

DATE: August 2, 2020

TO: PUC Commissioners

RE: IPC-E-20-29

FROM: Mark Pecchenino, Complainant

RECEIVED

2020 AUG -3 AM 9:07

INDIANHO PUBLIC
UTILITIES COMMISSION

Dear Commissioners,

I have asked your staff to comment on a production request from the Respondent dated July 24, 2020 and whether a response is required. I have verbally been told I am not required to respond but I am waiting for your formal written response to this question.

For the record, I would like to state my rationale for not responding. The Complainant and Mr. Thaden have both asked the Respondent to provide name(s), date and time of the alleged notice. I was told by the Respondent's staff that notice was provided by a contractor and they had proof. To date, no proof, name(s), date or time as been provided by the Respondent. They have refused, despite multiple requests. Therefore, the Complainant does not feel compelled to comply with the Respondent's request or any future requests unless required by the PUC or its rules.

Sincerely,

Mark Pecchenino, Complainant

Idaho Public Utilities Commission

Rule 54
Formal Complaint
Addendum 1

Respondent

Idaho Power

Complainant

Mark Pecchenino
2173 N Ten Mile Road
Kuna, ID 83634

1. Additional Noticing Evidence

The Respondent's staff claimed they had proof the Complainant was noticed by their noticing contractor. The Complainant and Mr. Thaden have both asked the Respondent to provide the name(s), date and time of this alleged noticing contractor. The Complainant's requests went unanswered. However, Mr. Thaden request was answered somewhat vaguely. In an email dated and received by the Complainant on May 6, 2020 Mr. Thaden stated, "Additionally, the Company claims a Company representative knocked on the door to provide notice and left a door hanger, though the door hanger did not provide specific dates. See Exhibit AD1-1.

Then in requesting the noticing information again from Mr. Thaden, the Complainant received a second email dated June 2, 2020 from Mr. Thaden stating, "The vegetation management notifier that planned the work and left the door hanger is also a certified arborist." See Exhibit AD1-2.

Now the Respondent is claiming the notice was done by a Company representative and not a contractor. There was no mention of knocking on the door in the June 2nd email, and now the notifier was an arborist who had planned the work. As stated in the Complaint, it was evidenced that the tree trimming crew had no documentation, instructions or tree trimming plans of any manner from the Respondent or their company Asplundch.

To date, the Respondent as not provided the noticing information requested by the Complainant or Mr. Thaden. Instead, the Respondent has simply changed how the alleged notice was made and no specific name(s), date or time has been provided. Subsequently, it appears the Respondent is seeking this information from the Complainant. On July 25, 2020 the Complainant received a discovery request from the Respondent asking to provide ". . . a copy of any outdoor video surveillance of the Property for Friday, March 27, 2020, and Monday, March 30, 2020. This implies the Respondent doesn't know the actual date of the alleged notice so they are asking the Complainant to provide a date and time for them. I cannot provide a date or time of something that did not occur. Based on the dates requested by the Respondent, the Complainant has provide more specific evidence that notice did not occur as evidenced herein.

On December 28, 2020 the Complainant's wife was taken to the emergency room. She is a disabled person and a paraplegic. During the ER visit it was discovered that she developed a spiral fracture of her left knee and a fractured tibia. See attached Exhibits AD1-3. Due to underlining medical conditions and other circumstances her leg was immobilized and she was referred to a surgical specialist on January 2, 2020. The specialist determined that surgery would likely be undesirable due to her underlining medical conditions. It was decided to try 3 months of immobilization in bed to help control pain, swelling and promote healing. If this didn't work surgery would have to be done. This meant she needed 24 hour care, for the next three (3) months. Three (3) months from January 2, 2020 is April 2, 2020 well after the March dates mentioned herein by the Respondent. Secondly, her 24 hour care was provided by her 17 year old son and the Complainant. The Complainant's son was a high school senior and had

completed all his classes early with the exception of an art class. Given the circumstances he was allowed to complete his art projects at home with a few exceptions where he had to go to school to turn in an assignment and meet with his teacher. All trips to the school were short and all occurred prior to March 16, 2020 as the school formally closed due to Covid-19. Therefore, I can state unequivocally that between March 16, 2020 and May 30, 2020 there were three (3) people on the premises at all times due to family health issues and the Covid-19 lockdown. A knock on the door would have alerted one of us or the dog who is kept inside when not on patrol outside. Our house was on lockdown between these dates and we purchased our supplies online and had them delivered to our front porch.

