

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of) DOCKET NO. 05-035-61
Tommy D. Masek against Utah Power &)
Light) REPORT AND ORDER

ISSUED: September 29, 2005

By the Commission:

On September 19, 2005, Utah Power and Light (“Utah Power”) filed a letter seeking to have the above-entitled complaint of Tommy D. Masek (“Complainant”) dismissed. This request stated that, in response to the Complaint, Utah Power initiated a detailed inspection of the circuit providing electric service to the Complainant and completed several service reliability improvements, including replacement of a transformer, pole and cross arms, fuse installation, and tree trimming. Utah Power representatives met with Complainant on September 8, 2005. According to Utah Power, at the conclusion of the meeting, Complainant stated he was satisfied with Utah Power’s response and indicated he saw no need for a previously scheduled technical conference or hearing in the matter. Utah Power further states its understanding that Complainant intended to contact the Commission regarding further processing of his Complaint.

Although Complainant has provided no response to Utah Power’s requested dismissal, subsequent to cancellation of the technical conference on September 12, 2005, Commission staff discussed this matter with Complainant on at least two occasions. During these conversations, Complainant indicated that he sees no need for further proceedings in this docket but does not want the matter dismissed because he is not certain Utah Power has solved his service quality problems, and he is fearful that, if dismissed, Utah Power will feel no obligation to work with him to address problems in the future.

On this point, we remind Complainant he remains free at any time to file a new complaint with Utah Power, the Division of Public Utilities, and, ultimately, this Commission, should he experience service quality problems in the future. Dismissal of this Complaint at this time should not be interpreted as a Commission finding one way or the other on the merits of the Complaint, but merely as recognition that neither party sees a need for further proceedings in this docket at this time. Absent a need for such proceedings, it would be unreasonable to keep this docket open on the possibility that problems might arise in the future.

Therefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The Complaint of Tommy D. Masek is dismissed.
2. Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission 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 Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission'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 Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 29th day of September, 2005.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 29th day of September, 2005, as the Report and
Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#45944