

Informal Complaint Report

Index Number: 5965 **Company Name:** Rocky Mountain Power

CUSTOMER INFORMATION

Customer Name: Hill, Brent **Account Number:** n/a
Other Contact Info: **Phone Number:** (801) 721-2474
Customer Address: 235 Quail Flight **Other Phone:**
Customer Address: **Email Address:** bearhill@yahoo.com
City: Farmington **State:** UT **Zip Code:** 84025

COMPLAINT INFORMATION

Type of Call: Complaint **Complaint Type:** Line Extension
Date Received: 4 /19/2016 **Date Resolved:** 4 /22/2016
Complaint Received By: Stefanie Liebert **DPU Analyst Assigned:** 0
Utility Company Analyst:
Company at Fault: **Actual Slamming Case:** **Actual Cramming Case:**

Complaint Description:

This complaint was received via e-mail and has been sent exactly as received.

DPU ONLINE COMPLAINT
UTILITY CUSTOMER
FROM: Brent Earl Hill

CONTACT: Brent Hill

PHONE: 8017212474

OTHER PHONE: 8017212474

EMAIL: bearhill@yahoo.com

SERVICE ADDRESS:
300 W Highland Dr Riverdale, UT 84401

MAILING ADDRESS:
235 Quail Flight Farmington, Ut 84025

INCIDENT DETAILS

UTILITY: Rocky Mountain Power

ACCOUNT NUMBER: n/a

COMPLAINT TYPE: Initial Service

COMPLAINT:

Lot 15 Highland view subdivision. Riverdale, Utah, the southwest corner lot of 300 West and Highland Drive, Tax ID#06-026-0002 The approved building lot had easements in place on the original plat before any houses were built (1950's). The Power Company had placed poles outside the designated easements, even though the easements were recorded and in place. RMP now wants to charge us to create new utility easements, so that the

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power lines are in an easement. The original developer paid for power delivery to each lot. So each could have power. 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. There is an easement that will supply access to our property but the Now R.M. Power employees say it would be impractical and too expensive to bring power on that easement that they originally agreed to use in the 1950's. Instead RMP wants to charge us with the expense and burden with obtaining new easements and or change the easements to areas that must be made to be in new legal easements; to accommodate the old power poles that were placed outside those existing recorded, and officially accepted easements. Funny that now the poles 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 their own easements (If needed). Or do whatever they need to do to provide power to this approved building lot. When meeting with their 2 engineer /employees last week Last week I and my Brother in Law Don Higgs of Rocky Mountain Power at the property. They were there early when I arrived and showed me 4 possible ways to bring power to the lot. (I believe there may even be more ways.) They also said only 2 of the ways were viable. We walked all around the lot and adjoining neighborhood and inspected most of the nearby power poles visually. At the conclusion they said: We would need to obtain a property ownership Easement from the neighbors. This easement would need to be obtained before they will complete a detailed cost analysis to bring power to approved building lot. a.I asked what the expenses would be and they could not give any details however a year 1/2 earlier when I met with them the cost was \$15,000.00 to \$30,000.00 not including the cost of obtaining the easements. b. Additionally I asked how we could know which ways to pursue getting an easement when they cannot give any idea of costs for putting in power poles, augmenting existing power lines, or going underground for 100's of feet until we get to the existing easement. One way could be thousands of dollars cheaper. Without knowledge of the various expenses how can we choose which avenue to bring power is least expensive? 1.I asked if Rocky mountain power keeps their Power poles and buried lines within the easements now. They said the most definitely do. I asked why when Highland view subdivision was built they required the developer to put in easement corridors and have this all approved by the authorities before any homes were built and then when the power company came they did not place the poles inside the proper easements? That these easements were agreed on before any service was rendered and even 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. The utilities services approve and agree to the recorded at the county plat and the placement of the easements in . Again 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 pay me a whole bunch of money to rectify their problem.

