

January 7, 2026

VIA ELECTRONIC FILING

Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Administrator

Re: Docket No. 25-035-66 – Formal Complaint of Gregg Ann Herrern against Rocky Mountain Power
Rocky Mountain Power’s Answer and Motion to Dismiss

Pursuant to the Notice of Filing and Comment Period issued by the Public Service Commission of Utah on December 10, 2025, Rocky Mountain Power (“Company”) hereby submits for filing its Answer and Motion to Dismiss in the above referenced matter. Confidential Attachments C and D have been uploaded to the Commission’s SFTP site and is provided in accordance with Commission Rule R746-1-602 and 603.

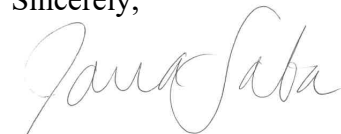
The Company respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): datarequest@pacificorp.com
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By regular mail: Data Request Response Center
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825 NE Multnomah, Suite 2000
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Informal inquiries may be directed to Max Backlund at max.backlund@pacificorp.com.

Sincerely,



Jana Saba
Director, Regulation and Regulatory Affairs

CERTIFICATE OF SERVICE

Docket No. 25-035-66

I hereby certify that on January 7, 2026, a true and correct copy of the foregoing was served by electronic mail to the following:

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Division of Public Utilities

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Assistant Attorney General

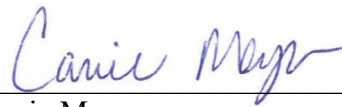
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Attorney for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of Gregg Ann Herrern against Rocky Mountain Power	DOCKET NO. 25-035-66 ANSWER AND MOTION TO DISMSS
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Pursuant to Utah Code Ann. § 63G-4-204(1) and Utah Admin. Code §§ R746-1-206, and R746-1-301, Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or the “Company”) answers the formal complaint (“Complaint”) filed by Gregg Ann Herrern (“Complainant”) with the Public Service Commission of Utah (“Commission”). The Company also moves to dismiss the Complaint with prejudice because Rocky Mountain Power has not violated any provision of law, Commission order or rule, or Company tariff for which relief can be sought.

Communications regarding this Docket should be addressed to:

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BACKGROUND AND ANSWER TO COMPLAINANT’S ALLEGATIONS

1. Complainant is a residential customer of Rocky Mountain Power, taking service at the service address listed in the formal complaint filing submitted by the Complainant on December 8, 2025 (“Complaint”).

2. On or around October 13, 2025, a Company estimator was working on a service upgrade at Complainant’s neighbor’s property when Complainant’s neighbor’s expressed concerns over the safety of a low-hanging power line hanging through Complainant’s backyard and Complainant’s neighbor’s backyard.

3. Upon further investigation, the Company estimator identified two clearance issues in Complainant’s backyard.

4. First, the Company estimator confirmed the low-hanging power line of concern was approximately four feet from grade, which is well below the fourteen feet of clearance required by Rocky Mountain Power safety standards.¹

5. Second, the Company estimator inspected an overhead service line running close to Complainant’s balcony and found that the mast connecting the Company’s service line to Complainant’s home is too close to the balcony.² A minimum of five feet is required under the

¹ *PacifiCorp’s 2022 Electric Service Requirements Manual*, Section 4, at 24, under “Minimum clearances over spaces and way subject to pedestrians/restricted traffic only”. Further information can be found here: [Electric Service Requirements](#); See also Attachment A – Service line over yard pictures.

² Attachment B – Service to deck pictures.

Company's construction and safety standards.³ Currently, the line is within inches of the balcony and is therefore a clearance violation.

6. The Company's regulations state that the Company may terminate service without notice where, in its judgment, a clear emergency or serious health or safety hazard exists.⁴

7. Instead of automatically disconnecting service, on or around October 23, 2025, a Company estimator called the Complainant to discuss the two clearance violations with Complainant. The Company estimator explained the safety violations and outlined the options to correct the clearance violations.⁵ The Company estimator sent a follow up email to Complainant on or around October 27, 2025.

