9, 2009

By The Commission:

This matter is before the Commission on Ted Reynolds' formal complaint against Rocky Mountain Power (RMP). Mr. Reynolds, a resident of Wanship, Utah, filed his formal complaint on or about September 11, 2008 complaining of several power outages, specifically, of 9 power outages or interruptions in 2008. He stated that he wanted no power failures in his service.

RMP responded to Mr. Reynolds' complaint stating that it had prepared and obtained approval for a reliability work plan for his area. The plan included tree-trimming year a year ahead of schedule, upgrading worn equipment, and other remedial actions. It stated it would commence implementing the work plan about September 2008 and complete the work by the end of December 2008. RMP additionally stated that many of the outages were a result of a variety of factors, e.g. the remote location where Mr. Reynolds lived, interruptions caused by weather activity (heavy wind, snow, and ice), bird nests—which, pursuant to federal regulations, could only be removed when abandoned, etc. RMP also affirmed that it could not ensure completely uninterruptible service per its regulations.

In October 2009, the Division of Public Utilities (DPU) filed its Recommendation. It recommended that the Commission stay the docket until RMP had an

opportunity to implement and complete the reliability work plan. It also agreed that RMP did not have an obligation to guarantee uninterrupted service. Rocky Mountain Power Regulation 4, Supply and Use of Service, 4. Continuity of Service, states in part:

Unless otherwise specified in a service agreement, electric service is intended to be continuously available. It is inherent, however, that there will at times be some degree of failure, interruption, suspension, curtailment or fluctuations. The Company does not guarantee constant or uninterrupted delivery of Electric Service...

Also in October 2009, RMP filed its response to Mr. Reynolds' formal complaint, which included detailing the measures it would take in its reliability work plan. It again stated that it could not and does not guarantee uninterrupted service, but would take steps to improve service in Mr. Reynolds' area. It also moved to dismiss Mr. Reynolds' formal complaint for failure to state a claim.

The Commission declined to rule on the Motion to Dismiss and instead set a scheduling order to ensure implementation of the reliability work plan, including having two telephonic status conferences with Mr. Reynolds and representatives of RMP. In December 2008, RMP filed an update with the Commission regarding the Coalville # 12 Feeder that provides service to Mr. Ted Reynolds as follows:

Cutout Change Outs (21) - Complete

Cutouts are the devices that hold the line fuses. They are changed out periodically due to damage and adverse wear.

Cutout, Lightning Arrester and Mounting Arm Change Outs (12) - Complete

This is a full assembly, generally three phase consisting of 3 cutouts, 3 arresters and 1 mounting arm.

Dead-end Insulator Change Outs (6) - Complete

Insulator is changed out when damaged or when obsolete and no longer being used on our system.

Cross-arm Replacements (4) - Complete

Replaced generally from splitting, breaking and with excessive age.

Resag Conductor (1) – Complete

Done to improve clearances, help control line sagging in high winds or storms.

Resag Conductor (1) – referred back for redesign

This job is more complex than originally estimated and has been referred back to be engineering. It is currently in the design phase.

Pole Replacements (3) - Complete

Replaced due to damage and/or excessive age.

Transformer Pad Replacement (2) - Complete

The two replaced pads had been damaged to the extent they needed to be replaced.

Lightning Arrester Change Out (1) - Complete

The lightning arrester helps control over voltage conditions related to lightning strikes.

Fusing - Complete

Along with the above-mentioned conditions, Rocky Mountain Power engineering reviewed the fusing on the circuit covering 25 three-phase facilities and 71 single-phase facilities. This work was done to help provide fuse protection on un-fused taps and coordinate fuse sizing on the line to help isolate the affects on the main line should an incident occur on the tap line. Rocky Mountain Power added 28 fuses, removed two (2) fuses and replaced 67 fuses.

In addition to the above work, 202 customers were notified of tree trimming activities taking place in their area and 95 locations were trimmed. This work was completed on December 4, 2008.

December 30, 2008 Correspondence from RMP.

On April 21, 2009 RMP notified the Commission that the remaining item left to be done in the December 2008 list of items, i.e. resag conductor redesign, was completed and also gave an update as to outages as follows:

Rocky Mountain Power previously advised on December 17, 2008, that all repair work scheduled for the Coalville #12 circuit had been complete, with the exception of one job that required re-design before it could be completed. Rocky Mountain Power has since completed the job in re-sagging the conductor.

A review of the outage history for Mr. Reynolds shows that the circuit has experienced only two (2) events since our last update. The first was a fifteen (15) second trip and re-close on January 26, 2009 and the second was an eighteen (18) second trip and re-close on March 17, 2009.

April 21, 2009 Correspondence from RMP.

After that date, on May 7, 2009, Mr. Reynolds notified the Commission that there were still three outages between April 15-22, 2009 and another on May 5, 2009. He said that RMP still needed to “continue working on the issue to prevent future power failures.” He also requested a long and detailed list of information regarding future work by RMP on the Coalville #12 Feeder.

RMP responded on May 13, 2009. It stated that it had performed the work it represented would be completed. It again moved to dismiss the formal complaint, stating that it had taken reasonable steps to ensure increased reliability and that in any case, it could not guarantee uninterruptible service to Mr. Reynolds. It also correctly stated that service to Mr. Reynolds’ area had been markedly improved, with only three outages totaling 43 seconds. It also stated that Mr. Reynolds had provided no evidence of excess generator use or equipment damage, nor evidence of installing a generator transfer switch to isolate and protect the generator. It asked for an order declaring that its reliability work plan was sufficient and that no further reliability work was required, and that it is not liable for Mr. Reynolds surge protectors and other related equipment.

ORDER

Based on the findings above, and based on the evidence in the docket, the Commission orders as follows:

1. The formal complaint of Ted Reynolds is dismissed with prejudice; despite some power outages, RMP does not have an obligation to guarantee uninterrupted service and it has violated no provision of law, Commission rule or order, or RMP tariff as established in this docket.
2. The reliability work plan implemented by RMP was sufficiently adequate to improve reliability, and no further work is ordered by the Commission in this docket;
3. RMP shall not be liable to Mr. Reynolds for any damage to electrical generators, surge protectors, or any other related equipment;
4. Mr. Reynolds' request to compel RMP's responses to his questions is denied, inasmuch as his complaint is dismissed;
5. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing within 30 days after issuance of this Order by filing a written request with the Commission. 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 Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission's final agency action may be obtained

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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 requirement of Sections 63G-4-401 and 63G-4-403 of the Utah Code and the Utah Rules of Appellate Procedure.

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

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 9th day of June, 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#62163