

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Brent Hill against Rocky Mountain Power	<u>DOCKET NO. 17-035-49</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: December 12, 2017

BACKGROUND

1. On September 5, 2017, Brent Hill (Mr. Hill) filed a Formal Complaint against Rocky Mountain Power (RMP).¹
2. On September 5 and 6, 2017, respectively, the PSC issued an Action Request and Notice of Filing and Comment Period (Notice).² The Notice set forth a deadline of October 6, 2017 to allow RMP to respond to Mr. Hill's complaint, and a reply deadline of October 23, 2017 to allow Mr. Hill to reply to RMP's response.³
3. On October 4, 2017, in response to a PSC action request, the Division of Public Utilities (DPU) filed comments recommending dismissal of Mr. Hill's complaint.⁴ The DPU concludes "that the complaint be dismissed based on lack of jurisdiction, unless [Mr. Hill] provides evidence demonstrating [RMP's] failure to comply with rules, tariffs, or other laws.
...."⁵

¹ See Formal Complaint, filed September 5, 2017, available at: <https://psc.utah.gov/2017/09/05/docket-no-17-035-49/>.

² See Action Request, issued September 5, 2017, and Notice of Filing and Comment Period, issued September 6, 2017.

³ See Notice of Filing and Comment Period at 1, issued September 6, 2017.

⁴ See Comments from the Division of Public Utilities, filed October 4, 2017.

⁵ *Id.* at 2.

4. On October 6, 2017, RMP filed an Answer and Motion to Dismiss Mr. Hill's complaint (Motion).⁶

5. Sometime after RMP filed its Motion, a new presiding officer was assigned to this docket who noted it did not appear that a response or reply deadline had been established concerning RMP's Motion. Accordingly, to ensure due process to the parties in this docket, on November 22, 2017, the PSC adopted a revised scheduling order (Order).⁷ The Order states, in part, that "Mr. Hill may file a response to RMP's Motion [on or before] Wednesday, December 6, 2017[.]"⁸

6. The December 6, 2017 deadline for Mr. Hill's response has now elapsed without further communication from him or a motion requesting additional time with supporting reason(s) for such a request.

7. Accordingly, RMP's Motion is ripe for review and, based on Mr. Hill's failure to timely respond, we dismiss his complaint.

FINDINGS, CONCLUSIONS, AND ORDER

For the reasons set forth in RMP's Motion and other good cause appearing as explained above, we dismiss Mr. Hill's complaint.

DATED at Salt Lake City, Utah, December 12, 2017.

/s/ Melanie A. Reif
Presiding Officer

⁶ See Answer and Motion to Dismiss, filed October 6, 2017.

⁷ See Revised Scheduling Order: Notice of Filing of Answer and Motion to Dismiss, issued November 22, 2017.

⁸ *Id.* at 1.

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Approved and Confirmed December 12, 2017, 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
PSC Secretary
DW#298419

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 PSC 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 PSC 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 PSC'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 December 12, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Mr. Brent Hill
235 Quail Flight
Farmington, UT 84025

By E-Mail:

Brent Hill (bearhill@yahoo.com)

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