8. In the communications to Complainant, the Company explained the safety violations and provided the following options:

- a. For the first clearance violation, the Company requires a 5-foot by 5-foot easement from Complainant to install a new pole in Complainant's backyard to raise the line to the proper clearance. For this option, the Company will pay for the costs of material and installation of the new pole that will raise the service line to the required clearance.
- b. For the second clearance violation, the Company provided the Complainant with three choices: (1) install a 3-inch underground conduit from the new pole to the

³*PacifiCorp's 2022 Electric Service Requirements Manual*, Section 4, at 24, under "Horizontal clearances from buildings for overhead service conductors not attached to the building." Further information can be found here: [Electric Service Requirements](#).

⁴Electric Service Regulation No. 10(2)(f), Termination Without Notice, "[t]he Company may terminate service without notice where, in its judgment, a clear emergency or serious health or safety hazard exists for so long as such conditions exist... The Company will immediately attempt to notify the Customer of the termination and the reasons therefor.

⁵ Confidential Attachment C – Map of the clearance violations.

meter base; (2) relocate the meter base to the north corner of the home; or (3) remove the balcony to gain more clearance.

- i. If Complainant chooses to install underground conduit from the new pole in the backyard to the meter base, the Company will pay for the costs of materials and installation of the conductor to be installed within the conduit. However, Complainant is responsible for paying for the material installation of the conduit under Electric Service Regulation No. 12(6)(b).⁶
- ii. If Complainant chooses to relocate the meter base to the north corner of the home, Complainant is responsible for the cost of moving the meter base, as the meter base is the customer's responsibility.⁷ During its communications with Complainant, the Company explained that Complainant will need to hire an electrician to complete the work of moving the meter base.
- iii. If Complainant chooses to remove the balcony, then Complainant is responsible for costs associated with that project as that is construction to Complainant's home and does not involve construction or modification to Company equipment.

⁶ Under Rocky Mountain Power Electric Service Regulation No. 12(6)(b), Overhead to Underground Conversions, "[the] Customer must elect either: to provide all trenching and backfilling, imported backfill material, conduits, and equipment foundation that the Company requires for the relocation; or, to pay the Company to provide these items."

⁷ Under Rocky Mountain Power Electric Service Regulation No. 5(1)(c), Metering Equipment: "All meter bases for meters required for measuring electric service (including kVar when specified by the Company) shall be provided and installed by the Customer at a location acceptable to the Company and shall conform to the Company's specifications. The Customer's wiring, meter bases and service entrance facilities must be installed and maintained by the Customer in accordance with applicable municipal or state requirements and to standards required by the National Electric Safety Code and National Electric Code... The Company is not obligated to provide service when Customer's equipment and installation does not meet the required standards." See also, Rocky Mountain Power Electric Service Regulation No. 7(1), "[t]he Company will install, own and maintain all meters and other metering devices (excluding the meter base/cabinets) necessary for measuring the electric power and energy used by the Customer." (emphasis added).

9. On or around October 31, 2025, Complainant responded to the Company and disputed her financial responsibility of resolving the clearance violations, explaining she has not modified or altered the installation of the lines since purchasing the property 24 years prior.

10. The Company is responsible for ensuring continued, safe service. Due to the public safety code violations stemming from the two clearance violations on Complainant's property, the Company mailed a 30-day notice to Complainant on or around November 10, 2025.⁸

11. In the 30-day notice, the Company requested Complainant complete required repairs within 30 days of the violation date to ensure the safety of customers and employees, and that failing to complete those required repairs could result in disconnection of service. The Company also requested Complainant call the Company when Complainant is ready to proceed with repairs relating to the meter, because it is dangerous and against Company tariffs for anyone other than an authorized Company employee to break the meter seal or remove the meter.⁹

12. On or around November 19, 2025, Complainant contacted the Company and explained she did not believe it was her responsibility to correct the clearance violations. In response, the Company opened a new work order for a field supervisor to discuss Complainant's ongoing concerns.

13. On or around November 20, 2025, Complainant filed an informal complaint with the Division of Public Utilities ("DPU").

14. On or around November 24, 2025, the Company explained to the DPU the two existing clearance violations at Complainant's property, the proposed remedies the Company

⁸ Confidential Attachment D – 30-day Notice.

