



## Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

C.L. Butch Otter, Governor

Paul Kjellander, Commissioner  
Kristine Raper, Commissioner  
Eric Anderson, Commissioner

February 21, 2018

### Via Certified Mail

Israel Ray, President/Treasurer  
Atlanta Power Company  
11140 Chicken Dinner Road  
Caldwell, Idaho 83607

Re: Case No. ATL-E-18-01

Dear Mr. Ray:

Enclosed please find a Summons and Complaint issued against Atlanta Power Company in Case No. ATL-E-18-01. As directed in the Summons, you are to file a written answer or motion in defense of said Complaint with this Commission within 21 days of the service date of the Summons.

Among other things, Ms. Drake complains that Atlanta Power Company is violating Commission Order No. 31086 and Idaho Code 61-302 by failing to maintain adequate service. The Company should respond to Ms. Drake's Complaint and all claims made therein, and provide any necessary additional information to the Commission.

Sincerely,

Diane M. Hanian  
Commission Secretary

Enclosure(s)

I:\Legal\ELECTRIC\ATL-E-18-01\ATLE1801\_CvrLtr.doc

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

MARY E. DRAKE,	)	
	)	
COMPLAINANT,	)	SUMMONS
	)	
vs.	)	
	)	CASE NO. ATL-E-18-01
ATLANTA POWER COMPANY,	)	
	)	
RESPONDENT.	)	
_____	)	

**THE STATE OF IDAHO SENDS GREETINGS TO THE ABOVE-NAMED RESPONDENT.**


**YOU ARE HEREBY NOTIFIED** that a Complaint has been filed with the Idaho Public Utilities Commission by the above-named Complainant; and

**YOU ARE FURTHER NOTIFIED** that the Commission has opened a concurrent Staff investigation into service reliability, maintenance and operations, and customer relations of Atlanta Power Company;

**YOU ARE HEREBY DIRECTED** to file a written answer or written motion in defense of the Complaint within twenty-one (21) days of the service date of this Summons; and

**YOU ARE HEREBY NOTIFIED** that unless you do so within the time herein specified, the Idaho Public Utilities Commission may take such action against you as is prayed for in the Complaint or as it deems appropriate under Title 61 of the *Idaho Code*.

**WITNESS** my hand and the seal of the Idaho Public Utilities Commission this 21<sup>st</sup> day of February 2018.

  
 \_\_\_\_\_  
 Diane M. Hanian  
 Commission Secretary

(SEAL)

From: [flute.md@gmail.com](mailto:flute.md@gmail.com) [mailto:[flute.md@gmail.com](mailto:flute.md@gmail.com)]

Sent: Tuesday, January 2, 2018 1:47 PM

To: Front <[front@puc.idaho.gov](mailto:front@puc.idaho.gov)>; Beverly Barker <[Beverly.Barker@puc.idaho.gov](mailto:Beverly.Barker@puc.idaho.gov)>

Subject: Consumer Assistance Form: Mary Drake

Name: Mary Drake

Email: [flute.md@gmail.com](mailto:flute.md@gmail.com)

Telephone: 2088642171

Address: 72 E PINE ST

ATLANTA ID, 83716

Name of Utility Company: Atlanta Power Company Contacted Utility: Yes

Complaint: Mary E. Drake

72 E. Pine

Atlanta, Idaho 83716

Idaho Public Utilities Commission

472 W. Washington

Boise, Idaho 83702

Dear Commissioners:

Please consider this a formal complaint against Atlanta Power Company for failing to fulfill their lawful duty of providing and maintaining adequate services of electricity to the town of Atlanta, Idaho, per Idaho Statute 61-301. The Statute reads: "DUTIES OF PUBLIC UTILITIES 61-302. MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable."

I have been a resident of Atlanta, Idaho for 20 years. I have experienced the change of ownership of the Atlanta Power Company. I am also aware of previous complaints about the services provided by the company, and the ensuing Final Order of May 13, 2010. There is plenty of historical evidence that shows there has been a problem with Atlanta Power Company outages for many years.

This complaint, today, is to inform you that Atlanta Power Company is NOT DOING WHAT they agreed to do per the Final Order dated May 13, 2010 (Order # 31086) in which it states: "It is further ordered that Atlanta Power Company continue to monitor the power concerns. If the power concerns are not mitigated, then the staff and company will advise the commission on appropriate course of action." It has been 7 years since this order, and the power outages still occur. Many people have complained to the PUC, yet no action is taken. This complaint poses the question: Why is the Atlanta Power Company not being held accountable to uphold its duties as a utility provider by the PUC? Please, we need help!