SUGGESTED RESOLUTION: #Again 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 pay me a whole bunch of money to rectify their problem. Power should be brought to the property line as was agreed.

Complaint Response:

From: Braithwaite, Autumn <Autumn.Braithwaite@pacificorp.com>
Date: Fri, Apr 22, 2016 at 2:27 PM
Subject: Rocky Mountain Power - Mr. Brent Hill
To: "bearhill@yahoo.com" <bearhill@yahoo.com>
Cc: "Stefanie Liebert (slibert@utah.gov)" <slibert@utah.gov>

Good afternoon Mr. Hill,

The Utah Division of Public Utilities notified us of the concerns you filed with their office and asked that we investigate and respond. I hope you will find the below information beneficial.

To provide a little background, Highland view subdivision was developed roughly 60 years ago and Rocky Mountain Power provided electric service to the lots in which service was requested. Typically a developer will request power to all of the lots so power is already installed to each lot when the lots are sold. Due to the amount of time that has passed, (over 60 years), we recognize how things can change and what a developer does today is not necessarily the way a developer would have done it back in the 1940's or 1950's. What we do know is that power was brought to the lots in which service was requested, and where the equipment was installed was where it would have been agreed upon to be installed at that time.

I understand from your email that you mention the approved building lot had easements in place on the original plat and that the Company had placed the power poles outside the designated easements. Our response is that our facilities were installed where the Company and developer had agreed to install them.

I understand you have spoken with Mr. Karl Sewell, Manager, Rocky Mountain Power and discussed some options in order to bring electric service to your lot. I have attached a copy of Rocky Mountain Power's Electric Service Regulation No. 12 which provides information on costs for the installation or extension of power to a property that does not already have electric service. In terms of easements, please refer to section 1 (l) which states:

Routes, Easements and Rights-of-Way -- The Company will select the route of an Extension in cooperation with the Applicant. The Applicant will acquire and pay all costs of obtaining complete unencumbered rights-of-way, easements, or licenses to use land, and will pay all costs for any preparation or clearing of land the Company may require. Any required easements will be prepared on Company-provided forms. If requested by the Applicant, the Company will assist in obtaining rights-of-way, easements or licenses as described above at the Applicant's expense.

Please let me know if you have any additional questions.

Thank you,
Autumn Braithwaite
Regulatory Analyst

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(801) 955-2434

Cc: Stefanie Liebert – Utah Division of Public Utilities

Additional Information:

I thanked Autumn and closed the complaint.
S Liebert

From: Brent E. Hill <bearhill@yahoo.com>
Date: Fri, Apr 22, 2016 at 4:46 PM
Subject: Re: Rocky Mountain Power - Mr. Brent Hill
To: "Braithwaite, Autumn" <Autumn.Braithwaite@pacificorp.com>
Cc: "Stefanie Liebert (sliebert@utah.gov)" <sliebert@utah.gov>

This is not acceptable. You left out the fact that now all lines now be inside an acceptable easement or R.O.W. but you had no obligation even though on existed at the time.

Also you made no comment to the fact that the developer paid Utah Power a fee for each lot to receive power in an agreement that was publicly recorded.

You quoted Reg 12 1 (L) that supports your your position; their are other codes, laws, social mores and rights that support our position. It is not right that you can put your poles wherever you want in disregard to the existing easements and arrangements and then ask the customer to pay for your past mistakes.

This answer and response is un-acceptable. I want to escalate this to a formal complaint.