⁹ Under Rocky Mountain Power Electric Service Regulation No. 6(2)(a), "[a]ll materials furnished and installed by the Company on the Customer's premises, shall be, and remain the property of the Company. The Customer shall not break the Company's seals."

discussed with Complainant, and that the Company cannot safely continue to provide service with these safety violations at the site if they are not remedied.

15. That same day, the Company reached out to Complainant to explain again what the two clearance violations and Complainant's options for correcting the clearance issues. Complainant again stated she does not agree that she is financially responsible for remedying either of the clearance violations.

16. On or around December 8, 2025, Complainant filed the Complaint. In the Complaint, Complainant requested the Commission: (1) require the Company to provide further explanation of the Company's position, (2) direct the Company to assume financial responsibility for correcting or relocating the service line, (3) prohibit the Company from disconnecting service, (4) require the Company to evaluate undergrounding the line or relocating the planned location of the new pole so that costs are not imposed on the homeowner, (5) investigate Company personnel, and (6) require the utility to respond to future communications in writing.

MOTION TO DISMISS

17. The Company requests the Commission dismiss the Complaint with prejudice under Utah Rule of Civil Procedure 12(b)(6) because Complainant has failed to allege or establish that the Company has violated any applicable law, Commission rule, or Company tariff for which relief can be sought.

18. Complainant requests further explanation from the Company as to its position, including engineering or regulatory basis for asserting the homeowner is financially responsible for installation.

19. As previously stated, the clearance of the service line through Complainant's and Complainant's neighbor's back yard is a violation of Rocky Mountain Power's Electric Service

Requirement Manual, Section 4. To remedy this clearance violation, the Company requests a 5-foot by 5-foot easement from Complainant to install a new pole in Complainant's backyard to raise the line, which the Company will be financially responsible for installing.

20. The next step in remedying this clearance issue is Complainant providing the Company with an easement. The Company cannot move forward with remedying this clearance violation without an easement.

21. Complainant requests the Company relocate the backyard service line or move the installation underground. Under these options, the Complainant would be responsible for the costs in accordance with the Company's line extension policy.¹⁰

22. Regarding the second clearance violation, the clearance of the service line to Complainant's balcony is also a violation of Rocky Mountain Power's Electric Service Requirement Manual, Section 4, and requires one of the three remedies: (1) install a 3-inch underground conduit from the new pole to the meter base; (2) relocate the meter base to the north corner of the home; or (3) remove the balcony.

23. The Company pays for the costs of material and installation of the conductor in these situations. However, if Complainant chooses to install the 3-inch underground conduit from the new pole to the meter base, then Complainant is financially responsible for the material and installation of the conduit under Electric Service Regulation No. 12(6)(b). The Commission has previously confirmed that customers are responsible for paying the costs associated with converting an existing overhead line to be underground.¹¹

¹⁰ Rocky Mountain Power Electric Service Regulation No. 12(6)(b), Overhead to Underground Conversions.

¹¹ *Formal Complaint of Ian McCubbin, David Goldsmith, Tim Watcke, Laurie Hoffman, and David Classen against Rocky Mountain Power* (Docket No. 23-035-41), Order Granting Motion to Dismiss Complaint, at 7. ("Generally, ESA 12 governs circumstances where a customer seeks to extend a line or convert an existing overhead line to be underground, and ESA 12 plainly states that customers are responsible for paying the costs associated with their requests.") (Dec. 12, 2023).

24. If the Complainant remedies the clearance violation by moving the meter base to the north corner of the home, then Complainant is financially responsible for costs associated with that work under Electric Service Regulation No. 5(1)(c).

25. If Complainant chooses to remove the balcony to provide sufficient clearance from the line, then all costs associated with that project are Complainant's responsibility, as it does not involve construction or modification to Company equipment. However, Complainant has expressed this option as unworkable due to the residence's status as a historic home.

26. Complainant needs to communicate to the Company which of the three options Complainant would like to utilize to remedy the balcony clearance violation. The Company believes the most economical option for Complainant is likely to utilize the option of installing a 3-inch underground conduit from the new pole to the meter base. Under this option, the Company would pay for materials and installation of the conductor.

