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IDAHO PUBLIC UTILITIES COMMISSION

Sherry Cole Pro Se

350 S. 12<sup>th</sup> W. #14

Saint Anthony Idaho 83445

208-624-4020

In the Idaho Supreme Court of the State of Idaho in and for the Public Utilities Commission

Complaint )

Sherry Cole ) Case NO PAC-E-23.12

Appellant ) Notice of Appeal

Vs. ) **Supreme Court No. 51148-2023**

Pacific Corp d.b.a. Rocky Mountain Power )

Respondent )

1.

To the above Named Respondent Pacific Corp d.b.a. Rocky Mountain Power and the respondents attorney Joseph Dallas email copy as per his previous request. and the Clerk of the above entitled Idaho Public Utilities Commission.

Filed: 09/18/2023  
Idaho Supreme Court  
Melanie Gagnepain, Clerk  
By: Kimber Grove, Deputy

Notice is hereby given that:

2.

They above named Appellant appeals against the above named Respondent's to the Idaho Supreme Court from the final judgement /decision entered in the above entitled action of dismissal of motion to reconsider on the 22<sup>nd</sup> of August 2023. Public Utilities President Eric Anderson, John R. Hammond Jr Commissioner and Edward Lodge, Commissioner.

3.

That the petitioner has a rights to appeal to the Idaho Supreme Court, and the judgment in paragraph 1 above are appealable orders under and pursuant to rule 61-627 and I.A. R 14

The Petitioner Sherry Cole is puts forth this motion to reconsider inculpatory evidence ignored by the investigator and the commission of admission by the respondent on their own letter head dated January 25, 2023 report of their own investigation stating that meters were crossed which preceded subsequent claims by respondent's and their attorney to Idaho Public Utilities

Commission s that the meters were never crossed in subsequent Feb and March claims to the Commission. Which brings in Constitutional 9<sup>th</sup> and 14<sup>th</sup> amendment issues, That was brought up before original decision in a public comment, Violation of rules of evidence in tribunal action's that belongs to a court of law, the plaintiff was unaware she was in as Public Utilities Commission from their site say they investigate claims and mediate billing issues.

4.

There has been no order sealing all or any portion of the record.

5.

Appellant is requesting all transcript's and records that the Commission has regarding PAC-E-23-12 to be transmitted both in hard copy and electronic.

6.

Motion for reconsideration.

7

Unredacted Letter to Appellant from Rocky Mountain Power, 2 bills from Rocky Mountain Power and any other case related documents and orders.

*Respectfully Submitted*

*Shrey Col*

*Sept. 6, 2023*

TABLE OF AUTHORITIES IS CONDENSED IN THIS CASE AT BAR TO: /.

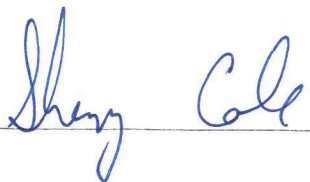
- 1: Public Utilities and Idaho Appellate rules, Idaho Code § 61-627 I.A.R.14
2. Letter received by Petitioner, Sherry Cole, dated JANUARY 25TH, 2023.this letter admits wrongful deprivation of Petitioners property (monetary) in overcharge by Rocky Mountain Power due to crossed meters. Note that letter is on Rocky Mountain Powers own letterhead.
3. Two bills from Rocky Mountain Power, which ambiguously shows refund adjustment was given, and subsequently the next month was removed. All after initially admitting meters were crossed, and recharging the credit Petitioners account see (2).

Petitioner finds that is it inconceivable that Rocky Mountain Power can admit an over charge occurred due to crossed meters, gave relief, and subsequently withdraws the credit. To be credible action based on the facts of the matter. Respondent stating to the commission that they Never were crossed, and the Commission accepting it while ignoring inculpatory evidence already submitted in the Investigations. Which with Constitutional issues rose should not have been done as a tribunal as it lacks the Jurisdiction for that, it should have been sent to the appropriate court.

Petitioner is only seeking just compensation, that being the case, Sherry Cole will need proof that Rocky Mountain Power did not ré-cross the meters after first investigating the matter January 13. 2023see(2). The date must be verified as to when overcharge began as they do have records.

