

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Formal Complaint of )  
Lisa Roush against Rocky Mountain ) DOCKET NO. 14-035-25  
Power ) ORDER DISMISSING COMPLAINT  
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ISSUED: April 8, 2014

BACKGROUND

On September 26, 2013, Lisa Roush (“Ms. Roush”) filed an informal complaint with the Division of Public Utilities (“Division”) regarding a ground sleeve box (“box”) installed by Rocky Mountain Power (“Company”) on the property where she lives, and asked the Company to remove the box due to safety concerns she had about it.<sup>1</sup> On October 1, 2013, the Company responded to Ms. Roush’s complaint, explaining, in part, that the box was installed on the utility easement of the property where she resides and that a utility easement does not require any further agreement with the property owner or Ms. Roush who occupies the property.<sup>2</sup> On February 4, 2014, the Division notified Ms. Roush that the complaint was closed and, if she wished to pursue the matter further, she could, among other things, file a formal complaint with the Commission.<sup>3</sup>

Thereafter, Ms. Roush sent a letter to the Governor’s Office, noting her dissatisfaction with the box and how the Company handled the situation.<sup>4</sup> The Commission opened this docket to hear her concerns under Utah Admin. Code R746-200-9, which permits the

<sup>1</sup> See Informal Complaint, filed September 26, 2013.

<sup>2</sup> See Complaint Response, filed October 1, 2013.

<sup>3</sup> See *supra* n.1 at 9.

<sup>4</sup> See Letter from Lisa Roush, dated February 20, 2014.

Commission to “initiate formal . . . proceedings upon matters arising out of informal complaints.”<sup>5</sup>

On March 13, 2014, the Commission held a hearing in this matter.<sup>6</sup> Ms. Roush appeared *pro se*, along with her mother and sister-in-law.<sup>7</sup> Daniel Solander appeared on behalf of the Company.<sup>8</sup>

Ms. Roush testified through an interpreter as to her concerns regarding the box, and she called her mother and sister-in-law to clarify and add to her testimony. Ms. Roush testified she was concerned about the box and how the Company communicated with her by e-mail and other written communication rather than speaking with her in person with the assistance of an A.S.L. interpreter once the Company became aware of her deafness. Ms. Roush’s mother testified that she owns the property where Ms. Roush resides, and Ms. Roush’s sister-in-law confirmed that there is a utility easement on the property. Ms. Roush’s concerns regarding how the Company communicates with customers do not allege a violation of rule, law, or tariff the Commission is authorized to address.

At the conclusion of Ms. Roush’s testimony and presentation of her witnesses, the Company moved to dismiss her complaint because she had allegedly failed to establish a violation of the Company’s tariff, but noted it was interested in working with her informally to address her concerns.<sup>9</sup> The administrative law judge (“ALJ”) for the Commission asked Ms.

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<sup>5</sup> Utah Admin. Code R746-200-9.

<sup>6</sup> See Notice of Hearing, issued March 7, 2014. An American Sign Language (“A.S.L.”) interpreter was provided for this hearing.

<sup>7</sup> See Transcript of Hearing on March 13, 2014, at 5, lines 14-15; *id.* at 42, line 3; *see also id.* at 49, line 1.

<sup>8</sup> See *id.* at 6, lines 1-3.

<sup>9</sup> See *id.* at 54, lines 8-19.

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Roush to respond to the Company's motion, which was essentially based on statute that provides that when a complaint arises it must be based on a violation of rule, law or tariff.<sup>10</sup> Ms. Roush provided no substantive response.<sup>11</sup> The ALJ then ruled from the bench to dismiss the complaint.<sup>12</sup>

ORDER

For the reasons explained above, Ms. Roush's complaint is dismissed.

DATED at Salt Lake City, Utah, this 8<sup>th</sup> day of April, 2014.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
DW#252595

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<sup>10</sup> See id. at 55, lines 14-18, 23.

<sup>11</sup> See id. at lines 24-25; see also id. at 56, lines 1-15.

<sup>12</sup> See id. at 56, lines 17-21. The ALJ also explained to Ms. Roush that the Commission understood her concerns but it does not have the ability to provide the relief she was seeking.

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 order by filing a request for review or rehearing with the Commission 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 Commission 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 Commission'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 the 8<sup>th</sup> day of April, 2014, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Lisa Roush  
1136 Violet Drive  
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By E-Mail:

Lisa Roush ([teachbirth@hotmail.com](mailto:teachbirth@hotmail.com)), ([lisaroush@gmail.com](mailto:lisaroush@gmail.com))

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Administrative Assistant