

# Informal Complaint Report

**Index Number:** 5024      **Company Name:** Eagle's Landing Water Company

## CUSTOMER INFORMATION

**Customer Name:** Orr, Terry & Lisa      **Account Number:**  
**Other Contact Info:**      **Phone Number:** (801) 796-7420  
**Customer Address:**      **Other Phone:** (801) 319-9539  
**Customer Address:** 391 E 1790 N      **Email Address:** Lisa.orr@imail.org  
**City:** Pleasant Grove      **State:** UT      **Zip Code:** 84062

## COMPLAINT INFORMATION

**Type of Call:** Complaint      **Complaint Type:** Rate & Tariff  
**Date Received:** 8/15/2013      **Date Resolved:**  
**Complaint Received By:** Maria Martinez      **DPU Analyst Assigned:** 0  
**Utility Company Analyst:**

**Company at Fault:**       **Actual Slamming Case:**       **Actual Cramming Case:**

### Complaint Description:

RE: Birdseye, UT, Eagle's Landing Lot 62 & Eagle's Landing Water Company

#### HISTORY OF TRYING TO FIND THE WATER LINES:

We purchased Eagle's Landing Lot 62, and part of the agreement was that all utilities were at property. We specifically asked about the water because we could not locate the manhole cover indicating where the water was when other properties that were undeveloped had them on. We were told due to a flood the year before it was probably buried under the washed dirt.

Late in 2012 we called Blue Stakes because we were unable to locate water cover and although they marked all the utilities, the water was not marked. In June of 2013 we went to the property with a metal detector covering from the road to approximately 40 feet in from front and side roads. After a few hours we were not able to locate the cover. Several neighbors came out trying to help and also had no luck locating the lid.

On August 5, 2013 we went to the Utah County offices of Dennis Barker, Fire Marshal; Steve Kitchen, Building Official and Lantry Ross, Utah County Health Department making inquiries as to plot maps, building permits, septic systems, water tests and other items with the intention starting to build in Spring of 2014. Specifically we asked about who is responsible to mark the water line since we were having difficulty locating it and I also said we were not ready to hook it up yet, but in order to submit permits we would need the location of the pipes. Each time we were told that the water company is responsible to mark the line for use on our plot map. Early attempts at finding the responsible person for the water company was futile so I finally called our real estate agent and he gave me the number of Dave Olsen at 801-885-1040 (who is also the developer of the Eagle's Landing subdivision).

#### CONVERSATION WITH MR OLSEN/WATER COMPANY:

I called Mr. Olsen at 4:14 pm on August 5. I requested that the water line, specifically the water connection area to be marked to use on our plot/permit maps. He stated that for a fee of \$5,000 he would come out and hook it up. I once again reiterated that I didn't need the water hooked up, but only wanted to know where the pipe ran and where the connection would be on our property. He then stated more forcefully that he was not going to come out to the property to mark the line and when I sent a check for \$5000 to him at the address of 772 S Carterville Road in Orem that he would take care of it. I tried to explain I did not need a hook up and it was his responsibility as the water utility company to mark the line. He then became very agitated and began raising his voice towards me. He stated he was not going out to the property and he wasn't going to take an excavator out just to mark a line and would do it when he received the check. He then went on about how much the lots were worth and how some people were buying them at \$20,000 and they were worth so much more. I tried to calm him down by saying I certainly paid more than \$20,000 and he demanded to know how much. I told him it was more than that again. He then went on about how he was going to start monitoring the water and making people really pay for it and a lot of things that I didn't really understand with the current residents in the subdivision. It was a very unprofessional conversation. He wanted to know how much I pay for water where I currently live and I told him it was much less than whatever the figure was he wanted to charge at \$55. I told him I didn't have the figure off the top of my head and frankly it wasn't any of his business what I pay on my current property. He was really making me uncomfortable and I ended the call with stating we once again didn't need the water hooked up and we weren't going to need it until next year.

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## PUBLIC WORKS:

Within a few days of this conversation I had heard about the Public Utility Works and contacted them. I received the Tariff from 2008 stating that not only is the amount of \$55 a month not stated, but that the fee for the meter is \$4000 (\$1000 less than he was trying to charge me) and the hook-up fee is \$100.

## ACTION WE'RE WILLING TO TAKE:

Although we initially didn't want to pay for the meter/manhole cover this year we have since changed our minds. I relayed the conversation I had today regarding the matter. We are now willing to pay the \$4000 right now to have the line placed with the meter/manhole cover in order to alleviate the problem and any future problems that may come up over this. However, the \$5000 fee he was asking for is not justified. I am afraid he will try to amend the tariff and charge more if we don't settle it now. It will also help us know where the connections are so we can proceed with our plot maps.

If you're able to contact him to mediate this I would greatly appreciate it, but right now I don't feel he is willing to work with us.

Thank you for your help in this matter,

Terry and Lisa Orr  
391 E 1790 N  
Pleasant Grove, UT 84062  
H 801-796-7420  
C 801-319-9539

## Complaint Response:

9-17-2013  
Mr. Olsen,

This email is to remind you that you had until September 15th to respond to this complaint. It has now passed and I have not received anything from you yet.

