

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| JOHN NAUMANN, |) | CASE NO. IPC-E-24-34 |
| |) | |
| COMPLAINANT, |) | ORDER NO. 36513 |
| |) | |
| vs. |) | |
| |) | |
| IDAHO POWER COMPANY, |) | |
| |) | |
| RESPONDENT. |) | |
| |) | |

On August 14, 2024, Jim Naumann filed a formal complaint with the Idaho Public Utilities Commission (“Commission”) against Idaho Power Company (“Company”). Mr. Naumann alleged that the Company needlessly required him to replace a power cable running from the street to his meter base, resulting in him incurring approximately \$15,000 in unnecessary costs.

At its August 27, 2024, Decision Meeting, the Commission accepted the Complaint, issued a Summons to the Company, and gave the Company twenty-one days to answer or otherwise respond.

On September 18, 2024, the Company filed an answer (“Answer”) to the Complaint that requested denial of the relief Naumann sought and dismissal of the Complaint, arguing that it sought relief outside the Commission’s jurisdiction, was procedurally deficient, and failed to state a claim. Alternatively, the Company argued that the Complaint should be dismissed because the Company acted in accordance with its tariffs and normal business practices. No other materials were filed.

On January 27, 2025, the Commission dismissed Mr. Naumann’s complaint, concluding that it lacked authority to grant Mr. Naumann the award of civil damages that he sought for injuries the Company allegedly caused. Order No. 36444.

FINAL ORDER NO. 36444

On January 27, 2025, the Commission issued Order No. 36444, which dismissed Mr. Naumann’s complaint. Order No. 36444 provides, in pertinent part:

The Commission is an agency of limited jurisdiction and may only exercise that authority delegated to it by the Legislature. *Washington Water Power v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). The Commission has authority to investigate and modify by order the rates, regulations, and practices of public utilities. *See Idaho Code* §§ 61-501 through 503. However,

Mr. Naumann has not identified a specific statute, regulation, or tariff provision the Company allegedly violated. Instead, Mr. Naumann seeks to recover civil damages the Company allegedly caused.

Contrary to Mr. Naumann's request, the Public Utilities Law, *Idaho Code* § 61-101, *et seq.*, does not authorize the Commission to award civil damages. Rather, persons harmed by the conduct of a public utility have recourse through the courts. More specifically, *Idaho Code* § 61-702 provides that "any corporation or person" injured by the conduct of a public utility may file an "action to recover such loss, damage or injury. . . in any court of competent jurisdiction . . ." Although the Commission is often described as a quasi-judicial agency, it is not a judicial court. Thus, the Commission lacks authority over claims of civil tort liability.

In summary, the Commission does not have authority to award damages caused by the actions of a regulated public utility. That power rests with the courts of this State. Because we lack authority to grant Mr. Naumann the relief he seeks, we find it appropriate to dismiss Mr. Naumann's complaint without expressing an opinion on whether the Company is liable for any civil damages. That issue can properly be addressed by a judicial court.

Order No. 36444 at 4.

PETITION FOR RECONSIDERATION

On February 10, 2025, the Commission received a letter from Mr. Naumann, dated February 4, 2025, ("Letter") asking the Commission to "review [its] decision." Mr. Naumann asserted that the Company's workers falsely reported that the cable running to his existing meter box was encased in concrete. According to Mr. Naumann, pictures he submitted show that the cable ran through a conduit in the concrete. Additionally, Mr. Naumann asserts that no splice was necessary because his meter was being relocated almost a yard closer to the distribution box near his residence. According to Mr. Naumann, "it would be sad if litigation is required" to address "obvious" falsifications by Company employees. Due to these alleged falsifications, Mr. Naumann asked the Commission to review its decision to dismiss his complaint.

COMMISSION DISCUSSION AND FINDINGS

Under *Idaho Code* § 61-626, the Commission may abrogate or change one of its orders that it determines after reconsideration is unjust, unwarranted, or should be changed. This permits the Commission to correct any errors in the original order before appellate review. *See Washington Water Power Co. v. Kootenai Env't All.*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). Although the Letter is not expressly styled as a petition seeking reconsideration under *Idaho Code* § 61-626, we find it reasonable to deem the Letter to be a petition for reconsideration and analyze it according

to the standards applicable to such petitions as the Letter seeks reversal of the Commission's decision to dismiss his complaint.

The Commission finds that the Letter does not meet the substantive requirements for a petition for reconsideration. Rule 331 provides:

Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is *unreasonable, unlawful, erroneous or not in conformity with the law*, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.

IDAPA 31.01.01.331.01 (emphasis added). Further, "the petition . . . must state whether the petitioner . . . requests reconsideration by evidentiary hearing, written briefs, comments, or interrogatories." IDAPA 31.01.01.331.03.

In this case Mr. Naumann has not addressed the Commission's basis for dismissing his complaint. Mr. Naumann argues that the Company's decision to require him to lay new cable from the distribution box near his residence to his electric meter box was based upon inaccurate information from Company employees. However, the Commission dismissed Mr. Naumann's complaint because he was seeking relief in the form of civil damages that the Commission could not provide—not because it believed the Company properly required him to lay new cable to his meter box.

Accordingly, Mr. Naumann has failed to identify specific grounds for why Order No. 36444 was unreasonable, unlawful, erroneous, or not in conformity with the law. Pursuant to Rule 332, "[g]rounds for reconsideration or issues on reconsideration that are not supported by specific explanation may be dismissed." IDAPA 31.01.01.332. Based upon the petition's lack of specific grounds for reconsideration and supporting argument, the Petition for Reconsideration is denied.

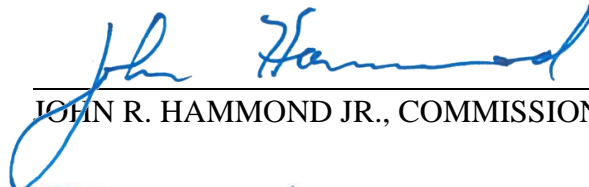
ORDER

IT IS HEREBY ORDERED that Mr. Naumann's Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order, or other final or interlocutory Orders previously issued in this case, may appeal to the Supreme Court of Idaho within forty-two (42) days pursuant to the Public Utilities Law and the Idaho Appellate Rules. *Idaho Code* § 61-627; I.A.R. 14.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th day of March 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barros-Sanchez
Commission Secretary

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