

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF JOSEPH HUBER’S	)	CASE NO. PAC-E-26-10
FORMAL COMPLAINT AGAINST ROCKY	)	
MOUNTAIN POWER, A DIVISION OF	)	ORDER NO. 37182
PACIFICORP	)	
	)	

On June 16, 2026, Joseph Huber filed a formal complaint (“Complaint”) with the Idaho Public Utilities Commission (“Commission”) against PacifiCorp, doing business as Rocky Mountain Power, (“Company”) alleging that the Company failed to comply with the National Electrical Safety Code (“NESC”) and the ordinances of the City of Downey, Idaho (“Ordinances”) regarding a private power pole located on his neighbor’s property (“Power Pole”). Complaint at 1.

On July 7, 2026, the Company filed an answer to the Complaint (“Answer”) and a motion to dismiss the Complaint (“Motion”), requesting the Commission dismiss the Complaint for its failure to specify any legal authority that imposes a duty on the Company to complete the actions Mr. Huber argued it was required to perform. Answer and Motion at 3.

On August 3, 2026, the Commission issued Order No. 37116, providing Mr. Huber an opportunity to respond to the Answer and Motion within 14 days. Order No. 37116 at 2. Mr. Huber did not file a response to the Answer and Motion.

Based on our review of the record, we issue this Final Order dismissing the Complaint for failure to satisfy the relevant pleading requirements.

COMPLAINT

I. Factual Allegations

Mr. Huber alleged that on June 11, 2026, he submitted an urgent request to the Company concerning the Power Pole. Complaint at 1. Mr. Huber claimed the Power Pole was leaning significantly into his fence and posed an imminent threat to property and safety. *Id.* Mr. Huber stated that despite the threat, the Company did not “perform any emergency drop line release or mitigation,” and left the threat unaddressed. *Id.* Mr. Huber represented that the Company’s inspection and work on the Power Pole was unsatisfactory. *Id.* Specifically, Mr. Huber had issue with the fact that the Company only sent two “low-level technicians” who did not have the qualifications nor authorizations necessary to evaluate the structural and electrical integrity of the

Power Pole. *Id.* Mr. Huber alleged that the work one technician did increased the stress on Mr. Huber's fence that the Power Pole has been causing. *Id.*

II. Alleged Violations of Law

Mr. Huber claimed that the Company did not conduct an evaluation of the Power Pole in accordance with the NESC and that the Company's failure to respond to an emergency request and improper evaluation of the Power Pole violated 4-1-5b and 8-2-1 of the Ordinances. *Id.*

III. Relief Requested

Mr. Huber asked the Commission to investigate the Company's lack of response, to direct the Company to complete a structural and electrical evaluation of the Power Pole in line with NESC standards, to require the Company to conduct emergency mitigation, and to require the Company to document its report and work it does on the Power Pole. *Id.* at 2. Mr. Huber also asked the Commission to provide a timeline of its investigation into the Company. *Id.*

ANSWER AND MOTION

The Company answered the Complaint and requested the Commission dismiss the Complaint with prejudice for failure to state a claim. Answer and Motion at 6. The Company argued that Mr. Huber did not allege that it violated a relevant statute, regulation, order, or one of the Company's tariffs. *Id.* at 1. The Company stated that the Power Pole is owned by a third-party and thus the Company has no legal authority to maintain it. *Id.* at 1–3.

The Company represented that despite its position that it does not own the Power Pole, because Mr. Huber's complaints consisted of safety concerns, the Company inspected the Power Pole on three separate occasions. *Id.* at 3–4. The Company represented that during the inspections, it "evaluated the condition of the utility-owned electrical facilities, including conductor clearances, line tensions, and any conditions that could affect the safe operation of the electrical system," and whether the Power Pole itself was a safety concern. *Id.* at 4. The Company determined that the Power Pole "was not leaning against the fence, did not otherwise pose a safety hazard, and that the associated electrical facilities maintained appropriate clearances and were operating safely." *Id.* Based on those results, the Company represented that it did not find a safety concern that warranted disconnection or other corrective action by the Company. *Id.* The Company explained that its journeymen linemen inspected the Power Pole and that it believed a state electrical inspector had been to the property. *Id.* The Company also supplied a photograph of the Power Pole taken on August 4, 2025, which demonstrated that the Power Pole was not leaning against the fence. *Id.*

