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## MEMORANDUM

**To:** Public Service Commission

**From:** Division of Public Utilities  
Chris Parker, Division Director  
Marialie Wright, Customer Service Manager  
Stefanie Liebert, Office Specialist

**Date:** October 4, 2017

**Re:** Docket No. 17-035-49 In the Matter of Formal Complaint of Brent Hill vs. Rocky Mountain Power

**Recommendation: Dismiss Complaint**

**Complaint Analysis:**

The Division of Public Utilities (Division) received an informal online complaint on April 19, 2016 from Brent Hill (Complainant) claiming that Rocky Mountain Power (Company) placed power poles outside of designated easements in Highland View subdivision in Riverdale, Utah.

Complainant states that the approved building lot had easements in place on the original plat in the 1950s before any homes were built, and fees were paid to then Utah Power by the developer to provide power to each lot. Complainant met with representatives from the Company and was advised that new legal easements could be obtained at Complainant's expense. Additionally, Complainant was advised by the Company's representatives that the current equipment in place is impractical for Complainant's use.

Complainant was provided with options on how power could be provided to the lot in question, but before the Company could provide a cost analysis, Complainant was advised he would need to obtain a property ownership easement from the surrounding neighbors. Complainant doesn't know how to choose an option without knowing what the variable costs could be.

**Company Response:**

Autumn Braithwaite, the Company's Regulatory Analyst, responded to Mr. Hill's informal complaint on April 22, 2016. Ms. Braithwaite provided background stating that the Highland Subdivision was developed roughly 60 years ago and that the Company's facilities were installed where the Company and the developer had agreed to at that time.

Ms. Braithwaite also mentions the meeting between the Complainant and the Company stating that options were discussed to bring electric service to the lot. Ms. Braithwaite cites the Company's Electric Service Regulation No. 12 that provides information on costs for the installation or extension of power to a property that does not already have electric service. Additionally, Ms. Braithwaite refers to section 1(1), 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.

**Division Review and Recommendation:**

The Division recommends that the complaint be dismissed based on lack of jurisdiction, unless the Complainant provides evidence demonstrating the Company's failure to comply with rules, tariffs, or other laws. The authority and control of an easement falls outside the Public Service Commission's jurisdiction.