
Formal Complaint of Gregg Ann Herrern against Rocky Mountain Power	<u>DOCKET NO. 25-035-66</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: April 21, 2026

1. Background

On December 8, 2025, Gregg Ann Herrern (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission (PSC) against Rocky Mountain Power (RMP), alleging RMP was wrongfully requiring her to pay for corrective work and threatening to disconnect her service.

On January 7, 2026, RMP filed its Answer and Motion to Dismiss (“Motion”), requesting the PSC dismiss the Complaint because Complainant had failed to allege RMP violated any order of the PSC or any applicable provision of statute, rule, or tariff. RMP explains that it identified two safety clearance issues on Complainant’s property while performing work at a neighboring residence.

First, RMP identified a “low-hanging power line” (“Low Line”) that was “approximately four feet from grade,” which is “well below the fourteen feet of clearance” RMP’s safety standards require.¹ Second, RMP identified an overhead service line running too close to Complainant’s balcony (“Line in Proximity”). RMP

¹ Motion at 2.

alleges the line is “within inches” of the balcony and a “minimum of five feet is required under [RMP’s] construction and safety standards.”²

Noting RMP’s regulations allow it to terminate service without notice where a clear emergency or serious health or safety hazard exists, RMP represents it contacted Complainant on or about October 23, 2025, to discuss the issues. RMP alleges it explained the issues to Complainant and outlined options to remedy the clearance violations.

With respect to the Low Line, RMP states it informed Complainant that RMP required a five-by-five-foot easement from Complainant to install a new pole in her backyard and thereby raise the line. RMP represented it would pay for the costs of material and installation of the new pole and raising the Low Line to the required clearance.

For the Line in Proximity, RMP represents it offered Complainant three alternatives: (1) installing a three-inch underground conduit from the new pole to the meter base (“Undergrounding Option”); (2) relocating the meter base to the north corner of the home (“Relocate the Meter”); or (3) removing the balcony to gain the required clearance (“Balcony Removal”).

If Complainant chose the Undergrounding Option, RMP states it explained RMP would pay the costs for materials and installation of the conductor within the conduit,

² *Id.* at 2-3.

but Complainant would be responsible for paying for the material and installation of the underground conduit, citing Electric Service Regulation No. 12(6)(b). If Complainant elected to Relocate the Meter, RMP explained Complainant would be responsible for the cost of moving the meter base because the meter base is the customer's responsibility, citing Electric Service Regulation No. 5(1)(c). RMP further represents it informed Complainant this would require hiring an electrician at Complainant's expense. Finally, if Complainant chose Balcony Removal, RMP explained Complainant would be responsible for all associated costs, which would pertain to construction on Complainant's residence and would not involve RMP's equipment.

RMP alleges Complainant contacted RMP on October 31, 2025, and disputed any financial responsibility for resolving the clearance violations, arguing Complainant had not modified or altered the lines since purchasing the property 24 years ago.

RMP alleges it mailed a 30-day notice to Complainant on or around November 10, 2025, explaining that RMP would have to disconnect service if the safety issues were not remediated within 30 days. RMP further alleges Complainant contacted RMP on November 19, 2025, and again argued remediating the violations was not Complainant's responsibility.

After Complainant filed an informal complaint with the Division of Public Utilities (DPU) on November 20, 2025, RMP states it contacted the DPU, on November 24, 2025, and explained the violations and proposed remedies. RMP further alleges it contacted Complainant again on the same date, November 24, 2025, and again discussed the issues, proposed solutions, and RMP's inability to continue to provide service if the safety violations were not remedied.

On January 22, 2026, Complainant filed a Response to RMP's Motion ("Response"). In the Response, while continuing to protest any financial responsibility associated with remedying the safety issues, Complainant offers a "willing[ness] to cooperate in the interest of public safety and timely resolution[,]" including granting RMP a limited easement to install the pole necessary to remediate the Low Line.³ Complainant also offers to "provide, at her expense, a licensed electrician and the required conduit solely for the final connection at the bottom of the meter box."⁴

2. Discussion, Findings, and Conclusions

The PSC has jurisdiction to resolve complaints against public utilities whenever a utility "violates any provision of law or any order or rule of the [PSC]." Utah Code § 54-7-9(1).

Here, while the PSC certainly appreciates Complainant's frustration with having to pay for any costs to remedy the safety issues at her residence, Complainant points

³ Response at 1.

⁴ *Id.* at 2.

to no statute, administrative rule, provision of RMP's tariff, or prior order of the PSC that RMP has allegedly violated. Complainant's Response does not contest any of the material facts alleged in RMP's Motion. Having reviewed the Complaint, the Motion, and Response, the PSC is unable to identify any violation on the part of RMP.

Because the PSC finds Complainant has failed to allege RMP committed any violation of applicable law, the PSC must dismiss the Complaint.

Moreover, the Response suggests that Complainant and RMP have now resolved the issues with Complainant agreeing to allow RMP the easement to install the pole necessary to remediate the Low Line, and Complainant agreeing to pay for an electrician and the conduit necessary to rectify the Line in Proximity with the Undergrounding Option.

3. Order

For the foregoing reasons, the Complaint is dismissed.

DATED at Salt Lake City, Utah, April 21, 2026.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed April 21, 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#344959

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 21, 2026, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By USPS:

Gregg Ann Herrern
820 Yardis Court
Mountain View, CA 94040

By Email:

Gregg Ann Herrern (gregganherrern@gmail.com)

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

Max Backlund (max.backlund@pacificorp.com)
James Ingram (james.ingram@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)
Assistant Utah Attorneys General

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

Alyson Anderson (akanderson@utah.gov)

Cameron Irmis (cirmas@utah.gov)

Asami Kobayashi (akobayashi@utah.gov)

Jennifer Ntiamoah (jntiamoah@utah.gov)

Bela Vastag (bvastag@utah.gov)

(ocs@utah.gov)

Office of Consumer Services

/s/ Melissa R. Paschal

Lead Paralegal