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**In the Idaho Public Utilities Commission**

Sherry Cole	)	Case No. PAC-E-23-12
Petitioner, Appellant	)	Brief and
Vs.	)	Motion to Amend Complaint
Pacific Corp, dba Rocky Mountain Power	)	
Respondents	)	

Brief

There was no reason why This was not resolved, I had my case proven before submitting for billing irregularities Idaho rule 61-301 and 14th Amendment violation of Rocky Mountain power, and the decisions in a tribunal that only favored Rocky Mountain power which results in regulatory taking is violation of both Idaho and Federal, but I will let the AG and Lawmakers deal with a rogue agency(*Idaho code section 67-8002*) (*US code 42 U.S. Code § 1983*) which brings in *both* the 5th and 9th Amendments along with *42 U.S. Code § 1985.Wh*

I also Object to any more hearings with the agency itself after the unfair treatment of a private citizen with a valid claim ,your record is wrong and after dealing with this agency I cannot trust

them to do things unbiased and neutral or legally within the Constitutional protections of private citizens.

They had this opportunity before their final decision and chose not to do a hearing, Rocky Mountain Powers Lawyer and the Company had the opportunity before the informal to settle this and chose to walk away from those negotiation when actual Idaho Law proved them wrong in their claim that 6 months was all the company could go back.

I am opposed to submitting to further jurisdiction with what the agency did to me whether it be on purpose or inadvertently , that has supported continuance of violations of my Constitutional protections by Rocky Mountain Power and doing a separate agency order to add themselves as defendants

That the court accepted and ordered without my knowledge, begs to question as to why the agency did this behind my back and without any service to me would be a violation of legal law, it was done under a separate case number so I would not see it. then the order added into this one. Mr. Duval was aware I was not suing the agency which is almost as inconceivable that they would try to add themselves as defendants against the Appellants wishes when only dealing with the facts against Rocky Mountain Power, and claim it was the Supreme Courts doing, rules I haven't been able to locate that rule in IRCP or law, when it was an agency order that added them 2 months after the appeal was started against Rocky Mountain Power only, and has caused delays in the legal process . I am astonished the court allowed this without any notice to the appellant.

You can submit unsettled agency record marked as such immediately To the Supreme Court, but agency record is not factual other than the decisions in the orders is what the Commission did,

not the actual facts ,but they are full of lies and or omissions trying to protect Rocky Mountain Power, agency record are not factually supported by the evidence and still have no bearing on the Constitutional issues appealed to the Supreme Court against Rocky Mountain Power.

. In the most expedient manner without duplicates , keep the comments, strike the exhibit of sworn affidavit exhibits only leaving the Sworn affidavit in the agency record. Rocky Mountain Power did overcharge me and the meters were crossed is fact so they have illegal possession of my Property and did it without due process of the law.. Plaintiffs Exhibits (1)(2)(3) already on file have been there since the informal.

Plaintiff wasn't aware that needed legal writing for what she was told was investigation into complaint and billing mediation. Tried to get an attorney and failed when realized the legal ramifications by Rocky Mountain Powers response to the commission, and can definitely see why they don't want to deal with both a utility and the commission which leaves a regular citizen defenseless to the abuses of power of the utility combined with the state agencies tribunal that does not allow for Constitutional protections, only lawyers that will be the ones representing the Utilities which is not legal justice.

To protect myself from what agency has shown capable of doing:

At no time will there be a dismissal with prejudice from The Commission to prevent me from continuing my suspended appeal already started. if you chose to do this I will be there. but will be doing further investigation into this legality of this according to the Constitution and Idaho law, not the agencies rules and regulations as they have no bearing in the appeal on Constitutional issues against Rocky Mountain Power and can be challenged under " Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year"42 U.S. Code § 1985 - Conspiracy to interfere with civil rights"

Though I do not wish to go this route if you obligate me to I will. This is only delaying my appeal that I started against Rocky Mountain Power as only defendant. I will need more time for preparations because what this is doing is going to be more than just the exhibits and the judge asking them a few questions because the evidence is in writing and predates their false claims, if the state admin agency chooses to continue as defendants.

Rocky Mountain Power and IPUC were well aware plaintiff was willing to fight all the way Scotus for justice, if need be Pro Se against Rocky Mountain Power theft by overcharges to appellant, if it hadn't been for the public comment about procedural, legal and Constitutional issues they would have done the same as always dismiss with prejudice in the pattern easily shown by closed cases, that blocked private citizen from getting into the court system with a valid complaint against a utility the Commission oversees.

With what was done in my case by the agency. it appears to this private citizen the commission should not be a state agency with regulatory powers as they allow violations of law and Constitution in the face of the facts, but labeled a major lobby group instead and loose all powers granted by the state and its inhabitants if they cannot do the job they were set up to do neutrally and unbiased as mandated by Idaho law, that is the definition of corruption. Since when can admin agency ignore law and rules be seen as not prejudicial such as ignoring *I.R.E 103 rule 401*,

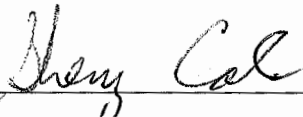
Apologies if this isn't written perfectly as still learning but fighting for my Constitutional Judicial Protections and now apparently civil rights too...

### Amendments to complaint

The petitioner Sherry Cole is seeking to amend the complaint to include recovery of legal fees in addition to the total amount of over charges by Rocky Mountain Power plus interest. It will depend on how many courts it takes for this simple case to get settled to get the total.

That the proper one not found in IDAPA be entered into the complaint Idaho rule 61-301 and based on information from when it was originally filed, be corrected to the amount that was given to both The Commission Secretary Jan and the attorney for Rocky Mountain Power Joseph Dallas based on estimate from the 6 months credit they did provide then reversed, as they are capable of getting the exact amount but didn't want to so it was fair and accurate for both parties estimate of 10,870.00 based on the new evidence that was passed along to amend the complaint but was not added

That the information obtained from research of a State of Idaho Law Maker Heather Scott on Idaho Law, be added that was entered wrongly in the order backgrounds as it was not commission staff but an elected law maker. It was given to the Commission secretary but never entered except for falsely, and the Utilities lawyer, that that 6 months only applies to being undercharged, there is no time restriction when the customer was over charged. As I the petitioner was.

  
Sherry Cole Pro Se

1-4-2024  
January 4th, 2024

CERTIFICATE OF SERVICE

I certify that on the 4th day of January, 2023, I served true and accurate copies of the foregoing document on the following persons, either by deposit in the U.S. Mail, addressed as follows and with the correct first-class postage affixed thereto, or by deposit in the designated courthouse mailbox, or by hand-delivery, as indicated below:

Name: Michael Duval

Served by:

- Hand-delivery
- Deposit in the designated courthouse mailbox
- By deposit in the U.S. Mail addressed as follows:
- Electronic submission via Icourt portal file and serve
- Email

Name: Joseph Dallas

Served by:

- Hand-delivery
- Deposit in the designated courthouse mailbox
- By deposit in the U.S. Mail addressed as follows:
- Electronic submission via Icourt portal file and serve
- Email

Name: *Raul Labrador*

Served by:

- Hand-delivery
- Deposit in the designated courthouse mailbox
- By deposit in the U.S. Mail addressed as follows:
- Electronic submission via lcourt portal file and serve
- email

Name *I.P.U.C. Intern Secretary Marisa Barrios-*

*Emailed Copy*

*Sherry Cole* 1-4-2024

Sherry Cole Pro Se Appellant