UT Public Service Commission Rule R746-200-8. Informal Review states:

"The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint."

Maria

9-18-2013  
Mr. Olsen,

I have not received a response to my follow-up email to you yesterday. As I stated in my email yesterday, it has been more than 30 days and you have not responded to Mr. and Mrs. Orr's Informal Complaint.

Please respond immediately per Commission Rule R746-200-8.

Maria

## Additional Information:

9-18-2013  
On Wed, Sep 18, 2013 at 12:19 PM, J. Craig Smith <jcsmith@smithlawonline.com> wrote:

Ms. Martinez,

I was just forwarded your e-mail by David Olsen. Would it be possible to set up a meeting on this matter? I will be at the Commission on Friday on another matter. Mr. Olsen is also available on Friday. If 2:00pm on Friday would work for your schedule, it would be ideal for us. If that time does not work please let me know other dates and times that are available. Thank you.

Craig

J. Craig Smith, Esq.  
Smith Hartvigsen New Logo Atty at Law

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9-18-2013  
From: Marialie Martinez [mailto:marmartinez@utah.gov]  
Sent: Wednesday, September 18, 2013 3:17 PM  
To: J. Craig Smith; Duncan, William; Long, Mark  
Subject: Re: Residents of Eagle's Landing, Birdseye, UT Complaint

Mr. Smith,

Do you wish to set up a meeting to discuss how the Informal Complaint process works and how to respond to it or is it about a rate case?

I don't see it necessary to have a meeting over a response I'm requiring Mr. Olsen to provide me so I can close the Informal Complaint. Commission Rule R746-200-8 (A) Informal Review I thought is clear on how a utility company should respond to a complaint.

I'd be happy to send you a copy of the Rule as well as the two informal complaint reports I need Mr. Olsen to respond to.

Please feel free to call or email me if you have further questions.

Thanks,

Maria

9-19-2013  
On Thu, Sep 19, 2013 at 6:32 PM, J. Craig Smith <jcsmith@smithlawonline.com> wrote:  
Ms. Martinez,

I actually hoped to be able discuss the larger issue of the financial viability of the Company. It is currently not able to meet its monthly obligations and is only surviving due to regular cash infusion by Mr. David Gardner. As you may or may not know, the Company was designed to serve over 100 connections but only serves a fraction of that number, due to the fact that most of the development was never built.

At this time Mr. Gardner is unable to retain my services or services of any legal counsel due to lack of funds. We were hoping to be able to discuss this issue and any thoughts that the Division may have on what steps we could take to make the Company financially viable. Frankly, if the financial situation doesn't change soon there will not be a Company to complain about and the residents will be left to their own devices for drinking water. I know that this is something that the Division has faced before, thus we are seeking your input.

Please let me know if the Division would like to meet and discuss this issue. Thanks.

Craig

9-20-2013  
From: Marialie Martinez <marmartinez@utah.gov>  
Date: Fri, Sep 20, 2013 at 11:50 AM  
Subject: Re: Residents of Eagle's Landing, Birdseye, UT Complaint  
To: "J. Craig Smith" <jcsmith@smithlawonline.com>  
Cc: "Duncan, William" <wduncan@utah.gov>, "Long, Mark" <mlong@utah.gov>, David Olsen <david@redrockcapital.co>

Mr. Smith,

My section handle's Informal Complaints only. What you wish to discuss with the Division may be best requesting a meeting with the Water and Telecom section such as Bill Duncan and Mark Long. I'm unsure of whether they are in a position to advise you on what steps the company could take to make it more financially viable. You may contact Bill or Mark directly in regards to your questions.

What I need from Mr. Olsen is to send me a response to the two complaints I sent him so that I can close it. Attached are the two informal complaint

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reports for your review as well as a copy of the UT Public Service Commission Rule R746-200-8 Informal Review Process.

Mr. Olsen needs to explain to the complainants why he is charging more than what the approved tariff rate is.

The first complaint (Terry and Lisa Orr) I kept separated from the rest of the other complaints because it is about getting the water lines marked.

The second complaint I combined into one under (Eagle's Landing Residents) because it is about the same issue. There are a total of 4 complainants that Mr. Olsen needs to respond to regarding the monthly rate charge. Again he needs to explain why he is charging more than what is in the approved tariff. The report has all the names and contact information of each.

Mr. Olsen may send me a copy of the letter he sent each of the complainants if he did do so, or send me a summary of the communication and resolution if there was one.

Once I receive a response from Mr. Olsen, I can close the Informal Complaint. If the complainants are not satisfied with the result of the Informal, then it is their right to file a Formal Complaint with the Commission.

Thanks,

Maria

9-24-2013

Mr. Smith and Mr. Olsen,

I just wanted to follow up and send another reminder that I have not yet received a response regarding my last follow up email last Friday.

It has been over 30 days and I haven't received acknowledgement that Mr. Olsen will send a response to the complaints I sent.

I will then consider this Informal Complaint unresolved and will proceed to advise the complainants to file a Formal Complaint with the UT Public Service Commission.

Maria