

FORMAL COMPLAINT FORM
PUBLIC SERVICE COMMISSION
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114

UTAH PUBLIC SERVICE COMMISSION

2020 MAR -6 A 11: 11

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Complaints are public documents and are maintained on the Public Service Commission website. Further information on formal complaints is available at:

<https://psc.utah.gov/complaint-process/>

1. Name of Complainant: Glynn N. Donahue

Address: 6136 S 2200 W, Taylorsville, UT 84129

Telephone No.: 385-495-5815

If represented by counsel, list:

Name: USAA Colorado Springs Claim Center

Address: 1855 Telstar Drive, Colorado Springs, CO
80920

Telephone No.: +12105318722

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

3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper?
Include exact dates, times, locations and persons involved, as closely as you can.

See attached.

4. Why do you (the Complainant) think these activities are illegal, unjust or improper?

See attached

5. What relief does the Complainant request?

See attached

6. Signature of Complainant CN Donahue

Date: 02/25/2020

1. (4.) "Why do you think these activities are illegal, unjust or improper?"

PacifiCorp/Rocky Mountain Power is attempting. to extort \$13097.54 from me by fraudulent means by intentional misrepresentation of the facts.

- A. The actual cause of these wooden power poles failure was an "Act of God" – an excessively heavy, wet snowfall on the electrical power lines on the morning of 03/29/2019. I was not the only PacifiCorp/Rocky Mountain Power customer to sustain power disruption due to collapsed power lines as result of this unusually dense, wet snowfall: "More than 15,000 customers without power along the loss set from according to @RMP_Utah. Much of this due to down power lines from the very heavy snow." pic.twitter.com/saeOWtA7Jd (Addendum 1)
- B. Only one of the poles in question, the NorthEastern-most pole had been "cribbed" or chewed on by stock animals, not both as claimed by PacifiCorp/Rocky Mountain Power. Both poles were at least 40 years old, weathered with dry rot & leaning & subsequent loosening due to soil creep before I acquired the property in December 2015. It is obvious this entire sector of overhead power lines has been ignored from appropriate monitoring & pole maintenance for decades in the usual & customary fashion of most for-profit electrical utility organizations as they attempt to maximize profits for their principal investors as result of their excessively leveraged buy- out schemes at the expense of rate payers & the public at large.
- i. Both of these poles endured for four winters after I purchased this property before they fell due to a combination of excessive powerline weight load of the heavy, wet snowfall accumulating on the lines that morning, chronic soil creep leaning & loosening of the poles, & chronic pole material fatigue stress due to age related weathering & dry rot as result of PacifiCorp/Rocky Mountain Power's chronically negligent monitoring and maintenance of their power poles.
- ii. This NorthEastern pole is not even on my property-it lies North of the actual property line. It actually lies on the property of 2235 W Saddle Way, Taylorsville, UT 84129. This pole had been chewed or "cribbed" on by animals extensively prior to my purchasing of the property in December 2015. It was leaning at approximately 10 degrees angle in a southeasterly direction and loose in the soil as a consequence of soil creep. (Addendum 3, Affidavit 1 & 2) ⁴
- iii. The NorthWestern-most pole that fell is not even on my property & lies north of the property line on the property of 2255 W Saddle Way, UT 84129. It is not accessible to animals by a chain link fence & had never been chewed or "cribbed" on by animals. Prior to its collapse it was leaning in a northeasterly direction at approximately 35 degrees angle & loose in the ground from soil creep from the canal enclosing berm when I purchased the property in December 2015. (Addendum 2, Affidavit 1 & 2) ⁵

2. (5.) "What relief does the Complainant request?"
 - A. For PacifiCorp/Rocky Mountain Power to dismiss this claim against me & cease & desist from attempting to fraudulently extort money from me for this "Act of God" and to file an appropriate claim with their insurers for their loss.
 - B. For PacifiCorp/Rocky Mountain Power to reimburse me the \$300 I had to pay to have my field plowed & harrowed following being trenched & torn up by PacifiCorp/Rocky Mountain Power's contractors' heavy trucks & equipment crossing the muddy field when they replaced the poles 03/29/2019.
 - C. For PacifiCorp/Rocky Mountain Power to reimburse me for all clerical & potential future legal costs accrued by me in my defense against this egregious attempt at consumer fraud. (Addendum #4)



Rocky Mountain Power
 Claims
 1407 West North Temple
 Salt Lake City, UT 84116
 Phone: 801-220-7455
 Fax 801-220-7220

May 15, 2019

Glynn N Donahue
 Damage Claim
 6136 S 2200 W
 Taylorsville, UT 84129

SUBJECT: Damage Claim Invoice
 bottom of 2 poles chewed away by horses in pasture and fell over

CLAIM NUMBER: 6665325

DATE OF DAMAGES: March 29, 2019

Rocky Mountain Power received a report indicating that on the above date Rocky Mountain Power facilities were damaged at 6130 S 2200 W Tayl. This invoice is for the cost of the repairs.

