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State of Utah
Department of Commerce
Division of Public Utilities

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Director, Division of Public Utilities

MEMORANDUM

TO: Public Service Commission

FROM: Division of Public Utilities
Chris Parker, Division Director
Marialie Wright, Customer Service Manager

DATE: March 2, 2015

RE: 15-035-19 – In the matter of Formal Complaint of Kelly Margetts vs. Rocky Mountain Power and CenturyLink

Recommendation: Reject Complaint if Further Evidence of Violation is not Provided

Complaint:

On February 11, 2015, the Division of Public Utilities (Division) processed Mr. Margetts' informal complaint against Rocky Mountain Power.

On February 24, 2015, the Division sent Mr. Margetts' informal complaint to CenturyLink per the Public Service Commission (Commission) letter to properly inform and give CenturyLink an opportunity to respond.

Mr. Margetts' complaints in his attached Addendum are as follows:

“I was denied my God given American right to do so in what ever manner I desired legally and lawfully that which I may, might, want or wish in regards to being able to use my Public Utilities and Personal Property during the dates of January 15th 2015 until February 3rd 2015.”

“As without a lawful Transportation Permit issued by the Salt Lake City Department of Transportation, a public road (Grace Court) which grants us US Citizens Public Right of Way of which I am lawfully entitled to use unabated unless such documentation exists, was unlawfully and illegally commandeered by Rocky Mountain Power Company and Century Link factually.”

“No transportation Permit was issued per the Department of Transportation of the Salt Lake City Corporation granting legal or lawful commandeerment/closure of the public road (Grace Court).”

“All legal and lawful relief that would need to be recovered due to self as caused by or repercussions of this unlawful illegal circumstance caused from January 15th 2015 until February 3rd 2015, as well as any future relief or legal and lawful remedy of damages in the future caused by Rocky Mountain Power and Century Link.”

Company Responses:

Rocky Mountain Power Regulatory Analyst, Eric Holje’s response are as follows:

“In January, Rocky Mountain Power was asked by the city to obtain permitting for a customer who had hired a contractor to bore in a conduit for a new commercial electrical service. We had no involvement with the actual job, except that the city asked us to obtain the permitting for the customer work. This is very common inside Salt Lake City and the Company did as the city directed. (There is a one-way alley / street that runs behind Mr. Margetts’ house that was barricaded for safety during the 3rd party work.)”

“I spoke with Mr. Margetts at the end of January and relayed this information. Mr. Margetts was upset that his use of the street has been disrupted during the work, and that traffic had been diverted off at the bend in the one-way street through an opening for a nearby commercial property. He said he’d confirmed with another individual at city of Salt Lake (transportation) that in addition to the permit already obtained, RMP should have also obtained a transportation permit. As follow-up to my conversation with Mr. Margetts, I contacted the transportation department, and learned that next time RMP will want to also request a permit from their department. Per this conversation I informed our operations group about checking with S.L. transportation department for any additional permitting requirements in the future.”

“Last Tuesday I spoke with Mr. Margetts and informed I had touched base with S.L. transportation, and also informed our operations dept. about the need to check for any additional permitting requirements. During this conversation Mr. Margetts requested compensation for his loss of use of the street behind his home. I apologized to Mr. Margetts that I wouldn’t be able to help him with that, we did as the city directed, and per the city we’ll be sure to check for additional permitting requirements in the future.”

CenturyLink Customer Advocacy, Sharon Bishop’s response:

“I reached out to our Construction and Engineering Managers and our permitting folks and they cannot see any jobs or permits during the timeframe provided for CenturyLink work. The details provided by the power company states it was a commercial power job and we cannot locate any supporting documents that show we were there.”

Division Review and Recommendation:

It is not apparent that Rocky Mountain Power or CenturyLink has violated any Commission Administrative Rules, Utah Law, court ruling, Commission ruling or the Companies’ Tarriffs. In addition, Mr. Margetts has been informed during his numerous phone calls to the Division that his complaint and request for compensation are not regulated. He was also advised to contact the City of Salt Lake. Therefore, the Division recommends that this complaint be dismissed unless Mr. Margetts provides evidence demonstrating Rocky Mountain Power and CenturyLink’s failure to comply with relevant rules, tariffs, or laws.

