

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Ian McCubbin
against Rocky Mountain Power

DOCKET NO. 26-035-04
ORDER DISMISSING COMPLAINT

ISSUED: August 14, 2026

1. Background

On January 27, 2026, Ian McCubbin (“Complainant”) filed a formal complaint (“Complaint”) with the Public Service Commission against Rocky Mountain Power (RMP). The Complaint takes the form of forwarded correspondence that Complainant sent to RMP, relaying concerns about downed deenergized lines and Complainant’s preference that RMP bury distribution lines over or near his property. The Complaint also notes that “the need for a helicopter to replace the utility infrastructure ... was the cause of the incorrect evacuation of [his] home[]” in August of 2025.

On February 26, 2026, RMP filed its Answer and Motion to Dismiss (“Motion to Dismiss”). RMP relays that Complainant was one of several complainants that filed a formal complaint (“Prior Complaint”) against RMP in 2023,¹ arguing the lines above their properties required undergrounding because of wildfire danger. The PSC dismissed the Prior Complaint in an order issued on December 12, 2023 (“Prior Order”).

The PSC’s Prior Order explained that RMP’s Electric Service Regulation No. 12 (“ESR 12”) governed circumstances where a customer seeks to extend a line or to

¹ See *Formal Complaint of Ian McCubbin, David Goldsmith, Tim Watcke, Laurie Hoffman, and David Classen against RMP*, Docket No. 23-035-41.

convert an overhead line to be underground and plainly states that customers are responsible for paying the costs associated with their requests. Noting the complainants had cited no legal authority to support their request the PSC ordered RMP to underground the lines at its own cost, the PSC dismissed the Prior Complaint.

RMP's Motion asserts it has continued to work with Complainant by providing cost estimates for undergrounding the lines, but Complainant has declined to move forward. RMP further explains that while installing covered conductors and steel poles in Complainant's neighborhood, in August of 2025, to "harden" the lines, RMP inadvertently notified the residents of an "emergency evacuation" instead of the intended "voluntary evacuation." RMP represents it paused working on the project while it worked with Salt Lake City officials to clarify the miscommunication.

RMP asserts it recommenced work to harden the lines in November of 2025. RMP clarifies that the "downed" deenergized lines Complainant references were attached to poles and were awaiting being placed in the correct position in the course of RMP's hardening project.

On March 13, 2026, Complainant filed a response to the Motion. The Response cites examples of harmful wildfires, emphasizes that RMP recovers money through Schedule 97 for wildfire mitigation, and argues money for wildfire mitigation may be deployed for undergrounding lines.

On June 9, 2026, Complainant filed an Emergency Motion for Stay/Cease and Desist Order ("Complainant's Motion for Stay"), alleging RMP's subcontractor was

performing work without an electrical permit. On July 28, 2026, correspondence from Salt Lake City (SLC) was submitted in this docket, explaining that a permit has, in fact, been issued and RMP is in compliance with the permit.

2. Discussion, Findings, and Conclusions

As the PSC stated in its Prior Order, it “is well aware of the danger wildland fires pose in Utah[,] but Complainant is “far from alone, as wide swaths of territory across the state fall within a [Fire High Consequence Area], including many neighborhoods in the Salt Lake City metropolitan area, Park City, and other regions scattered throughout the state.”² The PSC acknowledged Complainants’ “desire to see the [l]ines buried is understandable” and noted “[m]ost residents prefer utility lines be placed underground.”³

The pertinent law and regulations, however, have not changed since the Prior Docket. In fact, RMP appears to be well underway in performing work to mitigate fire risk in Complainant’s neighborhood through its hardening project.

As in our Prior Order, the PSC must conclude Complainant has failed to allege RMP has violated any law or regulation within the PSC’s purview nor has he alleged RMP violated any prior order of the PSC.

3. Order

² Prior Order at 6.

³ *Id.*

RMP's Motion to Dismiss is granted, and Complainant's Motion for Stay is denied.

DATED at Salt Lake City, Utah, August 14, 2026.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed August 14, 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#346456

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 August 14, 2026, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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