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Formal Complaint of Chimso Onwuegbu  
against Rocky Mountain Power

DOCKET NO. 25-035-65  
ORDER DISMISSING COMPLAINT

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ISSUED: April 7, 2026

### **1. Procedural History**

On December 1, 2025, Chimso Onwuegbu (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP), relating to property damage incurred at Complainant’s residence that Complainant suspects stemmed from a power surge. On January 2, 2026, RMP filed its Answer and Motion to Dismiss (“Motion”). Complainant filed a reply on January 5, 2026.

In response to an action request the PSC issued to the Division of Public Utilities, the DPU filed comments on December 31, 2025, indicating the DPU “has no recommendation regarding this docket.”

### **2. Parties’ Positions**

Complainant alleges “a significant electrical surge event” occurred at the residence on August 22, 2025, that “caused failures of hardwired internal components as well as appliances[,]” including light switches, an EV charger, and pool/spa pumps. Complainant alleges a neighbor experienced “related electrical damage, including solar-related issues” at the same time.

RMP affirms that Complainant immediately contacted RMP and alleges that RMP created a work order to investigate on August 22, 2025. RMP alleges it inspected Complainant's meter on August 28, 2025, and determined that the meter was not damaged and in normal working order.

RMP alleges it notified Complainant on September 5, 2025, that it would initiate a request for power quality inspection and sent Complainant a damage claim form for Complainant to fill out and return to RMP.

Complainant submitted the damage form, claiming damage to various equipment, including pool pumps, a pool control board, an electric vehicle charger, and Wi-Fi equipment. The Complaint asks the PSC to (1) investigate the event; (2) require RMP to produce technical records for the pertinent period; (3) determine whether RMP correctly applied Electric Service Regulation No. 5 ("Reg. 5"); (4) "[d]etermine whether the available evidence supports a utility-side origin for the surge"; and (5) require RMP to provide a "clear, transparent, evidence-based explanation of its investigation and the basis for its denial."

RMP alleges it determined on September 29, 2025, "there were no issues with or damage to [RMP's] equipment or infrastructure." RMP represents it "inspected the circuit and determined it was within normal range." RMP further alleges it "reviewed records of Complainant's meter and [his] neighbor's meter" and "the readings presented no evidence of a suggested over or under voltage."

RMP further alleges it determined during its investigation that Complainant did not have sufficient protective equipment required under Reg. 5. Therefore, RMP denied the damage claims under Reg. 5 and closed its investigation.

After Complainant disputed RMP's findings, RMP alleges it confirmed to Complainant, on November 24, 2025, that RMP would not accept liability for damages, explaining RMP had "confirmed that the voltage supplied to Complainant's home was within acceptable levels on the day of the alleged power surge" and that RMP's "outage records show[ed] no significant trips or outages involving [RMP's] equipment."

RMP attached records to its Motion, designated as confidential, in response to Complainant's request for technical records, including Supervisory Control and Data Acquisition (SCADA) information and "additional technical information such as breaker operations, outage history, and switching."

RMP's Motion reiterates that it "did not find any damage to its equipment, and [RMP's] monitoring devices indicate that the damage was isolated to the customers' equipment." While RMP was "unable to determine a definitive cause," it contends the available information "strongly suggests that the event was caused by a harmonic issue[.]" noting "[e]quipment such as micro inverters and electric vehicle chargers can cause harmonic issues."<sup>1</sup>

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<sup>1</sup> By "harmonic issues," the PSC understands RMP to refer to distortions in electrical waveforms caused by non-linear loads that draw current in pulses and may lead to excessive heat and other problems.

RMP emphasizes that Reg. 5 provides “the Customer shall provide devices to protect his/her equipment from high and low voltage, overload, single phasing, phase reversal or other abnormal conditions.” RMP additionally argues that Article 230.67 of the 2020 National Electric Code requires a Type 1 or Type 2 surge protection device for residential dwellings. RMP represents “Type 1 surge protective circuit breakers are designed to provide surge protection for an entire home.”