As a result of this occurrence it was necessary for us to make repairs at a total cost of \$13,097.54. Based on the information we have gathered, our invoice covering this amount is enclosed. We shall appreciate receiving payment in the amount indicated. You will also receive a system generated billing monthly. **Please remember to write your account number on your remittance. Failure to do so may delay the processing of your payment.**

Please let us know if you have any questions regarding the damage or the billing. If you prefer to have us deal directly with your insurance company, we shall be glad to do so if you will notify us accordingly with your agents name and phone number. **You may also have your agent contact Rocky Mountain Power – please have them refer to the Work Order Number.**

Payment should be mailed to address listed below. **Please contact us in writing within 30 days if you have any information to support that you are not the party at fault.** The letter should be sent to Rocky Mountain Power Attention: JoLee Hall, 1407 West North Temple, Salt Lake City, Utah 84116.

Sincerely,
JoLee Hall
 JoLee Hall
 Claims Representative
 Central Utah

| | |
|---|--|
| Rocky Mountain Power P.O. Box 26000 Portland, OR 97256-0001 | Claim Number # 6665325 Agreement # 82847353.002.001 \$13,097.54 |
|---|--|

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT



BILLING DETAIL

| DESCRIPTION | QTY | COSTS |
|--|-----|---------------------|
| MATERIAL | | |
| CUTOUT,POLYMER,27KV,100A,12KA,UNIVERSAL^ | 1 | \$ 94.58 |
| PIN,INSUL,5/8" X 7.5",3" THD LNTH,NYLON | 4 | \$ 81.34 |
| INSUL,SUSP.POLY,35KV,22-1/2",15000LBS | 5 | \$ 75.40 |
| INSUL,GUY,FBRGL,21K, 36",THIMBLE-CLEVIS | 2 | \$ 42.17 |
| INSUL,PIN,35KV,CLAMP TOP,1" PIN THD^ | 4 | \$ 102.67 |
| CABLE,OVHD,1/0,AL,3PLX,MUREX | 100 | \$ 104.63 |
| CABLE,UG,600V,1/0,CU,SINGLE | 30 | \$ 56.35 |
| XARM FIBERGLASS,DEADEND,8 FT,2POSITION^ | 1 | \$ 191.31 |
| XARM,FIBERGLASS.TANGENT,4"X5"X8 FT^ | 1 | \$ 122.53 |
| ROD,ANCHOR,1"X7",DISK,CORROSION RESIST | 1 | \$ 105.76 |
| GUY,DE.AUTO,STRANDWISE,5/16" UG/AW,SB | 2 | \$ 28.62 |
| ANCHOR,DISK,16" DIA,3/16" THICK,192SQ IN | 1 | \$ 46.86 |
| WIRE,GUY,5/16",EHS,11200LBS,250' COIL | 250 | \$ 78.99 |
| POLELINE HARDWARE | 1 | \$ 48.84 |
| ARRESTER,SRG,10KV,OVHD,MOV | 1 | \$ 29.17 |
| POLE,WOOD,45 FT,CLASS 3,DISTRIBUTION | 2 | \$ 1,030.61 |
| XFMR,POLE,25,7.2,120/240,NT, ARR | 1 | \$ 929.98 |
| Total Material | | \$ 3,169.82 |
| LABOR / TRANSPORTATION | | |
| Journeyman/2man Crew/Vehicles/Labor | 6 | \$ 887.44 |
| Total Labor / Transportation | | \$ 887.44 |
| OTHER SERVICES | | |
| constr & Maint Contr/KK&L/VAC Truck | | \$ 2,132.48 |
| Contract Line Constr/Wasatch Elec/4man Crew/Vehicles/Labor | 44 | \$ 6,907.80 |
| Total Other Services | | \$ 9,040.28 |
| TOTAL COST OF JOB | | \$ 13,097.54 |

