

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Ursel Riggs against Rocky Mountain Power) DOCKET NO. 12-035-01
) REPORT AND ORDER
)

ISSUED: January 13, 2012

By The Commission:

This matter is before the Commission on Mr. Ursel Riggs' formal complaint against Rocky Mountain Power, a division of PacifiCorp, ("Utility"). Mr. Riggs alleges that due to the Utility's gross negligence a power surge occurred at his home in Lander Wyoming, damaging his desktop computer and monitor. Mr. Riggs seeks reimbursement of the cost to repair this equipment.

From the face of the complaint and accompanying statement, it is clear that Mr. Riggs' complaint addresses service provided and received outside the state of Utah, and thus outside the Commission's jurisdiction. Accordingly, the Commission must dismiss the complaint.

Utah Code Ann. § 54-4-1 establishes the Commission's general jurisdiction "to supervise and regulate every public utility **in this state** and to supervise all of the business of every such public utility **in this state**..." A "public utility" is defined, in part, under Utah Code Ann. § 54-2-1(16)(b), as an "electrical corporation" selling or furnishing electricity "to any member or consumers **within the state** for domestic, commercial, or industrial use." Similarly, Utah Code Ann. § 54-2-1(7) confines the meaning of "electrical corporation" to any entity "in any way furnishing electric power for public service or to its consumers ... **within this state**..."

(Emphasis added in the foregoing quotations.) Since Mr. Riggs' complaint addresses the quality of power furnished to his residence in Lander Wyoming, it is beyond this Commission's jurisdiction.

Decisions of the Utah Supreme Court regarding the boundaries of Commission jurisdiction require the same conclusion and emphasize the Commission's duty to act within the powers granted it by statute. In *Heber Light & Power Co. v. Utah PSC* (2010 UT 27), the Court stated:

"It is well established that the Commission has no inherent regulatory powers other than those expressly granted or clearly implied by statute." *Hi-Country Estates Homeowners Ass'n v. Bagley & Co.*, 901 P.2d 1017, 1021 (Utah 1995) (quoting *Mountain States Tel. & Tel. Co. v. Pub. Serv. Comm'n*, 754 P.2d 928, 930 (Utah 1988)). "When a 'specific power is conferred by statute upon a . . . commission with limited powers, the powers are limited to such as are specifically mentioned.'" *Id.* (quoting *Union Pac. R.R. v. Pub. Serv. Comm'n*, 103 Utah 186, 134 P.2d 469, 474 (Utah 1943)). "Accordingly, to ensure that the administrative powers of the [Commission] are not overextended, any reasonable doubt of the existence of any power must be resolved against the exercise thereof." *Id.* (internal quotation marks omitted).

The Court's statements clearly mandate the conclusion the Commission may not act beyond its jurisdictional boundaries established by statute. This complaint pertains to electric service furnished outside of this state to a residential consumer residing outside of this state. In light of the above-referenced statutes delineating the Commission's jurisdiction, the Commission lacks jurisdiction to consider this complaint.

ORDER

Based on the foregoing findings and conclusions, the complaint is dismissed.

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DATED at Salt Lake City, Utah, this 13th day of January, 2012.

/s/ David R. Clark
Presiding Officer

Approved and confirmed this 13th day of January, 2012, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#213601

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 order 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 Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of January, 2012, a true and correct copy of the foregoing Report and Order was served upon the following as indicated below:

By U.S. Mail:

Mr. Ursel Riggs
127 Wood Street
Lander, WY 82520

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant