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September 1, 2017

***VIA ELECTRONIC FILING***

Public Service Commission of Utah  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84114

Attention: Gary Widerburg  
Commission Secretary

**RE: In the Matter of the Formal Complaint of Rulon Crosby Against Rocky Mountain Power – Docket No. 17-035-42**

Dear Mr. Widerburg:

Rocky Mountain Power (“Company”) hereby submits for filing its Reply To Rulon Crosby’s Response To Motion To Dismiss in the above referenced matter.

The Company respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): [datareq@pacificorp.com](mailto:datareq@pacificorp.com)  
[bob.lively@pacificorp.com](mailto:bob.lively@pacificorp.com)

By regular mail: Data Request Response Center  
PacifiCorp  
825 NE Multnomah, Suite 2000  
Portland, OR 97232

Informal inquiries may be directed to Bob Lively at (801) 220-4052.

Sincerely,

Daniel E. Solander  
Senior Attorney

Enclosures

Cc: Service List (w/ enclosures)

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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of Rulon Crosby,	:	
	:	
Complainant,	:	Docket No. 17-035-42
	:	
vs.	:	
	:	
Rocky Mountain Power,	:	<b>ROCKY MOUNTAIN POWER’S REPLY</b>
	:	<b>TO RULON CROSBY’S RESPONSE TO</b>
Respondent.	:	<b>MOTION TO DISMISS</b>
	:	
	:	
	:	

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Rocky Mountain Power, a division of PacifiCorp (the “Company”), pursuant to the Scheduling Order issued by the Public Service Commission of Utah (the “Commission”) on August 8, 2017, provides its Reply to the Response filed by Mr. Crosby to the Company’s Motion to Dismiss. In support of its Motion to Dismiss, Rocky Mountain Power replies as follows:

1. On August 22, 2017, Mr. Crosby filed his Response to the Company’s Motion to Dismiss.
2. In his Response, Mr. Crosby made statements confirming that he placed a ladder against an energized PacifiCorp-owned pole, without protective gear, while continuing to assert his right to do so in an unsafe and unauthorized manner that violates

all safety regulations, as well as common sense. Mr. Crosby also made numerous statements regarding the validity of the Company's prescriptive easement, which is not within the jurisdiction of this Commission to rule on.

3. There are two arguments, however, that Mr. Crosby asserts in his Response that are properly before the Commission. First, Mr. Crosby continues to assert that he has the right to attach to PacifiCorp-owned poles pursuant to Utah Admin. Code R746-345. Second, Mr. Crosby asserts that he is not subject to Rocky Mountain Power's Electric Service Regulation No. 6, which is on file with and approved by the Commission.

4. Neither of Mr. Crosby's contentions are correct. As stated in the Company's Answer and Motion to Dismiss, Mr. Crosby does not meet the definition of "attaching entity" as defined in the R746-345, and is not authorized to attach any equipment to a Company-owned pole. Further, although Mr. Crosby states that he has not agreed to the requirements of Regulation 6, both Utah Admin. Code R746-310-2.E<sup>1</sup> and Rocky Mountain Power Electric Service Regulation No. 1, section 5<sup>2</sup> require customers to be bound by the Electric Service Regulations as a condition of service. Mr. Crosby has consented to comply with Electric Service Regulation No. 6 as a condition of receiving service from Rocky Mountain Power, and must provide the Company with right of way

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<sup>1</sup> "Access to premises and meter – As a condition of service the customer shall, either explicitly or implicitly, grant the utility necessary permission to enable the utility to install and maintain service on the premises. The customer shall grant the utility permission to enter upon the customer's premises at reasonable times without prior arrangements, for the purpose of reading, inspecting, repairing or removing utility property."

<sup>2</sup> "In accepting service from the Company, each Customer agrees to comply with and be bound by said regulations and the applicable electric service schedules. These Regulations supersede all previous Regulations which may have been effective. Interconnection and operation agreements in effect at the time these Regulations became effective shall continue in effect for the term of such agreements. These Regulations may be revised, when occasion requires, upon approval by the Public Service Commission of Utah."

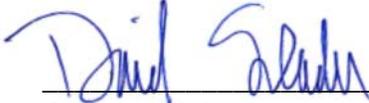
easements across his property necessary or incidental to furnishing service to his property, as well as providing safe, unobstructed access needed to maintain the Company's distribution facilities.

CONCLUSION

WHEREFORE, for the reasons stated in its Motion to Dismiss and in this Reply, the Company prays for the dismissal of the Complaint with prejudice.

Dated this 1<sup>st</sup> day of September, 2017.

Respectfully submitted,



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Daniel E. Solander

*Attorney for Rocky Mountain Power*

**CERTIFICATE OF SERVICE**

Docket No. 17-035-42

I hereby certify that on September 1, 2017, a true and correct copy of the foregoing was served by electronic mail to the following:

Rulon Crosby – [ruloncrosby@msn.com](mailto:ruloncrosby@msn.com)

**Utah Office of Consumer Services**

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**Assistant Attorney General**

*For Division of Public Utilities*

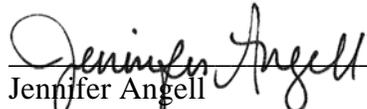
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