Any questions, please call:
 Rocky Mountain Power
 Attn: JoLee Hall
 801-220-7455

From: Ingram, James James.Ingram@pacifi-corp.com
Subject: RE: [INTERNET] Fwd: SSLSC01KMC319073122200.pdf
Date: Aug 15, 2019 at 17:39:21
To: Glynn Donahue gd0933@gmail.com
Cc: 42w745957mbw@claims.usaa.com, Sollars, Austin
Austin.Sollars@pacifi-corp.com, Hall, Jolee
Jolee.Hall@rockymountainpower.net

Hello Mr. Donahue,

Rocky Mountain Power received notice that your case has been closed by the Utah Department of Public Utilities as claims to recover damage to company property do not fall under the DPU's jurisdiction. However, any late charges assessed to you before your dispute with our claims department is resolved will be waived.

I have attached photos the company has on record related to the damage to company property, and I have the following response to the concerns listed in your email:

1. Rocky Mountain Power acknowledges that there were light snow conditions when the pole in question snapped, splintered and fell. However, the wood chewing of the pole compromised its integrity, leading to the pole breaking and falling. As you can see in the attached photos taken on the date of the outage, when the pole snapped and fell there was no indication of any snow accumulation on the power lines and poles surrounding your property. There is a light accumulation of snow on the ground, with large areas of soil showing through the snow. There is no evidence of heavy snowfall, though there is evidence of extreme damage to the company's power pole from wood chewing.
2. The pole was inspected by the company on February 15, 2018 and found to be sound. Additionally, the company obtained photos from Google Maps, a third-party service, showing that the pole was sound when the Google photos were taken in June 2018. These photos are attached for your review.
3. The damaged pole was exposed to the fenced corral that photos show to be part of your property, with no barrier to prevent access by your horses. There were no notes or evidence that cribbing or wood chewing damaged the pole prior to the company's inspection of the pole on February 15, 2018 or in Google photos dated June 2018. However, photos taken on the date the pole fell clearly show damage from wood chewing.
4. Austin Sollars spoke with you prior to you filing a complaint with the Utah Department of Public Utilities and explained that he was willing to meet with you and review the requested information. However, once you opened a complaint with the DPU, he then deferred to the company's regulatory liaison department to provide a response to you and the DPU regarding your complaint. I left several phone messages for you asking you to contact me, but did not hear from you until receipt of your email on August 14, 2019. Mr. Sollars is willing to meet with you and provide reasonable documentation upon request.
5. If you believe that the crew performing repairs damaged your property, you may file a damage claim. To file such a claim, please reach out to Jolee Hall, your claims

representative, and she can explain the claims process to you. Ms. Hall can be reached at [\(801\) 220-7455](tel:8012207455).

Regards,

James Ingram

Rocky Mountain Power Regulatory Liaison

Toll Free# [1-800-532-1626](tel:18005321626) ext. 7431

From: Glynn Donahue [<mailto:gd09335@gmail.com>]

Sent: Wednesday, August 14, 2019 5:38 PM

To: _Tariff Policy <TariffPolicy@PacifiCorp.com>; Reynalda LTCmdr McBee <reynaldamcbee@gmail.com>; Public Service Commission of Utah (UT PSC) <psc@utah.gov>

Subject: [INTERNET] Fwd: SSLSC01KMC319073122200.pdf

Attn: James Ingram Customer & Regulatory Liasion Officer

1. The predicate cause of the poles' collapse was the weight of the unusually heavy & wet snowfall on the lines (An ACT of GOD!!) and your poor line design, pole inspection & maintenance routines.
2. The pole showed evidence of livestock "cribbing" & termite damage when I moved into the house in December of 2015, before I moved horses onto the property.
3. The pole that collapsed is not even on my property! It's on my neighbors' property!
4. I asked for copies of all supporting documentation of this claim, including all pole inspection reports for the last 15 years prior to this incident from Austin Sollars, 801.220-2367, your local Claims officer- I have yet to receive them as requested. All I have received is the attached itemized bill.
5. Please reimburse me the \$300 I had to pay for grading to repair the damage your contractors' caused to my field because of the muddy conditions & the weight of their vehicles.
6. Please cc my insurer USAA@42w745957mbw@claims.usaa.com on all future correspondence regarding this incident.
7. Please stop all late charges, adverse credit reports, usual & customary consumer extortion activities pending review by the Utah Public Service Commission of the validity of your claim.



