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*Attorneys for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE FORMAL	)	
COMPLAINT OF KELLY MARGETTS	)	
AGAINST ROCKY MOUNTAIN POWER	)	Docket No. 15-035-19
	)	

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**ROCKY MOUNTAIN POWER’S ANSWER AND MOTION TO DISMISS**

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Rocky Mountain Power, a division of PacifiCorp (the “Company”), pursuant to Utah Code Ann. §§ 63G-4-204(1) and Utah Admin. Code R746-100-3 and -4, provides its Answer to the formal complaint filed by Kelly Margetts (“Complaint”). In addition, the Company moves that the Complaint be dismissed in its entirety, with prejudice, because Mr. Margetts does not allege that Rocky Mountain Power has violated any provision of law, Commission order or rule, or Company tariff.

**I. PRELIMINARY MATTERS**

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## **II. BACKGROUND**

1. Mr. Margetts resides at 921 South 400 East, Salt Lake City, Utah 84111 and has been the customer of record at that location since June 2003.

2. In January 2015, a new business entity located near Mr. Margetts' residence requested new electrical service with the Company. In order to receive the electric service, the new business entity also needed to bore a trench to install conduit. This work necessitated redirecting traffic on the one-way alley located directly behind Mr. Margetts' residence.

3. On January 15, 2015, the contractor hired by the business entity proceeded with the trenching and conduit work. Prior to commencing with the work, the Company in its normal course of business obtained the proper permits from the City of Salt Lake. The Company obtains the permits at the request of the City of Salt Lake because the Company is the end user after the electrical conductor is installed and energized.

### III. MOTION TO DISMISS

4. The Company moves under Utah Rules of Civil Procedure, Rule 12(b)(6) for an Order dismissing the Complaint. In support of this motion, the Company states the Complaint fails to establish the Company violated Commission rules, Company tariffs or that its actions are unjust.

5. The Complaint: (1) alleges the Company denied Mr. Margetts his right to use his personal property; (2) alleges the Company did not obtain a lawful transportation permit; and (3) requests relief that Mr. Margetts feels he is owed due to his claim of unlawful circumstance.

6. With respect to Mr. Margetts' first claim, the Company responds that the contractor for the new business entity barricaded the one-way alley, not the Company, and that the closure of the alley was done in accordance with all City of Salt Lake regulations or ordinances. With respect to Mr. Margetts' second claim, the Company responds that all correct permits were obtained in accordance with direction from the City of Salt Lake. During the course of the investigation, the Company contacted the Utah Department of Transportation and was advised an additional permit should have been obtained for the contractor. The Company relayed this information to the City of Salt Lake, and in the future it will be added to the list of required permits. With respect to Mr. Margetts' third claim, the Company restates the Company did not barricade the alley near Mr. Margetts' property or otherwise restrict access to Mr. Margetts' property.

7. Finally, the Commission lacks jurisdiction to provide Mr. Margetts any of the relief requested. The Commission only has the power specifically granted to it by the legislature. *Williams v. Public Service Comm'n*, 754 P.2d 41, 50 (Utah 1988) (internal

citations omitted). The only statutory provision allowing for compensation is section 54-7-20, providing for rate reparations when charges have been in excess of tariff schedules or have been unjust, unreasonable, or discriminatory. Mr. Margetts has presented no factual allegations in his Complaint that the Company has charged a rate other than that authorized by the Commission, or otherwise violated any law, tariff or Commission order. The Commission has not been granted the power to award the type of compensatory damages Mr. Margetts seeks, and his Complaint should be dismissed in its entirety.

### **CONCLUSION**

WHEREFORE having fully answered Complainant's complaint and finding no violation of law, Commission rules, or Company tariffs to base an award of the relief requested, the Company prays for the dismissal of the Complaint with prejudice.

Dated this 3<sup>rd</sup> day of April 2015.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Daniel E. Solander", is written over a horizontal line.

Daniel E. Solander  
Megan McKay

*Attorneys for Rocky Mountain Power*