27. The Complainant argues all the costs to remedy the two clearance violations should be the responsibility of Rocky Mountain Power since they were allegedly installed by the Company before she purchased the property twenty-four years ago. The Company does not have records of the original installations of the equipment involved in the two safety violations. Based on the age of the home and information provided by Complainant, this equipment could have been installed as at any time after 1936. Even if the Company, or its predecessor, had originally installed the equipment it would have done so with the relevant safety codes at the time. The Company does not have record of when the balcony was added to the home or the other modifications made to the surrounding property that could have caused the clearance violations. Regardless, once a safety violation is discovered, it must be remedied in accordance with the Company's relevant tariffs and regulations.

28. In sum, both clearance violations violate Company safety code standards. To remedy these violations, the Company has provided Complainant with a single option to remedy the clearance violation hanging through Complainant's and Complainant's neighbor's backyard and provided three options to remedy the clearance violation of the line too close to Complainant's balcony. All potential remedies adhere to Company tariffs as previously described.

29. Complainant requests the Commission prohibit the Company from disconnecting service or threatening to disconnect service, particularly in winter conditions. Under Electric Service Regulation No. 5(1)(c), the Company is not obligated to provide service when Customer's equipment and installation of the meter base does not meet the required safety standards. The clearance violation attached to Complainant's meter base currently violates safety code standards.

30. It is important to note the safety implications of these clearance violations. These clearance violations pose direct safety risks not just to Complainant, but to Complainant's neighbors as well. Under Utah Administrative Rule R746-200-7(F), for Termination of Service Without Notice, "a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as the condition exist..." If Complainant is unwilling to work with the Company to remedy these clearance violations, the Company believes disconnecting service out of concern for public safety risks stemming from the clearance violations is reasonable.

31. Complainant requests that the Company evaluate and present safe, code-compliant solutions including undergrounding the whole line or relocating the pole in a way that does not impose improper costs on the homeowner. The Company discussed the process and financial implications of undergrounding the line with Complainant via phone calls on October 23, 2025 and October 31, 2025.

32. As discussed above, undergrounding all of the power lines is a much more expensive project, which would impose more financial responsibility on Complainant, as Complainant would be responsible for the costs of undergrounding the line under Rocky Mountain Power Electric Service Regulation No. 12(6)(b).

33. Regarding Complainant's request to relocate the planned location of the new pole, the Company is willing to install a new pole to raise the clearance of the low-hanging line in its current path. To install the new pole, the Company requires a 5-foot by 5-foot easement from Complainant.

34. The remedies presented by the Company to Complainant on multiple occasions are all safe, code-compliant solutions and, in accordance with Company tariffs, properly impose financial responsibilities on both the Company and Complainant.

35. The Company is eager to resolve the public safety risks posed by these two clearance issues. However, the Company cannot move forward with these two projects unilaterally.

36. The Company believes it has attempted to collaborate with Complainant to resolve these clearance violations while still prioritizing public safety by trying to remedy these violations in a timely manner. Complainant has failed to provide evidence or legal justification that the Company has violated any provision of law, Commission order or rule, or Company tariff.

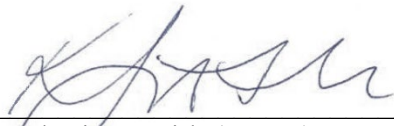
37. Therefore, the Company requests the Commission dismiss the Complaint with prejudice because the Company has not violated any provision of law, Commission order or rule, or Company tariff for which relief can be sought.

CONCLUSION

38. For the foregoing reasons, the Company respectfully requests that the Commission dismiss the Complaint with prejudice.

Dated this 7th day of January 2026,

ROCKY MOUNTAIN POWER



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Attorney for Rocky Mountain Power

ATTACHMENT A





ATTACHMENT B







CONFIDENTIAL ATTACHMENT C

**THIS ATTACHMENT IS CONFIDENTIAL IN ITS ENTIRETY AND
IS PROVIDED UNDER SEPARATE COVER**

CONFIDENTIAL ATTACHMENT D

**THIS ATTACHMENT IS CONFIDENTIAL IN ITS ENTIRETY AND
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