From: gd09335@gmail.com
Subject: PacifiCorp/Rocky Mountain Power Claim #6665325
Date: Feb 25, 2020 at 20:27:16
To: cdibb@duffinlaw.com

Thank you for attached letter of 02/13/2020. I will be filing a formal complaint contesting this attempt to fraudulently extort money from me to the Utah Public Service Commission, & US Attorney District of Utah Consumer Fraud Division.

Thank you,

LAW OFFICES
DUFFIN & DIBB, P.C.
A PROFESSIONAL CORPORATION
BANK OF UTAH BUILDING
100 SOUTH 500 WEST, SUITE 200
BOUNTIFUL, UT 84010
Telephone: (801) 300-4132
Facsimile (801) 990-1979

E-Mail:
cdibb@duffinlaw.com

CAMERON B. DIBB

February 13, 2020

Glynn Norman Donahue
6136 S 2200 W
Taylorsville UT 84129

Re: Incident with power poles at 6130 South 2200 West
Taylorsville, UT

Dear Mr. Donahue:

This office represents Pacificorp doing business as Rocky Mountain Power in reference to damages to two power poles from horses chewing on the bases. They have requested our services in seeking reimbursement from you for the damages.

A review of the facts of the accident show that you were responsible for the damages to the two power poles, which fell over, together with equipment owned by Pacificorp, amounting to **\$13,097.54**. Unless you dispute this obligation, or any portion thereof, within 14 days after receipt of this notice, we will assume the obligation is valid. If you notify us in writing that the claim is disputed, we will obtain verification of the claim and will send you such verification if desired. If you have insurance to cover the loss, please contact your insurance company and provide your insurance information.

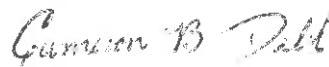
In an effort to resolve this matter quickly and amicably, would you kindly contact us within the next 14 days to make arrangements or an agreement to resolve this matter. Such will negate the need for further action on our part and will give us an opportunity to work toward a reasonable solution.

If we do not hear from you within 14 days, we will need to proceed accordingly. It is hoped that this is unnecessary.

This is an attempt to collect a subrogation claim by a debt collector and any information obtained will be used for that purpose.

Very truly yours,

DUFFIN & DIBB, P.C.



Cameron B. Dibb

CBD/psm

cc: Pacificorp

Addendum 1



7 a.m.

UDOT is reporting that eastbound I-84 is closed at the mouth of Weber Canyon due to weather. There is no estimated time for when it will reopen.

There are also more than 15,000 customers without power after heavy snow damaged power lines.



More than 15,000 customers without power along the Wasatch Front according to @RMP_Utah. Much of this due to downed power lines from the very heavy snow. pic.twitter.com/saeOWtA7Jd

— Heather Kelly (@KSLHeatherKelly) March 29, 2019

6:45 a.m.

Aff: Javit |

Affidavit of Brian P. Saylor

I lived at 6136 S. 2200 W., Taylorsville, UT 84129 from April 2016 through March 2018.

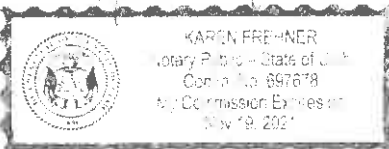
I am writing to attest that the Power pole "A" marked on the attached photo that fell in the snowstorm of 03/29/2019 appeared to be chewed on by livestock & was showing signs of dry rot. It was leaning slightly to the northeast.

I was responsible for feeding the horses on the property. I attest I never saw the horses' "cribbing" or chewing on that pole as claimed by the electric company.

Brian P. Saylor



Subscribed and sworn to before me in the County of Salt Lake
State of Utah
this 27 day of Feb 2020
month year

Karen Frehner


2 27 2020

Affidavit 2

Affidavit of Joe Burnett

I have lived at 6136 S. 2200 W, Taylorsville, UT 84129 since March 2018.

I attest that the power poles "A" & "B" marked on the attached photo that fell in the snow storm of 03/29/2019 was more likely than not due to the weight of the unusually heavy, wet snow that fell that morning. I went out to smoke earlier that morning about 4 AM before the poles fell and saw about a foot of heavy wet snow sticking to the top of the power line between poles "A" & "B" that was making it sag about a couple of feet under the weight.