RMP further emphasizes that Complainant has onsite solar generation and it is the customer’s responsibility, again under Reg. 5, to “supply all equipment, including but not limited to, transfer switches, disconnects, overload protection, and any other protective devices necessary to safely connect to and operate from another power source.” Further, “[t]he Customer shall be liable for all costs and liability associated with damage or injury resulting from using another power source” pursuant to Reg. 5.

Though RMP argues it properly denied Complainant’s damages claim under Reg. 5, RMP argues, alternatively, that it could have denied the damages claim under Electric Service Regulation No. 4 (“Reg. 4”), which states RMP “does not guarantee constant or uninterrupted delivery of Electric Service and shall have no liability to its Customers or any other persons for any interruption, suspension, curtailment or fluctuation in Electric Service or for any loss or damage caused thereby if such interruption ... or fluctuation results from ... [c]auses beyond [RMP’s] reasonable control.” RMP reasons Reg. 5 requires customers to protect their self-generation and other equipment because RMP “cannot guarantee continuity of Service” under Reg. 4.

RMP asks the PSC to dismiss the Complaint because it has not violated any applicable provision of statute, rule, or tariff.

In response, Complainant argues the technical documents RMP provided is “based largely on 15-minute AMI meter data and 10-second SCADA data[,]” which “cannot detect millisecond-scale transient events” and, therefore, “cannot establish that no surge” occurred. Complainant further argues that RMP’s harmonic interaction theory is “speculative and unsupported.” Complainant further argues the home predates NEC 2020, which contemplates “whole-home surge protection requirement.” Complainant urges that earlier versions did not require such equipment. Complainant further argues RMP has not produced material records such as “[h]igh-speed relay event logs, capacitor and regulator switching event records, transformer secondary inspection findings, and waveform or power-quality recorder data.”

### **3. Discussion, Findings, and Conclusions**

Utah Code § 54-7-9 empowers the PSC to adjudicate complaints against public utilities when the utility is alleged to have violated “any provision of law or any order or rule[,]” including the utility’s published tariff on file with the PSC. Further, as Complainant acknowledged in the Complaint, the PSC has no authority to adjudicate civil claims or to award monetary damages.<sup>2</sup>

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<sup>2</sup> The Complaint states: “I understand that the [PSC] cannot award monetary damages.”

The PSC certainly appreciates Complainant's frustration and disappointment associated with the alleged damage to Complainant's electrical equipment. However, Complainant points to no order of the PSC or applicable provision of the Utah Code, the Utah Administrative Code, or RMP's tariff that RMP allegedly violated.

Complainant asks the PSC to ensure "proper application of the tariff," presumably referring to Reg. 5. While RMP refers to Reg. 5 in discussing its assessment of Complainant's damages claim and RMP's assessment of its liability, Reg. 5 does not contemplate a dispute resolution process for claims let alone one to be adjudicated by the PSC. It broadly describes RMP's and customers' respective duties and obligations regarding customers' installations. That is, Complainant can point to no provision of Reg. 5 that RMP allegedly violated in declining to pay the claim.

The PSC recognizes that questions of fact may exist as to who is ultimately responsible and liable for Complainant's alleged damages. However, no allegation exists that RMP violated any provision of law within the PSC's purview. Therefore, the question of liability must be determined by a court of general jurisdiction vested with the authority to offer a remedy on RMP's alleged liability.

In sum, because Complainant has not alleged RMP violated any applicable statute, rule, tariff provision, or order of the PSC, the Complaint must be dismissed. The PSC is not the appropriate venue to determine liability for damages associated with alleged tortious conduct.

**4. Order**

For the foregoing reasons, the Complaint is dismissed.

DATED at Salt Lake City, Utah, April 7, 2026.

/s/ Michael J. Hammer  
Presiding Officer

Approved and confirmed April 7, 2026 as the Order of the Public Service  
Commission of Utah.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

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

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#344701

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 written 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. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on April 7, 2026, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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Office of Consumer Services

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Lead Paralegal