Respectfully Submitted

Sherry Cole

 DATE Sept. 5<sup>th</sup> 2023

CERTIFICATE OF SERVICE

On Sept 6<sup>th</sup>, 2023 I Sherry Cole sent by certified mail, return receipt requested to:

1. Rocky Mountain Power 1407 W. N. Temple, SLC ut 84116

Hand Delivered/FILED with on Sept 6<sup>th</sup>, 2023

1. Idaho Public Utilities Commission Sept 5<sup>th</sup> 2023

2. Idaho Supreme Court Sept 5<sup>th</sup>



P.O. Box 25308  
Salt Lake City, Utah 84125-0308  
1-888-221-7070  
fax 1-877-809-3193  
rockymountainpower.net

January 25, 2023

SHERRY COLE  
FRANCISCO L SANTIBANEZ  
350 S 12TH W TRLR 14  
SAINT ANTHONY ID 83445-1752

Account # 75048095 001 3



Dear Sherry Cole and Francisco L Santibanez:

Recent investigation shows that you were billed incorrectly for electric service at 350 S 12th W Trailer 14, Saint Anthony, Idaho. You were billed for a meter that serves a neighboring location and not the meter that provides service to you. This is most often the result of incorrect meter labeling or wiring by the property's builder, electrician, or owner. We have taken action to fix the problem so you are billed correctly in the future.

Your bill from May 25, 2022 to December 28, 2022 has been corrected to reflect your actual usage and a credit of \$1,262.52 will be subtracted from your next bill.

We are committed to providing excellent customer service and making sure you receive accurate and timely bills. If you would like more information or have any questions, please call us anytime toll-free at 1-888-221-7070. Any of our customer service representatives will be happy to assist you.

Our secure, convenient, and easy-to-use website empowers you to manage your electric account and stay informed by signing up for email alerts, text alerts, or both. Once you have established your online profile, you can choose to go paperless and receive monthly email notifications when your bill is ready, set up automatic payments, enroll in Equal Pay, plus much more. Downloading our free mobile app for Apple and Android devices is another option for quickly accessing your electric account. The app provides many self-service channels, including the ability to report and track outages, make payments, and look up your account history. Get started at [www.rockymountainpower.net](http://www.rockymountainpower.net).

It's a pleasure to serve you.

Sincerely,

Rocky Mountain Power

*Para más información, llame al 1-888-225-2611 para hablar con un representante en español.*

our true strength is  
our connection to you

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>SHERRY COLE,</b>	)	<b>CASE NO. PAC-E-23-12</b>
	)	
<b>PETITIONER,</b>	)	<b>ORDER NO. 35903</b>
	)	
<b>vs.</b>	)	
	)	
<b>PACIFICORP, d/b/a ROCKY MOUNTAIN</b>	)	
<b>POWER COMPANY,</b>	)	
	)	
<b>RESPONDENT.</b>	)	
	)	

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On March 16, 2023, Sherry Cole (“Petitioner”) filed a formal complaint (“Complaint”) with the Idaho Public Utilities Commission (“Commission”) alleging that Rocky Mountain Power, a division of PacifiCorp (“Company”), overcharged her while her meter was cross-connected with her neighbor’s meter. The Petitioner stated she was inappropriately charged for her neighbor’s higher power consumption. While acknowledging some remedial actions and compensation by the Company, the Petitioner believed further compensation was necessary to be made whole.

On July 24, 2023, the Commission issued a Final Order in this case dismissing the Petitioner’s complaint and referencing the Commission’s Utility Customer Relations Rules as found under IDAPA 31.21.01. Order No. 35856.

On July 25, 2023, Petitioner filed a public comment explaining her frustration with the Commission’s decision in the Final Order and expressing an intent to sue the Company. On July 28, 2023, the Petitioner filed a document intended to be a Petition for Reconsideration (“Petition”). The Company did not respond to the Petition.

On August 14, 2023, Commission Staff (“Staff”) filed an affidavit regarding Staff’s analysis of the Petitioner’s bills spanning the timeframe the Petitioner believed that the meters were cross-connected.

The Commission now issues this Order dismissing the Petitioner’s Petition, as discussed in detail below.