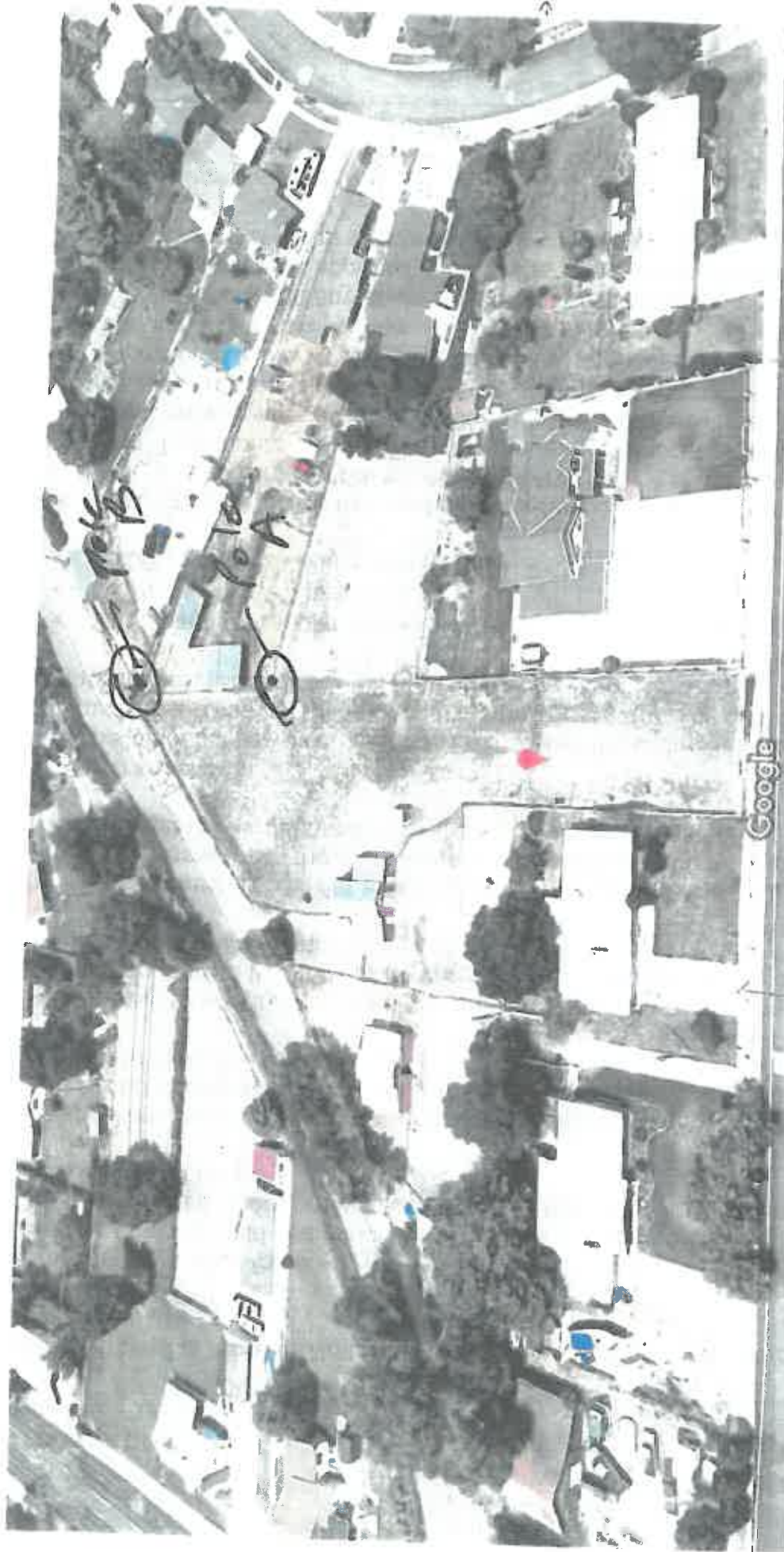
I feed the horses on the property. I attest I have never seen signs of the horses "cribbing" or chewing on poles or the barn or any other wooden objects like the electric company is saying. All they ever chew on is the hay, grain, carrots and apples we give them.

Joe Burnett

3/29/2019

Google Maps 6130 2200 W

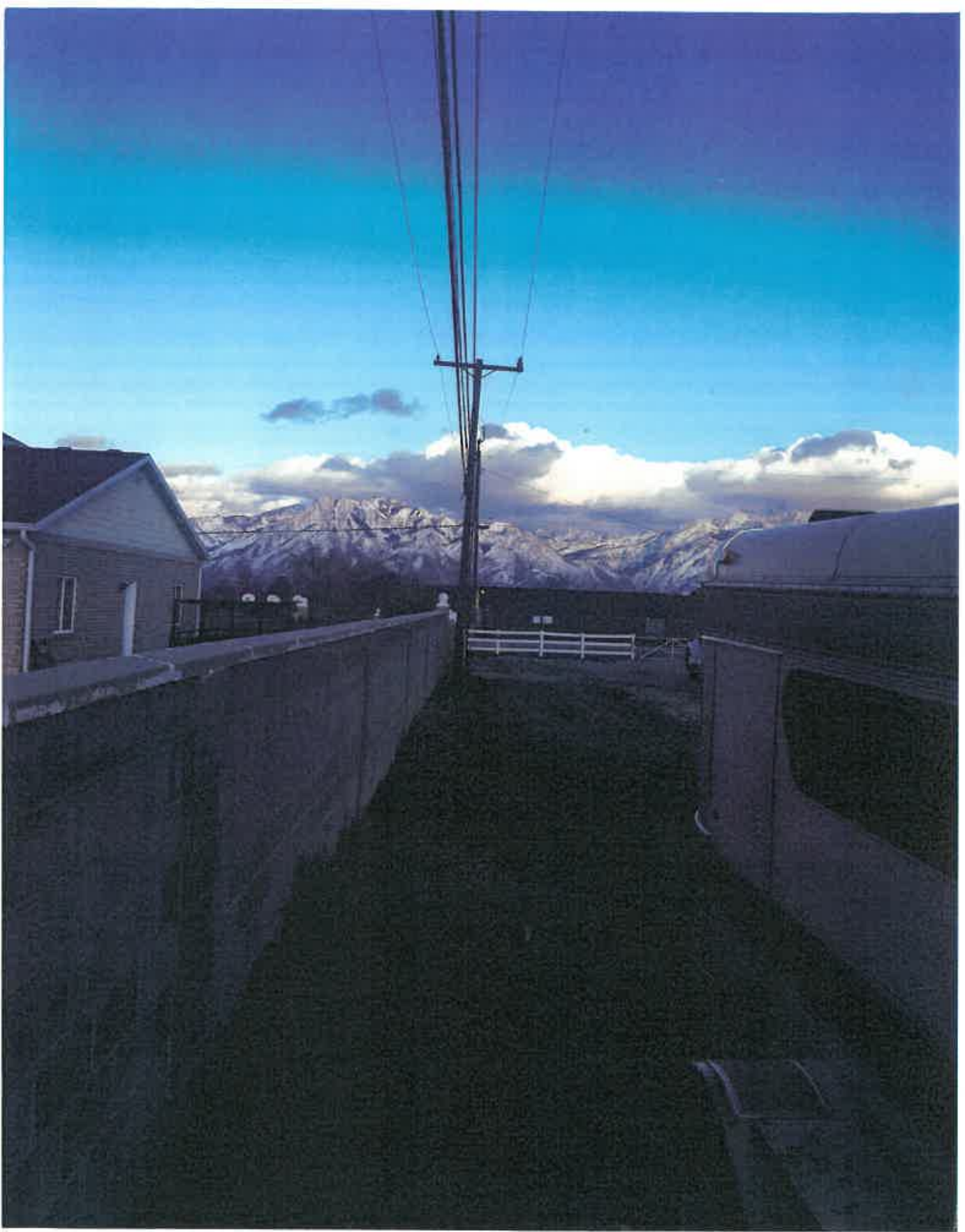
W
↑



6130 2200 W
→

Imagery ©2019 Google, Map data ©2019 Google 20 ft

Pole just cast at pole N A N -
Learning like it did before
falling 03/29/2019.
Addendum 4



Pole just north of Pole #64
Leaning just like it did
prior to falling 03/29/2019.
Addendum 5



Addendum 3

Pole "B" actually lies on
2255 W Saddle Way, Tiville 84A
Impossible to be cribbed on as
it lies behind a chain link
fence. Was leaning just
like the pole in addendum 5.



Addendum 3

Close up of pole that yell
03/29/2019 is not on my property
- actually lies on property of
2235 ✓ Saddle Wy, Taylorsville, UT.
property line is 12" south of
the metal fence pole.

WJ
03/25/2020

S. CIFICORA
1-25-02A
39001

4477001
10/01/01

