
Formal Complaint of Glenn Mickelson
against Rocky Mountain Power

DOCKET NO. 23-035-23

ORDER CANCELING LIMITED HEARING
AND DIRECTING ROCKY MOUNTAIN
POWER TO FILE REPORT

ISSUED: November 27, 2023

1. Procedural History

Glenn Mickelson (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP) on May 19, 2023. Complainant alleged the existence of an exposed high voltage line (“Line”) on or near an unpaved road in the area of the Yellow Fork Trailhead in Salt Lake County (“County”). The same date the Complaint was filed, the PSC issued a Notice of Filing and Comment Period (“Notice”), asking RMP to submit a written response on or before June 20, 2023, and to submit a statement on a more expedited basis, due May 23, 2023, to address the alleged threat to public safety. The PSC directed Complainant to file a reply on or before July 5, 2023.

On May 23, 2023, consistent with the Notice, RMP filed its Response Addressing Safety Risks. RMP submitted its Answer, Status Update, and Motion to Dismiss (“Motion”) on June 20, 2023. In these filings, RMP represented it installed the Line decades ago consistent with applicable safety and engineering protocols. RMP further represented the County exposed the Line when it regraded the road on or about May 4, 2023, causing a power outage that RMP promptly remediated. RMP explained road erosion and exposure due to the County’s maintenance work is a continuing problem

and the Line has presented a recurring issue on which RMP, the County, and Complainant have worked on intermittently for over twenty years. RMP emphasized it lacks adequate access to the road because the County owns and maintains the road. RMP also represented it had completed work on an interim solution, covering exposed segments of the Line with dirt and road base, and it was working on a long-term solution with the County, which RMP intended to implement by the end of 2023. RMP further represented the Line does not present a “per se electrocution risk” because the Line is encased in plastic conduit, though RMP acknowledged the Line’s exposure posed some risk to the public. Finally, RMP stated de-energizing the Line was problematic because RMP has no redundant lines in the area and, therefore, de-energizing the Line would cause some customers to suffer an outage.

Complainant did not file a timely response and the PSC dismissed the Complaint in an order dated August 17, 2023.

On August 31, 2023, Complainant filed a Request for Review and/or Rehearing, disputing certain of RMP’s factual representations and representing Complainant had visited the Line on May 5, 2023, and taken a photograph showing an exposed portion of the Line that Complainant alleged shows the Line was exposed and not encased in conduit.

On September 29, 2023, the PSC issued an order suspending its prior order dismissing the Complaint and giving notice of a limited hearing to be held on

November 29, 2023. The PSC emphasized the hearing would address the limited issue of whether the Line presents a threat to public safety and the PSC would hear evidence relating solely to that issue. The PSC also issued an Action Request on September 29, 2023, asking the Division of Public Utilities (DPU) to investigate the issue and provide input as to whether the Line constitutes a threat to public safety.

a. DPU's Recommendation and Site Visits

On November 8, 2023, the DPU filed its Recommendation in response to the PSC's Action Request ("DPU's Recommendation"). The DPU states it performed two separate site visits. The first, on October 13, 2023, occurred after two consecutive days of rain. The DPU noted some ambiguity existed at the time as to where the allegedly exposed portion of the Line was located, as the DPU located two roads leading to the Yellow Fork Canyon trailhead parking lot. DPU represents its staff walked a significant distance along two roads in the area and could find no exposed segment of the Line. The DPU was ultimately confident no exposed cable existed nor imminent risk to the public from electrical lines in the area.

After communication with the County that confirmed where the County had recently performed work, the DPU became concerned that Complainant's photo concerned a portion of line on a road other than the roads the DPU had examined on its prior site visit. DPU contacted Complainant and arranged to meet him at the

trailhead parking lot to allow Complainant to show DPU staff the exact location of the allegedly exposed cable.

On October 24, 2023, DPU staff met Complainant at the site, and Complainant directed them to "Water Fork Road," which DPU confirmed was one of the same roads the DPU had examined earlier, on October 13, 2023. Again, on October 24, 2023, DPU could not identify any exposed electrical cable despite Complainant being present to identify the alleged exposed portion of the Line.

Because the cable is buried, DPU cannot confirm whether it is encased in conduit, the cable's burial depth, or if the cable is rated for burial. DPU notes a category of "direct burial cable" with a "UL" rating exists that has passed rigorous testing and can survive in harsh underground environments. The DPU suspects the cable used in the Line is UL rated but notes only RMP can confirm the type of cable, its location, and its depth. DPU also notes Complainant's May 23 photo suggests the cable is heavily insulated, thick electrical cable but does not appear to be encased in plastic conduit, and the photo suggests the Line may not be buried, at least in certain sections, to the industry standard of 24 inches.

Since the DPU filed its Recommendation, no other party has submitted any filing to the PSC.

2. Order

The sole purpose for the previously noticed hearing to be held November 29, 2023 was to ascertain whether the Line presents an imminent threat to public safety. Since the hearing was noticed, the DPU conducted a thorough investigation and performed two separate site visits during which it was unable to locate any exposed portion of Line or other threat to public safety. Complainant appears to have been present for DPU's second site visit and afforded an opportunity to identify any exposed portion.

In light of the DPU's investigation and recommendations, the PSC cancels the virtual hearing previously noticed for November 29, 2023.

Nevertheless, the PSC recognizes the issues surrounding the Line have been ongoing, and the DPU's Recommendation poses several questions that merit a response from RMP. Additionally, RMP previously represented it intended to implement a long-term solution to the issues concerning the Line by the end of this year. The PSC therefore directs RMP to file a report on or before **Wednesday, January 31, 2024** detailing the following: (1) the depth of the buried Line and whether the depth complies with local and industry standards and codes; (2) the variety of cable comprising the Line and its suitability for use in the area with respect to local and industry safety standards and codes; (3) whether the Line is encased in conduit and whether such encasement is required under local and industry standards and codes;

and (4) its long-term plan for resolving the recurring problems with the Line and the status of such plan's implementation.

DATED at Salt Lake City, Utah, November 27, 2023.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#330931

CERTIFICATE OF SERVICE

I CERTIFY that on November 27, 2023, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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