



PublicService Commission <psc@utah.gov>

Docket No. 21-035-67

1 message

Kip Swan <kip@1stutah.com>

Tue, Jan 25, 2022 at 9:50 AM

To: PublicService Commission <PSC@utah.gov>

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Kip Swan & David Thompson

January 25, 2022

2967 Branch Drive
Holladay, UT 84117

Attention: Gary Widerburg
Commission Administrator

RE: Docket No. 21-035-67
Response to Rocky Mountain Power Motion to Dismiss
Our request to continue investigation with further answers
and receive compensation for damages.

Response to Introduction

We fully understand that all utility companies have a variance, and that Rocky Mountain Power (RMP) has a "Vegetation Management Policy". This is not in dispute. What is in great dispute is the attitude of the contractor hired by RMP, and the liberty he took, which damaged our privacy under this very broad scope that RMP uses in this utility variance and "Vegetation Management Policy".

BACKGROUND & RESPONSE TO OUR COMPLAINT

1. No argument
2. Tyler Sorensen did not identify himself as the Senior Forestry Arborist for RMP. He did not present any company identification, a business card nor did he drive a vehicle with any company signage. When he arrived, unannounced, he said he was there to look at the trees in question for the power company. I'm sure he gave his name however, he did not give me his company name, title, or what his purpose was for being at our house. Understanding now that Tyler Sorensen is the Senior Forestry

Arborist for RMP, it is amazing that he doesn't present himself as such. As we pointed out in our complaint, Mr. Sorensen, showed up at our house without an appointment. Furthermore, it is now clear that Tyler Sorensen's only purpose to be at our house was to coheres us into a position of deception and to invalidate all of the information that we had been given the previous day by Alan Webb.

3. Tyler Sorensen was asked to leave because it became very clear that he had only one agenda and that was to act in the sole and best interest of Rocky Mountain Power. He would not listen to me when I attempted to explain what had happened. He pointed to branches that had been trimmed years prior which had nothing to do with the branches that were unnecessarily cut on April 26, 2021. Furthermore, Mr. Sorensen continued to condemn everything about Allen Webb who had been to our home the day before. Allen agreed with us that there had been unnecessary cuttings. I found Mr. Sorensen's behavior to be profoundly unprofessional toward another professional arborist. Especially one within his own organization. That behavior coupled with his showing up unannounced with no company uniform or badge or presenting a business card was cause alone for asking him to leave our home.

4. The company did not attempt to resolve the complaint through various discussions. There was only the unannounced visit by Tyler Sorensen which resolved nothing. There was the meeting that was scheduled by Allen Webb who came to our home. As stated in our complaint, Mr. Webb agreed with our position and apologized for the behavior of the contractor. After the conversation with Allen, everything he said and the people he told me would get back to us to never materialized. In fact, we never heard from Allen again. We have asked to see Allen's report and been completely ignored. What happened to his report? We want to know. Did it suddenly find it way to the paper shredder? Tyler Sorensen told me that Allen was going to be transferred to the forest division. We believe that's an inside joke for demotion. For RMP to assert that there was an attempt to resolve the complaint through various discussions is false. We are sincere and very serious about wanting to know what happened to the report that Allen Webb made.

5. Kip had the communications with James Ingram and it was decided that Kip would hire his own arborist and Rocky Mountain Power would pay for this arborist. Based on this conversation, that is what we did. See paragraph #6 in email to James Ingram dated July 5, 2021. Exhibit 'A'. Kip found Mr. Ingram to be a very credible person and would be astounded if he were to call Kip a liar regarding the reimbursement for the arborist. If there were confusion about the reimbursement of the arborist that we hired, it is very strange that Mr. Ingram did not clear this up back in July after he receive this communication. There was never a conversation with Kerry Favero regarding the reimbursement of the arborist that we used. In the letter

we received from Kerry Favero on November 18, 2021, his offer to use the company truck with bucket and our arborist at our expense was a slap in the face after we had been told by James Ingram that we would be reimbursed for this expense back on May 11, 2021. As stated in our complaint, this is why we filed our complaint with the Utah Public Service Commission for further assistance. Rocky Mountain Power has misstated the facts of what happened. They only provide evidence that favors them. We want to know what they did with the report from Allen Webb. There is more investigation that needs to be done and it should not be at our (the property owner's expense). Allen Webb was very clear about what had happened and agreed with us that the contractor had no business cutting branches where he did. He even made a comment that they should not be cutting in the rain. Something Mr. Sorensen failed to point out.

6. The company can deny all factual allegations in the Complaint not specifically admitted herein, all it wants. We disagree with their denial.

7. The company has abused its power and hides behind tariffs, easements, and codes with broad definitions to swindle innocent homeowners out of their property rights causing them great emotional and financial damages.

8. Rocky Mountain Power is out on a limb to think that the Utah Public Service Commission does not hold jurisdiction to protect the public from large utility companies who hide behind such regulations using broad language which allows them the ability to do as they please with no accountability. There are still answers to be accounted for. Not just what Joelle Steward and Emily Wegener put in their Motion to Dismiss.

9. We request that the Motion to Dismiss be denied and further investigation continue. Specifically, what happened to the information that Allen Webb reported? Where is this report? What happened to this report? Does the report reflect the same information as the conversation that Allen Webb had when he came to our house? Why was this information not included in Emily Wegener's Motion to Dismiss?

CONCLUSION

For the foregoing reasons, we request that the Commission deny the Motion to Dismiss and continue this investigation.

DATED this 25th day of January 2022

Respectfully submitted,

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