The Company argued that the Complaint made general references to the NESC and did not support further adjudication on the matter. *Id.* at 5. The Company stated that the Complaint failed to explain why a formal complaint with the Commission was the appropriate forum for the dispute. *Id.* The Company represented that it believed that the issue with the Power Pole was a neighbor dispute rather than the Company failing to follow safety protocols. *Id.* The Company claimed that the Complaint failed to explain and support why the alleged action and inaction by the Company violated the Ordinances. *Id.* The Company also argued that the interpretation and application of the Ordinances was outside of the Commission’s adjudicatory authority. *Id.* The Company claimed the Complaint failed to put forth a valid legal basis for relief and that the allegations contained within it should not be adjudicated by the Commission. *Id.* at 6.

COMMISSION FINDINGS AND DECISION

The Commission has authority to adjudicate complaints alleging acts or omissions by public utilities that violate the law or Commission order or rule. *Idaho Code* §§ 61-612 and -618. The Commission’s enforcement authority under *Idaho Code* §§ 61-701 through 61-706 is limited to violations of the Idaho Constitution, Idaho statutes governing public utilities, or Commission orders, rules, or requirements. If the Commission determines that “repairs or improvements to or changes in the existing...**equipment, apparatus, facilities or other physical property of any public utility**” should be done, the Commission may order the relevant public utility to do so. *Idaho Code* § 61-508 (emphasis added). Regarding the NESC, the Safety and Accident Reporting Rules for Utilities Regulated by the Commission require all Commission regulated electric and telephone companies to abide by the NESC. Order No. 35474 Appendix A Rule 101.

A formal complaint filed with the Commission must satisfy the requirements set forth in *Idaho Code* § 61-612 and Idaho Public Utilities Commission Rule of Procedure 54 (“Rule 54”). Under *Idaho Code* § 61-612, a formal complaint must articulate the act or omission by the Company that is alleged to violate a statute, Commission order, or rule. Additionally, the complaint must “[f]ully state the facts constituting the acts or omissions of the utility and the dates when the acts or omissions occurred.” IDAPA 31.01.01.054.02. Further, a formal complaint must “[r]efer to the specific provision of statute, rule, order, notice, tariff or other controlling law that the utility or person has violated.” IDAPA 31.01.01.054.03. Finally, the complaint also needs to “[s]tate what action or outcome should be taken to resolve the complaint.” IDAPA 31.01.01.054.04.

Based on our review of the record, the Commission finds that Mr. Huber has failed to provide sufficient evidence to support the issues raised in the Complaint and thus the Complaint fails to satisfy the pleading requirements of *Idaho Code* § 61-612 and Rule 54 and must be dismissed. Mr. Huber himself claims that the Power Pole is a “private pole.” Complaint at 1. The Answer and Motion further asserts that the Company does not own the Power Pole and thus does not have the legal authority to maintain the Power Pole. Answer and Motion at 3. Mr. Huber did not respond to the Answer and Motion and did not provide the Commission with additional facts or evidence that contradict the Company’s claim that the Power Pole is privately owned. Accordingly, because it appears that the Power Pole is not a facility, apparatus, or physical property owned by the Company, the Commission finds that Mr. Huber has not established that a violation of statute, rule, order, notice, tariff, or other controlling law has occurred.

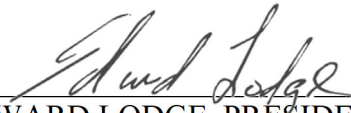
We find that because there is no evidence that shows that the Company owns or controls the Power Pole, the Complaint does not meet the pleading requirements of *Idaho Code* § 61-612 and Rule 54 and thus the Complaint is dismissed.

ORDER

IT IS HEREBY ORDERED that Mr. Huber’s Complaint is dismissed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within 21 days of the service date of this Order regarding any matter decided in this Order. Within seven days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th day of September 2026.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary
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