
Formal Complaint of Glenn Mickelson
against Rocky Mountain Power

DOCKET NO. 23-035-23

ORDER REINSTATING ORDER DISMISSING
COMPLAINT

ISSUED: March 22, 2024

1. Procedural Summary

On May 19, 2023, Glenn Mickelson (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP). The Complaint 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 PSC directed RMP to file an expedited response to apprise the PSC of the issue and to later file an answer in response to the Complaint.

On May 23, 2023, RMP filed its expedited Response Addressing Safety Risks (“Expedited Response”) and later, on June 20, 2023, filed an Answer, Status Update, and Motion to Dismiss (“Motion”).

Complainant did not file a timely reply to the Motion, and the PSC dismissed the Complaint on August 17, 2023 (“Order of Dismissal”).

On August 31, 2023, Complainant filed a Request for Review and/or Rehearing (“Request for Review”), raising several points in opposition to RMP’s Motion that should have been raised in a timely response to the Motion or reply in support of the Complaint. However, the Request for Review also made several allegations that

troubled the PSC, including assertions the Line was not encased in conduit and presented an ongoing hazard to public safety.

Consequently, on September 29, 2023, the PSC issued an order suspending its Order of Dismissal and setting a limited hearing to be held on November 29, 2023, for the purpose of hearing evidence relating to the status of the Line and whether it constitutes a threat to public safety. Contemporaneously, on September 29, 2023, the PSC issued an Action Request to the Division of Public Utilities (DPU), requesting it investigate the Line and advise as to whether it constitutes a threat to public safety.

On November 8, 2023, the DPU filed its response to the Action Request. DPU represented it conducted two site visits. DPU found no exposed portion of the Line on either visit. DPU could not examine any encasement of the Line because it was buried. DPU expressed concern regarding the depth to which the Line is buried, though – again – it could not confirm the depth because the Line was not exposed. Accordingly, DPU recommended RMP report to the PSC regarding the long-term solution RMP intended to implement regarding the ongoing issues with the Line.

Having reviewed the DPU's response to the Action Request, the PSC issued, on November 27, 2023, an Order Canceling Limited Hearing and Directing RMP to File Report. The PSC noted the sole purpose of the previously scheduled limited hearing was to ascertain whether the Line presented an imminent threat to public safety, and DPU's response confirmed no portion of the Line was exposed. Accordingly, noting

RMP had previously represented it intended to implement a long-term solution to these issues by the end of 2023, the PSC ordered RMP to file a report on or before January 31, 2024, detailing (1) the depth of the buried Line and whether it complies with local and industry standards and codes; (2) the variety of cable comprising the Line and its suitability for use in the area; (3) whether the Line is encased in conduit and whether such encasement is required under applicable 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.

On January 31, 2024, RMP filed its report ("Final Report"). The Final Report confirms the following:

(1) When RMP installed the Line decades ago, it buried the Line to a depth consistent with applicable standards and codes.

(2) the Line is a direct buried insulated cable, specifically a 7,200-volt distribution line, which is a shielded, medium-voltage cable. It is encased in "typical insulated protective layers to allow the Line to operate while in direct contact with [the] ground." Final Report at 2. The Line is rated for 15kV and operation at 8,660V. RMP represents it consists of a "concentric neutral, which is shielding wire, effectively ground[ing] the Line." (*Id.* at 3.) "If the insulation of this (Line) becomes damaged or non-functional, the cable generates an arc of electricity to ground and devices on the system will operate to remove the [L]ine from service." (*Id.*) RMP represents the Line

is suitable for its use and “is not a per se electrocution hazard” as Complainant continues to allege. (*Id.*)

(3) RMP clarified the Line is “insulated” as opposed to being “encased in conduit.” (*Id.* at 4). RMP acknowledges it misused terminology in its prior filing by referring to the Line as “encased in conduit,” but affirms its intention was to indicate the Line is “protected and did not pose a direct threat to the public.” (*Id.*)

(4) RMP explained its long-term plan for resolving issues associated with the Line is two-fold: (i) RMP will continue to work with the County to remedy the problems associated with erosion and required road maintenance, and (ii) RMP plans to excavate, encase, and rebury the Line in two specific areas, near the last section of the Line, and replace conductors in those locations. RMP represents this is a cost-effective approach and that it will design the project in the winter of 2024 and intends construction to start when weather permits later this year.

Since RMP filed its Final Report, the PSC has received no additional comment from Complainant or any other stakeholder.

2. Order

Having reviewed RMP’s multiple filings, the DPU’s response to the Action Request, and Complainant’s filings, the PSC reinstates its Order of Dismissal and gives notice it intends to take no further action in this docket. If issues associated with the

Line later arise, Complainant may raise them with the PSC through a complaint or other appropriate filing.

DATED at Salt Lake City, Utah, March 22, 2024.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed March 22, 2024, as the Order of the Public Service Commission of Utah.

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#332989

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the 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 fails to grant a request for review or rehearing within 30 days after the filing of a request for review or rehearing, 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 Utah Code Ann. §§ 63G4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on March 22, 2024, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Glenn Mickelson (glenn@peakmobile.com)

Data Request Response Center (datareq@pacificorp.com)
(customeradvocacyteam@pacificorp.com)
PacifiCorp

Autumn Braithwaite (autumn.braithwaite@pacificorp.com)
Zachary Rogala (zachary.rogala@pacificorp.com)
Jana Saba (jana.saba@pacificorp.com)
Rocky Mountain Power

Patricia Schmid (pschmid@agutah.gov)
Patrick Grecu (pgrecu@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Utah Assistant Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Alyson Anderson (akanderson@utah.gov)
Bela Vastag (bvastag@utah.gov)
Alex Ware (aware@utah.gov)
Jacob Zachary (jzachary@utah.gov)
(ocs@utah.gov)
Office of Consumer Services

Administrative Assistant