

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Allen Sanderson against Rocky Mountain) DOCKET NO. 09-035-02
Power) ORDER OF DISMISSAL
)

ISSUED: November 16, 2009

By The Commission:

This matter is before the Commission on Rocky Mountain Power's (Company) Motion to Dismiss filed on October 28, 2009. In 2008, Mr. Allen Sanderson filed an informal complaint with the Division of Public Utilities (Division). On or about January 20, 2009, he filed a formal complaint with the Commission against the Company. Mr. Sanderson complained of power outages in his neighborhood. He complained that he and 14 other homes are part of a larger group in the neighborhood that lose power when others in the neighborhood do not lose power. He claims that outages are common, and has asked the Company to do various repairs and maintenance to help improve reliability. In 2008, the Company performed various actions to help improve reliability. It had trees trimmed, inspected poles and lines in the rear of Mr. Sanderson's house of which he complained, created a reliability plan, checked circuits for deteriorating or failed equipment, etc. In April 2008, the Company identified 21 corrective maintenance items, of which 20 remain to be completed. The remaining items were scheduled to be completed in the first part of 2009.

On February 19, 2009, the Division submitted a recommendation that the Commission allow the Company time in the first part of 2009 to complete the remaining twenty maintenance items and require the Company to submit a report as to the status of the work. The

Company submitted the status report in April 2009 detailing the work it had completed and status for remaining work items. The Company again submitted a status report together with its most current Motion, detailing the overall steps it has taken to reduce outages. The Company also commented on 2009 outages, stating:

Another review of the outage history for Mr. Sanderson shows three outage incidents have occurred since our last status update. The first and second outages occurred on April 9, 2009 and June 28, 2009, with both resulting from animal related contacts. The third, on September 18, 2009, was caused by a non-preventable downed tree in our primary line. As reported previously, the extended outages to Mr. Sanderson's service are beyond Rocky Mountain Power's control.

Company Motion, p. 2.

The Commission has reviewed the various status reports given by the Company from the inception of the formal complaint. The Company has offered, implemented and carried out reliability work plans and made reasonable attempts to minimize the outages around Mr. Sanderson's residence since February 2008. The outages are not a result of the Company's violation of law, Commission rule or order, Company tariff, etc. In fact, the Company tariff Regulation 4 reads in part: "The Company does not guarantee constant or uninterrupted delivery of Electric Service and shall have no liability to its Customers or any other persons for any interruption, suspension, curtailment or fluctuation in Electric Service... ." The Division, in its Recommendation of February 19, 2009, in fact stated it "did not find any evidence that RMP had violated any provision of statute, rule, or tariff" The Commission additionally does not find that the Company has violated any provision of statute, rule, or tariff and finds the complaint should be dismissed with prejudice.

ORDER

The Motion to Dismiss is granted and the formal complaint of Mr. Sanderson is dismissed with prejudice.

Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the Commission within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 20 days after the filing of the request, 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 Sections 63G-4-401 and 63G-4-403 of the Utah Code and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah this 16th day of November, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 16th day of November, 2009 as the Order of
Dismissal of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#64301