

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Formal Complaint of Jeff Hood against Rocky Mountain Power	<u>DOCKET NO. 20-035-23</u>
	<u>ORDER</u>

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ISSUED: July 23, 2020

On May 7, 2020, Jeff Hood (“Complainant”) filed a Formal Complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP). Complainant alleges he has experienced “too many power outages” over a nine-month period because RMP has “fail[ed] to maintain, [or] upgrade old equipment.” (Formal Complaint at 1.)

On June 8, 2020, RMP filed its Answer and Motion to Dismiss (“Motion”). In the Motion, RMP quotes Utah Code Ann. § 54-7-9(2), which provides a complaint “shall specify the act committed or omitted by the public utility that is claimed to be in violation of the law or a rule or order of the [PSC].” (Motion at 4.) RMP asserts the Complaint “does not include any allegations that [RMP] has violated any provision of law under the jurisdiction of the [PSC], [PSC] Order or Rule, or [RMP] tariff.” (*Id.*)

The Motion also represents that RMP contacted Complainant to discuss his concerns and explained to him that RMP “is not required to provide uninterrupted service.”<sup>1</sup> (*Id.* at 2.) RMP represents Complainant has, in their numerous communications with him, threatened litigation, demanded RMP replace unspecified equipment, and asked RMP to “guarantee he have no further outages.” (*Id.* at 3.)

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<sup>1</sup> On this point, RMP cites Electric Service Regulation No. 4, Sheet No. 4R.3, which declares RMP’s intention to provide “continuously available” service, but explains “there will at times be some degree of failure, interruption, suspension, curtailment or fluctuations.” Because such interruptions are “inherent” to providing electric service, RMP “does not guarantee constant or uninterrupted delivery of Electric Service.” *Id.*

RMP observes the Complaint does not “identify any specific equipment that [Complainant believes] needs to be updated or any outages that [Complainant] believes were caused by older equipment.” (*Id.*) RMP represents it “researched outages to [Complainant’s] property and determined that all were caused by issues that are outside of [RMP’s] reasonable control: weather, planned upgrade work, and unanticipated equipment failures.” (*Id.* at 4.) Finally, RMP alleges it “has performed significant maintenance on the line servicing [Complainant’s] residence,” and that “[f]rom 2017-2020, [RMP] has spent over \$450,000 [to] maintain and upgrad[e] the line that serves [Complainant].” (*Id.*)

Complainant filed no response to RMP’s Motion. Additionally, though the PSC’s Notice of Filing and Comment Period (issued May 8, 2020) invited Complainant to file a reply by June 23, 2020, Complainant did not file a reply in support of his Complaint.

Having reviewed the Complaint and RMP’s Motion, the PSC finds no allegation that RMP has violated any statute, rule, or tariff provision. Additionally, the PSC has reviewed the factual allegations of the Complaint presuming its accuracy, and we do not see any apparent violation by RMP. The Motion is granted and the Complaint is dismissed.

DATED at Salt Lake City, Utah, July 23, 2020.

/s/ Michael J. Hammer  
Presiding Officer

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Approved and confirmed July 23, 2020, as the Order of the Public Service Commission  
of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#314794

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the PSC within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 30 days after the filing of the request, 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 §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on July 23, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Jeff Hood ([jlhood@troon.com](mailto:jlhood@troon.com))

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Office of Consumer Services

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Administrative Assistant