Exhibit AD1-1

From: Curtis Thaden <Curtis.Thaden@puc.idaho.gov>

Sent: Wednesday, May 6, 2020 10:57:52 AM

To: MARK PECCHENINO <mpecchenino@msn.com>

Subject: RE: Idaho Power Company Tariff

Hi Mark,

I heard back from Idaho Power. Idaho Power has not changed its position from its previous compensation offer.

I presented your request to Idaho Power; 1) Idaho Power to remove all the dead trees caused by the tree topping and pruning; and 2) Equal compensation for replacing the mature trees that are dead. A voucher for a sampling would not be acceptable.

Idaho Power said it is willing to do the following

-Agree to remove the two dead trees that Mark Van Pattern observed and provide a voucher for each tree. The vouchers are redeemable for \$50 at local nurseries when purchasing Class I trees/shrubs.

2-haul away the dead debris that was left on April 27.

Additionally, the Company claims a Company representative knocked on the door to provide notice and left a door hanger, though the door hanger did not provide specific dates.

The Idaho Public Utilities Commission does not have statutory authority to rule on a damage claim, only a court of law can do that. Since you are requesting compensation for damages above what Idaho Power is willing to provide, you may peruse the matter in small claims court.

If you have any further questions, please let me know.

Sincerely,

Curtis Thaden

Exhibit AD1-2

Mark Pecchenino

From: Curtis Thaden [Curtis.Thaden@puc.idaho.gov]
Sent: Tuesday, June 02, 2020 8:40 AM
To: MARK PECCHENINO
Subject: RE: Appeal

Hi Mark,

Thank you for your email.

In you last communication to me you stated that Idaho Power's latest offer was basically the same and that you needed more information before making a decision, and if you declined Idaho Power's offer, what is the next step.

I have been in contact with Idaho Power to gather more information. Idaho Power confirmed that in addition to agreeing to remove three dead trees from your property, the Company will include three vouchers for new trees. In addition, the debris from the last tree trimming will be removed. Within Idaho Power's Vegetation Management Department, there are two full time certified arborists. Idaho Power said that the Idaho Power employee that first met with you is a certified arborist that reports to Mr. Van Patten. **The vegetation management notifier that planned the work and left the door hanger is also a certified arborist.** I do realize that you claim no door hanger was left. Asplundh, is Idaho Power's tree pruning contractor, and **the Company provides certification through their Line Clearing Qualification program.**

Exhibit AD1-3

CT KNEE LEFT WO CONTRAST - Details

Study Result

HISTORY: Closed fracture of proximal end of left tibia, unspecified fracture morphology, initial encounter

COMPARISON: Left knee radiographs today

TECHNIQUE: Helical CT imaging was performed through the left knee at a scan width of 2-mm. Coronal and sagittal reformats were created. DICOM format image data have been securely sent to the Idaho Health Data Exchange (IHDE) and are available to nonaffiliated external healthcare facilities or entities on a secure, media free, reciprocally searchable basis with patient authorization for at least 12-months following the study. For more information visit <http://www.idahohde.org>

FINDINGS:

Osseous: There is a comminuted, mildly impacted fracture of the posteromedial tibial metaphysis, which extends distally into the proximal third of the diaphysis posteriorly. A nondisplaced component of this fracture extends proximally into the mesial aspect of the lateral tibial plateau posteriorly, and into the lateral tibial spine anteriorly (series 6, images 35-50). No displaced fracture of the fibula, femur, or patella.