## **BACKGROUND**

### **1. The Complaint**

The Petitioner stated that she has been arguing with the Company for approximately five years; which she stated started when the Company moved her meter bank (which included neighboring meters). At some point not clearly specified in the record, the Company inspected the Petitioner's meter and informed her that it was cross-connected with her neighbor's meter. The Petitioner stated that, as part of the inspection, the Company tried to turn off her power, but the neighbor's power was turned off instead. The Petitioner stated that the Company then told her that a workman would be out to fix the issue. The Petitioner explained that no one came out until she called the Company in January 2023. After the January 2023 call, the Company then sent someone out who fixed the allegedly cross-connected meters. The Petitioner stated that she was then provided a written report dated January 25, 2023. The Petitioner also stated that a \$1,620.08 credit subsequently was applied to her bill for January. Regarding her issue with the Company, the Petitioner stated that "[w]e were good at this point." Complaint at 1.

However, the Petitioner explained that when she received her bill for February, she saw that the \$1,620.08 credit had been reversed. The Petitioner stated that the Company told her that the Petitioner's meter had actually never been cross-connected with her neighbor's meter. The Petitioner stated that her neighbor also called the Company because the neighbor's bill was also different than expected. The Petitioner stated that the Company ignored her after the meters in question were allegedly fixed. The Petitioner stated that the Company offered her a \$450 credit as a sign of good will. However, the Petitioner explained that the \$1,620.08 credit (which she stated was a credit for six months of usage) should have remained. The Petitioner requested that the Commission order the Company to reinstate the \$1,620.08 credit.

### **2. The Company's Answer**

On June 8, 2023, the Company filed an Answer and Motion to Dismiss ("Answer"). The Company stated that the Company's own technician did not initially utilize the proper process to accurately read the Petitioner's meter, which led to an erroneous belief that the meter had been cross-connected. The Company stated that subsequent testing revealed that the Petitioner's meter was working properly and never cross-connected with her neighbor's meter. The Company stated it had offered the Petitioner a \$450 credit for any inconvenience. However, the Company stated that the Petitioner has not identified any legal authority that would require the Company to provide



the Petitioner with any compensation. The Company thus requested that this case be dismissed with prejudice.

### **3. Petitioner’s First Comment**

On June 12, 2023, the Petitioner filed a public comment expressing that she “need[ed] to talk to the judge [*sic*] about some issues with the procedures with this case. . . .” Petitioner’s First Comment at 1. The Petitioner expressed displeasure regarding the veracity and presentation of the evidence in this case and stated that she was seeking an attorney.

### **THE FINAL ORDER**

On July 24, 2023, the Commission issued Final Order No. 35856. After reviewing the record, the Final Order dismissed the Petitioner’s complaint and noted that the Company had provided the Petitioner with a \$450 credit despite the lack of any clear legal obligation to do so. Order No. 35856 at 3. The Commission also referenced Commission’s Utility Customer Relations Rules as found in IDAPA 31.21.01.

### **PETITIONER’S SECOND COMMENT**

On July 25, 2023, Petitioner filed a public comment expressing her frustration and claiming that the evidence that she submitted was not properly examined. She alleged that the Company committed theft. The Petitioner also stated that she would “be appealing this decision and suing them now.” Petitioner’s Second Comment at 1.

### **PETITION FOR RECONSIDERATION**

The Petitioner noted that she was not an attorney and requested leniency from the Commission when reviewing the legal aspects of her filing. The Petitioner cited “Rules 005, 200, 204, 313” without elaboration. Petition at 1. Petitioner referenced an unspecified three-year exception that she stated should apply because she contacted the Company as soon as she had proof after the moving of certain meter banks.<sup>1</sup> The Petitioner stated that Staff originally suggested a higher amount in controversy relevant to her compensation. Petitioner reviewed the narrative of her Complaint and discussed certain exhibits from the Company’s Answer—disputing various aspects of these based upon her assertion that her meter was cross-connected with her neighbor’s meter. She also expressed displeasure regarding her interactions with Staff. The Petitioner requested that the Commission order a reimbursement of “THE CORRECT AMOUNT OF

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<sup>1</sup> Utility Customer Relations Rule 203, IDAPA 31.21.01.203, discusses billing errors and proper procedures for remedying incorrect bills.