Also, after an investigation into Atlanta Power Company by PUC in February, 2005, Order #29706, it states that "It appears Dave Gill's availability has changed. He is available in Atlanta for immediate system repairs most of the time." This is NO LONGER TRUE. Dave Gill no longer lives in Atlanta, Idaho. Hence, this formal complaint, filed here, now is:

1. There continues to be frequent power outages in Atlanta, Idaho.
2. Power outages HARM the safety of Atlanta residents, due to needing access to electronics for emergencies, drinking water (for those with electronic water pumps), and access to healthy food (refrigerators go out and food spoils during outages).
3. There is no one in town who knows how to fix the system when the owner of Atlanta Power Company (Israel Ray) is out of town.
4. Israel Ray does not hire anybody to be available to diagnose problems and fix problems during outages.
5. Although there is a generator up here, in Atlanta, it does not function in cold weather, due to diesel fuel.
6. Israel Ray, as owner of Atlanta Power Company is not fulfilling his lawful duty as a utility company per statute 61-302 which states: DUTIES OF PUBLIC UTILITIES: 61-302. MAINTENANCE OF ADEQUATE SERVICE. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable." Evidence that demonstrates Failure to comply with this statute includes, but not limited to:
  - a. There is no telephone number to call for assistance when the power goes out in Atlanta, Idaho. The number to call is Israel's, and the message inbox is ALWAYS FULL. No other number to call, or way to contact him or anybody who knows how to help during a power outage. This is blatant disregard for us, consumers, customers, residents of Atlanta, who pay our bills to Atlanta Power Company every month for services we EXPECT to receive in exchange!
  - b. Israel Ray leaves town and nobody has any way to contact him. He leaves town and is nowhere to be found during a power outage, nor has he trained anybody to help during his absence. This is simply irresponsible, and a blatant disregard for Statute 61-302.
7. After many, many years of problems with the power in Atlanta, Idaho, there seems to be no resolution. If something gets fixed, it's momentary. Granted, there is a generator up here now, but it doesn't start in the winter, and in the summer, it runs out of gas and we need to wait days before we get diesel gas up here. Therefore, the Time is NOW to fix the problem!! When will this be resolved??

Please, please give attention to this formal complaint. The situation in Atlanta needs ATTENTION now! Israel Ray and The Atlanta Power Company need to be held accountable for their LACK of ACTIONS in adhering to the law for public utilities. For, I, myself am a paying customer, as are many others in this town and we simply WANT TO NOT HAVE TO DEAL WITH THE CONSTANT POWER OUTAGES and TOTAL LACK OF CUSTOMER CONSIDERATION, and the lack of ACCOUNTABILITY demonstrated by Israel Ray and the Atlanta Power Company.

Thank you for your action in this matter.

Sincerely,  
s/ Mary E. Drake

Mary E. Drake

Unique Identifier: 216.182.111.139

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE INVESTIGATION</b>	)	<b>CASE NO. ATL-E-18-01</b>
<b>OF ATLANTA POWER COMPANY</b>	)	
<b>SERVICE AND CUSTOMER RELATIONS</b>	)	<b>NOTICE OF INVESTIGATION</b>
	)	
	)	<b>ORDER NO. 33988</b>

---

In the spring of 2017, Commission Staff received a number of complaints from residents of Atlanta, Idaho, outlining concerns related to electric service being provided by Atlanta Power Company. The customers stated that the Company’s hydroelectric turbine was no longer working and the Company was using a diesel generator to provide electric service. It was reported that the generator was regularly running out of fuel and electric service outages were occurring frequently for significant periods of time. Staff received several complaints throughout 2017 about inadequate service and outages, and the inability of customers to contact anyone from the Company. On January 2, 2018, Atlanta Power customer Mary Drake filed a Formal Complaint against Atlanta Power Company claiming the Company is violating Commission Order No. 31086 and *Idaho Code* § 61-302 by failing to maintain adequate service.

On January 22, 2018, Staff requested that the Commission direct the Company to respond to the Formal Complaint of Mary Drake, and to open a formal investigation into the Company. Staff recommended that the investigation focus on service reliability, maintenance and operation of the Company’s facilities, and customer service. As part of its investigation, Staff will review the Company’s compliance with past orders, inspect generation and distribution facilities, and confer with customers.

The Commission approved Staff’s recommendation that a summons be issued regarding the Formal Complaint of Mary Drake, and also ordered that Staff conduct an investigation under the same docket. The Commission directed Staff to work with the Company and its customers to investigate reliability and customer service issues, identify possible solutions and provide a report detailing Staff’s findings within six months.

Accordingly, we direct Atlanta Power to address the Formal Customer Complaint of Mary Drake, to make itself available to Staff for any audit and/or inspection, and respond to any and all questions posed by Staff. Responses should be by formal written answer in this case.

Once Staff completes its investigation, or at the appropriate time, it shall report its findings and make recommendations to the Commission.


**ORDER**

IT IS HEREBY ORDERED that Commission Staff shall conduct an investigation into the service reliability, maintenance and operations, and customer relations of Atlanta Power Company. Staff shall provide a report and recommendations to the Commission for further action no later than July 31, 2018.

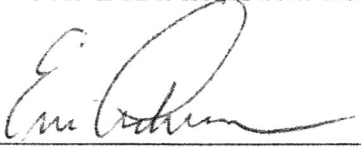
IT IS FURTHER ORDERED that the Company respond to the Formal Complaint of Mary Drake, as directed in the summons issued by the Commission.

IT IS FURTHER ORDERED that Atlanta Power Company respond to any inquiries. Commission Staff is directed to issue production requests, written interrogatories or other forms of discovery as well as pursue its statutory right to examine and audit the records.

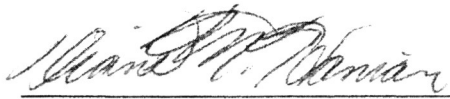
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20<sup>th</sup> day of February 2018.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Diane M. Hanian  
Commission Secretary

F:\Legal\LORDERS\ATLE1801\_bk\_ Investigation Order.doc