

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of Frank Drews against Rocky Mountain Power	<u>DOCKET NO. 16-035-32</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: September 6, 2016

On July 11, 2016, Frank Drews (Mr. Drews) filed a formal complaint against Rocky Mountain Power, a public utility. Mr. Drews objected to Rocky Mountain Power's plan to place a utility pole within the utility easement on his property, due to the possibility that the pole would impede his view and necessitate trimming of a tree.

On August 11, 2016, Rocky Mountain Power answered the complaint and filed a motion to dismiss it. Also on August 11, 2016, the Public Service Commission of Utah (Commission) issued a briefing schedule on the motion to dismiss, setting August 29, 2016 as Mr. Drews's response deadline. As of the date of this order, Mr. Drews has not filed a response.

Where Rocky Mountain Power's motion to dismiss is unopposed, it may be granted summarily. However, the Commission also notes that Rocky Mountain Power has provided substantial evidence to demonstrate that, in locating the utility pole, it has complied with its tariff and reviewed with Mr. Drews the advantages and disadvantages of the possible locations. Therefore, we conclude that there is no relief available to Mr. Drews in this matter.

ORDER

The July 11, 2016 complaint filed by Frank Drews against Rocky Mountain Power is dismissed. Dismissal is with prejudice.

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DATED at Salt Lake City, Utah, September 6, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed September 6, 2016 as the Order of the Public Service
Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#288964

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 September 6, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Frank Drews
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By E-Mail:

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