MONEY WRONGFULLY CHARGED ME AND ADDED TO THE BIL1620.08 [sic].” Petition at 4. Petitioner noted her struggle with the legal complexities of this case and asked that the Commission review the matter in good faith.

While certainly asking for compensation for a total of \$1,620.08 for the six months preceding the discovery of the allegedly cross-connected meters, the record indicates that the Petitioner argued that the Company’s obligation to reimburse her is correlated to a sum of \$10,870 (for the total amount of time that she was overpaying for energy usage). The Petitioner also attached the Company’s letter to her initially informing her that her meter was crossed, and that she would be granted a credit of \$1,262.52<sup>2</sup> that would be applied to her next bill. The Petitioner also provided two billing statements that showed a credit initially being applied to her account balance.

#### **STAFF’S AFFIDAVIT**

On August 14, 2023, Staff filed the Affidavit of Jon Kruck (“Affidavit”). In this Affidavit, Staff noted that it had reviewed the Petitioner’s utility bills from the Company and did not believe the data supported a finding that the Petitioner’s meter was cross-connected with her neighbor’s meter. Staff examined the Petitioner’s bills from the time that she stated the allegedly cross-connected meters were fixed and compared that time period with the same time period from previous years. Staff stated that her bills from this period were very comparable with the commensurate period for each previous year going back to 2018. Staff also correlated this data with the average monthly temperature for each year. This increased Staff’s confidence that the minor differences in the prices for each month can largely be explained by normal temperature fluctuations. Accordingly, Staff stated that the data does not support a finding the meters in question were ever cross-connected.

#### **COMMISSION FINDINGS AND DECISION**

Reconsideration affords parties an opportunity to bring to the Commission’s attention any matter previously determined and provides the Commission opportunity to rectify any mistake before the matter is appealed to the Supreme Court. *Washington Water Power Co. v. Idaho Public Utilities Comm’n*, 1980, 101 Idaho 567, 617 P.2d 1242. Any person or public utility has the right

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<sup>2</sup> The January 25, 2023, letter stated that her credit would be \$1,262.52. The “Adjustments” portion of the Petitioner’s second attached bill lists a “+1,621.08” number, which appears to be where the Petitioner arrived at her \$1,620.08 request for compensation. Petition, Exhibit 2-2.

to petition for reconsideration in respect to any matter determined in a Commission order. *Idaho Code* § 61-626(1). The petitioner has 21 days from the date of the final order in which to ask for reconsideration. *Id.* The Commission has 28 days from the filing of the petition for reconsideration to enter an order on the matter. *Idaho Code* § 61-626(2).

Commission Rule of Procedure 332 authorizes the Commission to grant reconsideration on its own motion by the motion of an interested party. This Rule also allows the Commission to dismiss issues on reconsideration when those issues are not supported by a specific explanation relevant to the case. IDAPA 31.01.01.332.

Idaho Public Utilities Commission Rule of Procedure 331 states that petitions for reconsideration “must specify (a) why the order or any issue decided in it is *unreasonable, unlawful, erroneous or not in conformity with the law*, and (b) 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.

Having reviewed the Petition, the arguments of the parties, and all submitted materials, the Commission finds that the Petition does not meet the substantive requirements for a petition for reconsideration.

The Petition largely reiterates information that was already in the Complaint—including information that shows that, at one point, the Company believed that the Petitioner’s meter was cross-connected and provided the Petitioner with a bill credit. After investigation, the Company determined that no cross-connection occurred and reversed the bill credit. Staff’s analysis corroborated the Company’s assertion that there was no cross-connection. These facts regarding the Company’s previous actions were already known by the Commission and factored into the Commission’s decision in Order No. 35856. The Petitioner has not presented sufficient evidence to show that her meter was cross-connected, or that she was overcharged for electric service. Nothing that the Petitioner has presented provides grounds for the Commission to decide that Order No. 35856 was “unreasonable, unlawful, erroneous or not in conformity with the law.” IDAPA 31.01.01.331.01. Therefore, the Petition is dismissed.

### **ORDER**

IT IS HEREBY ORDERED that the Petition is dismissed.

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 22<sup>nd</sup> day of August 2023.



ERIC ANDERSON, PRESIDENT

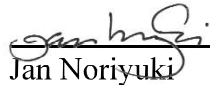


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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