

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Formal Complaint of Jennifer Sampson against Rocky Mountain Power	<u>DOCKET NO. 21-035-30</u> <u>ORDER DENYING MOTION TO DISMISS</u> <u>AND NOTICE OF HEARING</u>
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ISSUED: July 12, 2021

On May 7, 2021, Jennifer Sampson (“Complainant”) filed a Formal Complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP), concerning a bill Complainant received relating to the cost to repair RMP’s transformer box (“Box”) located near Complainant’s driveway.

On June 4, 2021, the Division of Public Utilities (DPU) submitted comments, asserting that issues of fact exist and recommending the PSC set the matter for hearing.

On June 7, 2021, RMP filed a Motion to Dismiss and Answer (“Motion”). RMP alleges it received a phone call on January 14, 2021 from an unidentified neighbor of Complainant who claimed to have “just witnessed the neighbor backing into and damaging the [Box].” Motion at 2. RMP repaired the Box and sent Complainant a bill for \$2,587.64 that identified “1 lot” of material for \$70.62 and “1 hour” of “labor” for \$2,517.02. *Id.* at Ex. C. “After Complainant complained about the size of the bill, [RMP] reviewed the bill and reduced the amount of labor charged to the replacement because some of the time included in the original bill had been mischarged.” *Id.* at 3. RMP sent Complainant a revised bill showing a downward adjustment of \$1,184.48, leaving a balance of \$1,403.16.

On July 6, 2021, Complainant submitted an email to the PSC, indicating that she wished to continue to pursue her Complaint.<sup>1</sup>

Having reviewed the Complaint, RMP's Motion, and the DPU's comments, the PSC finds issues of fact exist that preclude dismissal of the Complaint. Most immediately, the record is unclear as to whether Complainant damaged the Box. RMP's Motion concedes as much in declaring "[t]here is no question that *someone* at Complainant's address, *possibly* the Complainant herself, backed into the [B]ox on January 14, 2021." *Id.* at n.1 (emphasis added). If a third-party damaged the Box, the PSC is aware of no provision of statute, rule, or tariff that requires Complainant to compensate RMP for the repairs merely because the equipment is located on an easement on Complainant's property. RMP's Motion is denied.

The PSC gives notice it will conduct a hearing in this docket on **Wednesday, August 11, 2021, beginning at 10:00 a.m.** The hearing will be held in the **Fourth Floor Hearing Room 451, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** All parties must have their witnesses in attendance and prepared to testify.

Individuals wishing to participate by telephone in the hearing should contact the PSC two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824) to receive a bridge number and participant passcode. Participants attending by telephone should

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<sup>1</sup> The PSC issued a Notice of Filing and Comment Period on May 11, 2021, allowing RMP to submit a response to the Complaint by June 7, 2021 and Complainant to file a reply by June 22, 2021. Complainant's email, dated July 6, 2021, stating she had not received any of the filings in this docket.

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then call the bridge number five minutes before the hearing, entering the passcode followed by the # sign to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, July 12, 2021.

/s/ Michael J. Hammer  
Presiding Officer

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#319486

CERTIFICATE OF SERVICE

I CERTIFY that on July 12, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By USPS:

Jennifer Sampson  
370 E. Pheasant View Dr.  
Draper, UT 84020

By Email:

Jennifer Sampson ([jensampson\\_afd@yahoo.com](mailto:jensampson_afd@yahoo.com))

Data Request Response Center ([datareq@pacificorp.com](mailto:datareq@pacificorp.com)),  
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Office of Consumer Services

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Administrative Assistant