

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Formal Complaint of Anne Francis against Rocky Mountain Power	<u>DOCKET NO. 19-035-34</u> <u>ORDER GRANTING MOTION TO DISMISS</u>
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ISSUED: November 19, 2019

On August 26, 2019, Anne Francis (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP). Complainant alleges she was prompted to investigate the legality of utility lines on her property after an electrician advised her that utility lines were too close to her roof, including RMP’s line. Complainant alleges RMP lacks the necessary easement to locate its lines on her property and requests the PSC order RMP to reroute the line and to ensure any lines on her property are in compliance with applicable safety codes and safe practices.

On August 28, 2019, the PSC issued a Notice of Filing and Comment Period, allowing RMP until September 25, 2019 to file a response to the Complaint and allowing Complainant until October 10, 2019 to submit a reply.

On September 25, 2019, RMP filed an Answer and Motion to Dismiss (“Motion”). RMP alleges the distribution line on Complainant’s property has been in place since the 1950’s and the measurement from the peak of her roof to the conductor is 61 inches, “well within NESC clearance requirements.” (Motion at 2-3.)

Complainant filed no response to the Motion nor did she file any reply in support of her Complaint.

The PSC concludes the question of whether RMP has a lawful easement to maintain the line on Complainant’s property is outside its jurisdiction and properly belongs in a court of

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appropriate jurisdiction. Given that Complainant did not respond to the Motion, the PSC finds RMP's representation that its line is in compliance with NESC clearance requirements to be credible. The PSC further finds no contested issue of fact exists on this record to proceed to a hearing. On this record, the PSC finds and concludes no allegation exists that RMP has violated an applicable provision of statute, rule, or tariff. Accordingly, the Motion is granted.

DATED at Salt Lake City, Utah, November 19, 2019.

/s/ Michael J. Hammer  
Presiding Officer

Approved and Confirmed November 19, 2019, 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#311173

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 written 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 November 19, 2019, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Anne Francis ([annefrancis82@gmail.com](mailto:annefrancis82@gmail.com))

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