

February 26, 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. 26-035-04—Formal Complaint of Ian McCubbin against Rocky Mountain Power
Answer and Motion to Dismiss

Pursuant to the Notice of Filing and Comment Period issued by the Public Service Commission of Utah on January 28, 2026, Rocky Mountain Power (“Company”) hereby submits for filing its Answer and Motion to Dismiss in the above referenced matter.

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
max.backlund@pacificorp.com
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By regular mail: Data Request Response Center
PacifiCorp
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. 26-035-04

I hereby certify that on February 26, 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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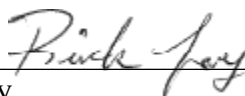
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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Formal Complaint of Ian McCubbin against Rocky Mountain Power	DOCKET NO. 26-035-04 ANSWER AND MOTION TO DISMISS
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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 Ian McCubbin (“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 Complainant on January 27, 2026 (“Complaint”).

2. On September 5, 2023, Complainant was one of multiple Complainants who filed a Formal Complaint against Rocky Mountain Power claiming the above-ground power lines and associated infrastructure serving the residential neighborhood poses extreme wildfire risk (“2023 Complaint Proceeding”). The 2023 Complaint Proceeding requested that the Commission require the Company pay the associated costs to convert the above ground power lines to underground lines along Northmont Way from E North Hills Way to Hilltop Road in Salt Lake City. Complainants argued that because the above-ground power lines are in an extreme wildfire zone, the Company’s line extension tariff, Electric Service Regulation No. 12 (“Regulation No. 12”), did not apply.¹

3. On October 10, 2023, Rocky Mountain Power filed a Motion to Dismiss in the 2023 Complaint Proceeding, arguing the Company’s line extension policy under Regulation No. 12 was

¹ *Formal Complaint of Ian McCubbin, David Goldsmith, Tim Watcke, Laurie Hoffman, and David Classen against Rocky Mountain Power*, Docket No. 25-035-41, Formal Complaint (Sept. 5, 2023).

applicable to Complainants, and thus costs associated with undergrounding the line are Complainants' responsibility.²

4. On December 12, 2023, the Commission granted the Company's Motion to Dismiss in the 2023 Complaint Proceeding. In its Order, the Commission concluded Regulation No. 12 applied to Complainants. The Commission also encouraged the Company to continue working with Complainants to resolve any outstanding issues and to bury the lines, provided Complainants pay the associated costs consistent with Company tariffs.³

5. The Company has continued to work with Complainant by providing cost estimates for undergrounding the lines. The Company provided Complainant with multiple opportunities and options for undergrounding the lines, all of which Complainant declined.

6. In August of 2025, the Company began hardening lines by installing insulated covered conductor and steel poles in Complainant's neighborhood, which included the use of a helicopter to move poles over homes for installation. In attempts to prioritize public safety, the Company notified residents of the work being done to harden the lines. The Company's notice mistakenly notified the residents of an "emergency evacuation" instead of the intended "voluntary evacuation." The project was temporarily paused while the Company worked with Salt Lake City officials to clear up the miscommunication.

7. The Company continued its work to harden the lines in November 2025, which it expects to complete by Spring of 2026. The Company expects to complete this project in the Spring of 2026.

² *Formal Complaint of Ian McCubbin, David Goldsmith, Tim Watcke, Laurie Hoffman, and David Classen against Rocky Mountain Power*, Docket No. 23-035-41, Rocky Mountain Power's Answer and Motion to Dismiss (Oct. 10, 2023).

³ *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 (Dec. 12, 2023).

8. On January 27, 2026, Complainant filed the new Complaint, again requesting the Commission require the Company to convert the above-ground power lines to underground on Northmont Way.⁴ The Complaint alleges that the above-ground power lines: 1) have been categorized as Wildland Urban Interface (“WUI”) under House Bill 48; 2) were improperly installed in November 2025 and are hanging over vegetation and structures; 3) pose a potential threat to telecommunication equipment and the residents’ ability to call 911; and 4) were unnecessarily delayed and completed with helicopter.

MOTION TO DISMISS

9. 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.