Brent Earl Hill
(801)721-2474(cell)
(801)447-9103(fax)
bearhill@yahoo.com

04/25/2016 I sent Mr. Hill the instructions and documents needed to file a formal complaint.
S Liebert

05/16/2016 Mr. Hill called our office and requested for the formal complaint forms and instructions. Sent to Mr. Hill via e-mail to mylenderllc@gmail.com
S Liebert

DPU ONLINE COMPLAINT
UTILITY CUSTOMER
FROM: Brent Hill

CONTACT: Brent Hill

PHONE: 8017212474

OTHER PHONE: 8017212474

EMAIL: mylenderllc@gmail.com

SERVICE ADDRESS:
300 West Riverdale, UT 84405

MAILING ADDRESS:
235 W 1100N Farmington, UT 84025

INCIDENT DETAILS

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UTILITY: Rocky Mountain Power

ACCOUNT NUMBER: N/A

COMPLAINT TYPE: Other

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 need to be obtained before a complete 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 or 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 RMP 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 before 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 their 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 _____ Brent E Hill _____ 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.

SUGGESTED RESOLUTION: RMP should agree to bring power to this approved building lot.

08/25/2017 I spoke with Mr. Hill and advised that because we already have a informal complaint in our office for the same issue he would need to file a formal complaint. Mr. Hill advised that he would be interested in having a mediation with Rocky Mountain Power. I called Rocky Mountain Power and spoke with Autumn, she advised that she would get back to our office as to whether they are willing to entertain a mediation. I e-mailed Mr. Hill the formal complaint forms.

From: Braithwaite, Autumn <Autumn.Braithwaite@pacificorp.com>
Date: Fri, Aug 25, 2017 at 3:09 PM
Subject: Mr. Brent Hill
To: "Stefanie Liebert (sliebert@utah.gov)" <sliebert@utah.gov>

Informal Complaint Report

Hi Stefanie,

Rocky Mountain Power is willing to join Mr. Hill for mediation.

Would Tuesday, August 29th at 10:00 AM work?

We were also wondering if it would be beneficial for the mediation to take place at the lot in question? If not, we can certainly meet at the Heber M. Wells building.

Thank you,

Autumn Braithwaite
Regulatory Analyst
(801) 955-2434

From: Stefanie Liebert <sliebert@utah.gov>
Date: Fri, Aug 25, 2017 at 3:38 PM
Subject: Fwd: Mr. Brent Hill
To: "Braithwaite, Autumn" <Autumn.Braithwaite@pacificcorp.com>
Cc: Erika Tedder <etedder@utah.gov>

Hi Autumn,

Thank you for getting back to me so quickly. Erika is our mediator and is out of the office today. I am not sure if this will fit into her schedule. Let me check with her on Monday and get back to you then.

Thanks again!

Stefanie Liebert
Office Specialist
Division of Public Utilities
(801)-530-6285
Business hours are 8:00 a.m. - 5:00 p.m., Monday-Friday

From: Erika Tedder [mailto:etedder@utah.gov]
Sent: Monday, August 28, 2017 3:31 PM
To: Schmid, Patricia <pschmid@utah.gov>; Jetter, Justin <jjetter@utah.gov>
Cc: Stefanie Liebert <sliebert@utah.gov>
Subject: Fwd: Fwd: Mr. Brent Hill

Dear Trisha & Justin,

This complainant is requesting a mediation regarding this issue. I am happy to and have agreed to sit in and help facilitate/mediate their discussion, but it does not sound appear to be regulated issue.

What are your thoughts?

Erika Tedder | Paralegal
160 East 300 South, 4th Floor | Salt Lake City, UT | 84114-6751
Office: 801.530.6653 | Fax: 801.530.6512

From: Patricia Schmid <pschmid@agutah.gov>
Date: Mon, Aug 28, 2017 at 3:43 PM
Subject: RE: Fwd: Mr. Brent Hill
To: Erika Tedder <etedder@utah.gov>, "Schmid, Patricia" <pschmid@utah.gov>, "Jetter, Justin" <jjetter@utah.gov>
Cc: Stefanie Liebert <sliebert@utah.gov>

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It sounds like a property dispute, not whether RMP is following its tariff. I do not see it as a regulated issue, or one that we would mediate.

08/28/2017

I called the customer to advise that this would not be a complaint that the Division would be able to mediate. I gave the customer phone numbers to Ombudsman, County, and City.
S Liebert