

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)	<u>DOCKET NO. 06-035-102</u>
Foothill Development of Cedar Hills vs.)	
Rocky Mountain Power)	<u>REPORT AND ORDER DISMISSING</u>
)	<u>COMPLAINT</u>

ISSUED: January 30, 2007

By The Commission:

On August 7, 2006, Complainant Tom Sawyer filed a formal complaint against Respondent Rocky Mountain Power disputing certain costs quoted by Respondent to restore electric service to the clubhouse at the Bridgestone planned unit development in Cedar Hills, Utah. Complainant is the owner of Foothill Development, the party that developed the Bridgestone property and deeded the clubhouse in question to the Bridgestone Homeowners Association in July 2005 prior to the loss of electric service.

On September 7, 2006, the Division of Public Utilities (“Division”) filed a memorandum detailing its investigation of this matter and recommending that the complaint be dismissed.

On September 20, 2006, Respondent filed a memorandum seeking dismissal of the complaint claiming Complainant is not the customer of record for electric service to the clubhouse, and therefore not a proper complainant, and that Complainant had failed to demonstrate that Respondent had violated any provision of tariff, regulation, or statute.

On October 3, 2006, Complainant filed a response to Respondent’s memorandum of September 20, 2006.

DOCKET NO. 06-035-102

- 2 -

On November 14, 2006, a technical conference was held with the Administrative Law Judge to discuss the background and status of electric service to the clubhouse, potential standing and jurisdictional issues, and other issues of interest to the parties.

On December 12, 2006, Respondent filed a memorandum informing the Commission that the owners of the Bridgestone Homeowners Association had provided the meter base, trenching and conduit necessary to enable Respondent to restore electric service to the clubhouse, and that service had been restored as of December 6, 2006.

On January 26, 2007, Complainant informed Commission staff that he is satisfied with the current resolution of this matter and is amenable to dismissal with the proviso that he may re-file if warranted by future circumstances.

Given the facts before us, it therefore appears reasonable that we dismiss this matter. Wherefore, 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 filed herein is dismissed.
2. Pursuant to Utah Code §§ 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

DOCKET NO. 06-035-102

- 3 -

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 §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 30th day of January, 2007.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 30th day of January, 2007, 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#52248