

July 30, 2019

Division of Public Utilities Formal Complaint

1. Complainant:

Sarah John

2631 E 2500 S, Vernal, UT 84078

435-790-4096

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

3. What did the utility do which you think is illegal, unjust, or improper?

My power to my secondary meter was disconnected on June 12, 2019.

My family had a secondary power meter installed on our property in 1995, which was located on an old shed. Our home insurance company said the old shed either needed to be repaired or torn down. We chose to remove the shed, but first, we had to move the power. We built a stand and mounted a new meter box. We also paid Rocky Mountain Power \$641 for an upgrade to the transformer and changed from an agriculture power fee to a residential power use fee. We obtained a permit and received approval from Uintah County for the residential upgrade on September 12, 2018, and the power was moved to the new location and connected by Rocky Mountain Power.

On January 1, 2019, Uintah County red tagged a granary/guest house next to this power meter and demanded that we disconnect the power from the building. The granary was built in 1989 and the property it is on was converted from agricultural to residential use when we began building a home on the property in 2005. As requested by the county, we disconnected the power from the meter box and notified the county on February 25, 2019, by email that the power was disconnected. The county still chose to file a Notice of Noncompliance against the title of the property for the granary/guest house on April 19, 2019.

The building officials with Uintah County sent a letter to me on May 1, 2019, stating they would still order the power disconnection. They sent a letter to Rocky Mountain Power on May 29, 2019 to order the disconnect. I spoke with the power company and I felt that they agreed with me that my power was being wrongfully disconnected. The power company (Brandon Anderson) communicated with the county concerning this issue but, in the end, he said the power company had to comply with the county because of the Utah Administrative Code R746-310-2-D, even though the power company could clearly see that the granary/guest house was not wired into the meter and that there wasn't anything hazardous about the meter. I next spoke with Robert Stewart in the Salt Lake office, but again I was told that the company was bound by the code to comply with the county's request.

4. Why do you think these activities are illegal, unjust, or improper?

The power company feels bound to Code R746-310-2-D, but it doesn't apply in this situation. My use of this power meter doesn't infringe on the rights or safety of others. The use of a secondary power meter is not prohibited by local code. I've had a secondary power meter on this property since 1995. The grievance the county has with my granary/guest house and the power meter are **two separate issues**. The county chose to penalize the granary/guest house with a Notice of Noncompliance. My power meter is separate from that structure and I did receive a permit to move this meter. My use of the power is not "...prohibited or forbidden under the authority of a law or municipal ordinance or regulation..." The purpose of the secondary power meter has been and continues to be to supply power around my property and to the outbuildings. There's nothing in local ordinances that prohibits that. The meter is not attached to a building and it is in "good and safe condition and compl[ies] with applicable laws, ordinances and regulations" as the code states.

Also, the code states, "The utility **shall** have the right of refusing to, or of ceasing to, deliver electric energy..." I further argue that the use of **shall** is unclear and legally ambiguous. *Shall* implies that at their discretion they can make the decision. It does not say they *must*. Also, it clearly could be interpreted that if the utility shall have a *right* of refusing or ceasing power, they also have a *right* to continue power if they see fit.

I also feel that R746-310-1-A2 is applicable in this situation. It states, "A utility may petition the Commission for an exemption from specified portions of these rules in accordance with R746-1-109, Deviation from Rules." I believe this situation does "impose a hardship that outweighs the benefit(s) of the rule." I was told by Rocky Mountain Power representatives multiple times that they have an obligation to provide power to their customers. My family and I have been loyal customers since 1989 when we moved back to Utah. Their website also states, "Consumer Rights for Residents...Rocky Mountain Power will: Provide service if you are a qualified applicant." I am a qualified applicant. I am current in my bills and have never had a delinquent payment to my knowledge. I obtained a permit to upgrade my services. I have actually made the situation better for my neighborhood by paying for the upgrade to the transformer, which we all benefit from and by removing and replacing outdated electrical equipment. My consumer rights outweigh the benefit of the rule because the county has incorrectly imposed the enforcement of the code on the power company. I was also told by a Rocky Mountain representative that the company does not come between the consumer and the county regarding the code and its enforcement. Robert Stewart in the Salt Lake office told me the county would need a court order to constrain the power company to enforce the code, but after speaking with Brandon Anderson in the Vernal

office he retracted that statement. I believe this also shows that it is imposing a hardship to the utility company that outweighs the benefit and their obligation to me, the consumer.

5. What relief does the Complainant request?

I am requesting the power be restored and that power company not be bound by this code that does not apply to this situation.

I further request that Code R746-310-2-D be edited to include something to the effect: *If the utilization of electric energy is prohibited or forbidden under the authority of a law or municipal ordinance or regulation, the governing body must give adequate proof with pictures of unsafe conditions to justify the use of this code to disconnect utilities **and** they must provide a court order to justify the use of this code to disconnect utilities.*

Thank you for your time to review my concerns,

Sarah John

Documents included:

1. Power & Property History for 2631 E 2500 S & 2624 E 2500 S
2. Power Permit Application 9-10-2018
3. Rocky Mountain Power Contract 9-12-2019
4. Power Inspection & Approval 9-12-2019
5. County Notice 5-1-2019
6. Letter to Disconnect 5-29-2019