

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF TYLER HILLMAN’S)	CASE NO. PAC-E-25-09
FORMAL COMPLAINT AGAINST)	
PACIFICORP dba ROCKY MOUNTAIN)	
POWER)	ORDER NO. 36672
)	

On May 5, 2025, Tyler Hillman filed a formal complaint with the Idaho Public Utilities Commission (“Commission”) against PacifiCorp dba Rocky Mountain Power Company (“Company”). Mr. Hillman alleged that he contacted the Company to connect a home he owns near Dubois, Idaho, to the Company’s power system. After contracting with the Company to connect to a line near his residence, Mr. Hillman alleges that he installed a transformer box and conduit at the residence at a cost of \$11,040. Subsequently, Mr. Hillman learned that a third-party owned the line near his residence and would not allow him to connect to it. Mr. Hillman claims the Company has maintained the line since 1998, even though it is owned by a third party. The Company reimbursed Mr. Hillman the costs he incurred to prepare to connect to the line near his home after he signed a release of all claims.

Mr. Hillman claims he was later informed that the Company had formed an agreement with the line’s owner to allow Mr. Hillman to connect to it. However, when he contacted the Company, its representatives denied knowledge of any such agreement. Mr. Hillman states that connecting to the nearest above-ground pole the Company owns would cost him about \$150,000. According to Mr. Hillman, the Company has violated Electronic Service Regulation (“ESR”) No. 12 – Line Extensions. He asks the Commission to investigate the alleged violation and require the Company to provide him electric service as originally agreed.

DISCUSSION AND FINDINGS

The Commission has authority to adjudicate complaints alleging acts or omissions by public utilities that violate the law or a Commission order or rule. *Idaho Code* §§ 61-612, -618. However, to ensure that the Commission does not adjudicate claims outside its jurisdiction, complaints must not only state the facts forming the basis of an alleged violation, but also “the specific provision of the statute, rule, order, notice, tariff, or other controlling law” allegedly violated. IDAPA 31.01.01.054. An imprecise, passing reference to a lengthy legal provision is insufficient to satisfy this latter requirement. A single statute or tariff provision can impose

multiple legal obligations. The Commission should not attempt to cure deficient pleadings by searching lengthy legal provisions and piecing together the facts alleged in an effort to determine how a complainant believes a utility's acts or omissions may constitute a violation. Moreover, because the Commission's procedural rules do not allow unpleaded issues to be tried by consent, it is critical that a complainant explicitly assert and elucidate how a utility allegedly violated a specific legal provision. *See Edwards v. Idaho Pub. Utilities Comm'n*, 568 P.3d 107, 111 (Idaho 2025).

While Mr. Hillman's complaint includes many factual allegations, it contains only a conclusory assertion that the Company violated ESR No. 12. That tariff provision is fifteen pages long and contains multiple sections. However, the complaint does not identify which specific part of ESR No. 12 that the Company allegedly violated. Nor does the complaint explain how the Company's alleged conduct violated ESR No. 12. Consequently, Mr. Hillman's complaint does not meet the pleading requirements of *Idaho Code* § 61-612 and IDAPA 31.01.01.054. Consequently, Mr. Hillman's complaint must be dismissed. However, at this point, it does not appear that the deficiencies in Mr. Hillman's complaint cannot be fixed. Accordingly, we find it reasonable to provide Mr. Hillman thirty days from the service date of this Order to file an amended complaint that satisfies the requirements of *Idaho Code* § 61-612 and IDAPA 31.01.01.054. We will evaluate any amended complaint Mr. Hillman files and determine whether it satisfies pleading requirements. If it does, we may issue a Summons to the Company directing it to answer or otherwise respond to the amended complaint within 21 days or take other appropriate action. Otherwise, we may enter a final order dismissing Mr. Hillman's complaint without prejudice.

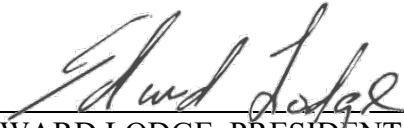
ORDER

IT IS HEREBY ORDERED that Mr. Hillman's complaint is conditionally dismissed.

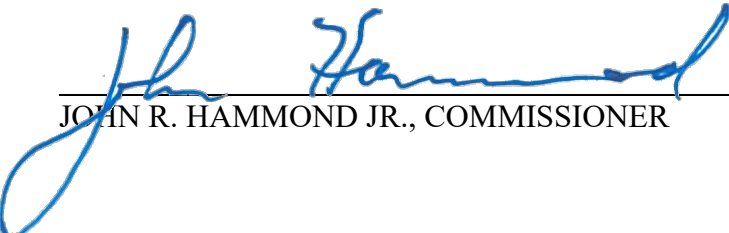
IT IS FURTHER ORDERED that Mr. Hillman has leave to file an amended complaint within thirty days of the service date of this Order.

THIS IS AN INTERLOCUTORY ORDER, not a final and appealable order of the Commission. The period to seek reconsideration will not begin until a final order issues.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th day of July 2025.



EDWARD LODGE, PRESIDENT

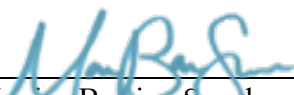


JOHN R. HAMMOND JR., COMMISSIONER

Recused

DAYN HARDIE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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