10. Complainant continues to request the Company convert Complainant’s above ground lines to underground by arguing the only acceptable option to mitigate wildfire risk for his neighborhood is to move the power line underground.⁵

11. Under Rocky Mountain Power’s Regulation No. 12, Complainant is responsible for the costs of undergrounding the line. Furthermore, the Commission has already concluded in its Order in the 2023 Complaint Proceeding that the Complainant is financially responsible for undergrounding this line, per Regulation No. 12.

⁴ *Formal Complaint of Ian McCubbin against Rocky Mountain Power*, Docket No. 26-035-04, Formal Complaint (Jan. 27, 2026).

⁵ *Id.*

12. First, the Company does not dispute Complainant's line is in a Fire High Consequence Area ("FHCA"), however the Complainant conflates the applicability of the WUI and FHCA. The Company utilizes the FHCA designations when determining what infrastructure requires mitigation efforts to mitigate wildfire risk under its Wildland Fire Protection Plan.⁶ The WUI modifications do not contemplate responsibility of costs associated with wildfire mitigation work on the Company's infrastructure. Complainant mischaracterizes the changes made through the WUI Modifications (or "House Bill 48") as applicable to the Company and the Company's responsibility for costs associated with undergrounding the line.

13. The Complainant does not cite or explain how the WUI designation requires the Company to be financially responsible for undergrounding Complainant's line, or how the WUI supersedes Regulation No. 12 or the Commission Order in the 2023 Complaint. Furthermore, the plain language of the WUI does not require the Company underground power lines or impose financial responsibility on the Company to underground the Complainant's power line.

14. Nevertheless, the line is designated as an area for wildfire mitigation efforts in both designations of High Risk under the WUI and FHCA under the Company's Wildland Fire Protection Plan. The Company is working to harden the line Complainant is concerned about in accordance with the Company's Wildland Fire Protection Plan.

15. Complainant raises concern over alleged "downed power lines" in the Complaint. Complainant argues the downed lines on Complainant's private property pose an immediate threat to Complainant's telecommunications infrastructure.⁷

⁶ *Formal Complaint of Ian McCubbin against Rocky Mountain Power*, Docket No. 26-035-04, 1st Email, at 2 (Feb. 13, 2026) (Complainant concedes that Rocky Mountain Power utilizes FHCA designations when concentrating resources where utility-caused wildfire pose the greatest potential).

⁷ *Formal Complaint of Ian McCubbin against Rocky Mountain Power*, Docket No. 26-035-04, Formal Complaint, at 1 (Jan. 27, 2026).

16. The lines Complainant is concerned about are currently attached to the poles and waiting to be placed in the correct positions as part of the hardening project. None of the lines have been energized.

17. The Company has inspected the partially installed lines, and the Company believes the lines properly secured to the poles. To the Company's knowledge, the lines are not negatively impacting telecommunication infrastructure.

18. Regarding Complainant concerns that the project to upgrade the infrastructure has been delayed since the 2023 Complaint Proceeding and has not been completed in a timely manner, the Company has held off on completing the project to work with the Complainant to potentially underground the infrastructure in accordance with Regulation No. 12.

19. The Complainant also disputes the cost difference of moving the infrastructure underground compared to using helicopters to install new poles and harden the line. It is more cost effective to harden the lines overhead, inclusive of costs associated with installing the poles with a helicopter, than undergrounding the line.

20. First, the Company does not dispute Complainant's line is in an FHCA. Second, the Company has continued to work with Complainant by providing cost estimates for undergrounding the lines if the Complainant desires to do so. Third, the Company is working to harden the lines in Complainant's neighborhood and expects to complete this project in the Spring of 2026. Complainant fails to show any statute, regulation, tariff, or Order, including the Order in the 2023 Complaint Proceeding, for which the Company allegedly violated.

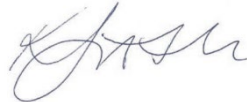
21. Therefore, the Company requests the Commission dismiss the Complaint with prejudice because Complainant has failed to show the Company violated any provision of law, Commission order or rule, or Company tariff for which relief can be sought.

CONCLUSION

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

Dated this 26th day of February 2026,

ROCKY MOUNTAIN POWER



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