

**FORMAL COMPLAINT FORM
PUBLIC SERVICE COMMISSION
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114**

1. Name of Complainant: Vacant Building lot 15 Highland View Subdivision tax ID 06-026-0002

Address: 300 West Higland Drive Riverdale Utah 84405

Telephone No.: 801-721-2474

If represented by counsel, list: Not at this time

Name: _____

Address: _____

Telephone No.: _____

2. The utility being complained against is: Rocky Mountain Power

3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper?
Include exact dates, times, locations and persons involved, as closely as you can.

see attached

4. Why do you (the Complainant) think these activities are illegal, unjust or improper?

The Utility company knowingly, and after they accepted approved and recieved funds placed their utility poles outside the approved easement area. Now they are demanding that the owner correct their mistake.

5. What relief does the Complainant request? That the poles be placed on the easement that services the property at their own expense.

6. Signature of Complainant Brent E. Hill Brent E Hill 

Date: 08/25/2017

* Attached Complaint

Complaint: for lot 15 Highland View Subdivision. Tax ID 06-026-0002. Located at the South West corner of 300 West and Highland Drive Riverdale Utah.

Last year I filed an informal complaint to which Rocky Mountain Power (RPM) felt no obligation to work with me, or make any concessions. Again I make the same complaint

Summary: The property is an improved building lot in Riverdale Utah, When the land was first subdivided a fee was paid by the developer to Utah Power (UP) to bring electricity to each building lot. Power is supplied by power poles in the rear of the building lots. These poles were placed by UP years ago. The subdivision (Highland View) got approval from and paid a fee to UP to receive electric service.

At the conclusion they said:

1. At my own expense and difficulty I would need to obtain Easement(s) from the adjacent neighbors.
2. This easement would needs to be obtained before a complete a detailed cost analysis to bring power to approved building lot can be completed.
 - a. The expenses to bring the property electricity is between \$15,000.00 to \$30,000.00+, not including the cost of obtaining the easements, According to the RMP representative who visited the property in April 2016.
 - b. RMP suggested 2 ways to possibly bring power.
 - i. New Power Poles that stay in line with the existing poles or
 - ii. Bring the power down a pole and over to the easement area and then underground to the property and to the front of the property.
 1. It is difficult to know which way to pursue o obtain the easement when a cost analysis is not available to compare both ideas.
 2. Putting in power poles, seems easier, When going underground for several hundred feet until we get to the existing easement may be more permanent. One way could be thousands of dollars cheaper, but may be less desirable. Without knowledge of the various expenses how can we choose which avenue to bring power is best?
3. RPM usually keeps their Power poles and buried lines within the easements area. However in Highland View subdivision was built even though the easements were all recorded before power was brought to the properties UP place the pole to their own convenience.
4. These poles were placed by UP and service was given to the property owners, and the same poles are now being used by RPM but they were not installed on the Easements that were agreed to.
5. That these easements were in place and were agreed to by UP before any service was rendered.
6. A fee was paid to Utah power for each lot for access to electric power but no provision or expense was made to provide that power.
7. The Utilities services were installed and service both given and accepted by the consumers without regard to the fact they were not placed inside the agreed easements. (Most likely they were kept in a straight line to keep costs and expenses to UP at a minimum.)
8. RMP placed the power poles as they wished. The RMP employees had no reasoning why the poles were placed where they are, but did mention that since they are now place for over 20 years a "prescriptive easement" comes with their placement(S). And that 50 years ago things were done very differently.
9. Since 50 years ago the easements were clearly established bfore the poles were installed, but UP placed the poles somewhere to their own advantage and for all these years UP and PMP have collected fees have from the

use and power carried by these poles; why should 1 person need to pay for the mistakes made all those years ago? The Power companies have benefitted for years by not placing their poles in the right place. The poles and power should be brought to the place they originally agreed; That is the poles should be brought to the easement area at their Power companies expense and difficulty as was originally agreed.

10. If it matters to RMP that the power be brought inside the easement area now it should have mattered to them when they accepted the building permit 50 years ago. At minimum they should have made allowance(s) to keep themselves in compliance with the building plats they previously approved. And now that that they care that the poles they installed years ago be placed in the easement area it should be their expense to accomplish this.
11. Since the original developer paid for power delivery to each lot, and the plat was agreed to in advance UP intentionally made this decision to not care if the poles were in easement area. That both shows 1. The power company knew what they were doing and 2. They were paid in advance and responsible to bring power to each lot.

Conclusion:

Funny, now the poles, or buried lines must be in an easement area and the burden is ours that this be done; when before the easements didn't seem to matter. Utah power placed these poles as best suited their needs. Because they placed the poles outside the easements, and did not plan that each lot be accommodated electric service as they originally agreed with the developer. And now they ask the homeowner to buy and facilitate something they should have done original years ago. They opted to save money, and to hold the funds they took years ago to supply power. Now it is time for them to rectify the problem they caused, supply power to the lot, obtain there own easements (If needed). Or do whatever they need to do to provide power to this approved building lot.

RMP needs to help or facilitate the following:

I ask for Rocky Mountain Power to rectify the problem they caused, supply power to the lot, to obtain their own easements (If needed). Or do whatever they need to do to provide power to this approved building lot. Or I guess they can offer to pay me to rectify their problem.

I have spoken with and I am on good terms with the neighbors, and am willing to help obtain the permissions required.

Thank You  8/24/2017 digitally signed and uploaded to www.publicutilities.utah.gov

Brent E Hill 801-721-2474

235 W 1100 N Farmington, Utah 84025

Stephanie at Division of public utilities 801-530-6285 said I must file informal complaint and wait 5 business days for an answer, then choose a non binding mediation, or file a formal "complaint". www.publicutilities.utah.gov for informal complaint.

Utility companies are represented by their lawyers. You may also have a lawyer, if you wish. If you come without your lawyer, you will be held to have given up your right to legal representation. If you fail to attend a hearing, and have not alerted the Commission, your complaint will be dismissed.

Formal complaints are the last resort in the complaint process. The Commission will not permit a customer to file a formal complaint unless it seems unlikely that a settlement can be reached through the informal process.

The State Legislature has granted the Commission limited authority over utilities regarding customer complaints. The Commission may order a utility to: a) correct service problems; and b) refund incorrect billings.

The Commission has no authority to correct property damage from maintenance operations or sales of defective telephone equipment, nor rudeness on the part of the utility representative to name three examples.

Your rights and responsibilities are contained in Utah Law (Title 54 Chapter 1) and PSC rules and regulations.

Mail or bring, your written formal complaint to: Public Service Commission, 160 East 300 South, Fourth Floor, P.O. Box 45585, Salt Lake City, Utah 84145-0585. Questions should be directed to GARY WIDERBURG at the Public Service Commission telephone 530-6716

(Please note: Complaints elevated to formal complaints and filed with the Commission are public documents and will be published on the Commission's website.)