

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
LEGAL
WORKING FILE

IPC-E-07-14

FROM: DANIEL KLEIN

DATE: AUGUST 7, 2007

RE: FORMAL COMPLAINT OF PAM AND SCOTT BOWERS AGAINST
IDAHO POWER

On July 3, 2007, the Commission received a "formal" complaint (Attachment 1) from Pam and Scott Bowers against Idaho Power. On July 26, 2007, the Bowers amplified their complaint (Attachment 2). The Bowers would like to have new rules or laws enacted dealing with shared transformers for business customers. The Bowers were unsatisfied with the outcome of the informal procedures to resolve their complaint and have filed this formal complaint.

BACKGROUND

In December of 2004, Bowers Transportation obtained service from Idaho Power at 15941 Gunfire Rd. in Caldwell. The Bowers business is located in a thirteen-lot commercial subdivision (Attachment 3). A 50 KW pad-mounted transformer was placed in a recorded utility easement on the Bowers property to serve their lot. The Bowers were required to pay \$1,461 for the line extension costs above the terminal facility allowance. To serve the commercial subdivision, Idaho Power plans to serve two adjoining lots from each transformer. If the two adjoining lots have similar electrical needs, then Idaho Power serves both lots from the same transformer. When the lot adjacent to the Bowers was ready to be served in December 2006, Idaho Power ran the new line extension from the transformer serving the Bowers to its new customer, Terra-West Inc.

The Bowers complained that it was inequitable that they had to pay for a line extension to obtain service and Terra-West did not. Neither the Bowers nor Terra-West were required to pay

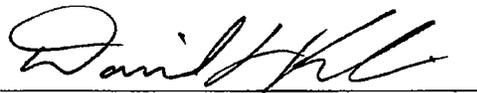
for the shared transformer because it is part of the allowance for overhead terminal facilities applied to the Bowers' original line extension request. Terra-West was not required to pay any money towards the shared facilities. On December 7, 2006, Pam Bowers called and filed an informal complaint with the Commission. In response to the complaint, Idaho Power stated that it had followed its tariff, and there was no basis for the Bowers and the neighbor to each have their own transformer.

STAFF RECOMMENDATION

The Bowers are not satisfied with the outcome of the informal complaint. Consequently, they have filed a formal complaint. *See* Rules 23, 25 and 54, IDAPA 31.01.01.023, .024 and .054. In essence, the Bowers are asking that the Commission reexamine Idaho Power's line extension tariff, and Staff may wish to file comments at a later date. Staff recommends that the Commission open a case and process it under modified procedure.

COMMISSION DECISION

Does the Commission wish to accept the Bowers' formal complaint? Does the Commission wish to issue a Summons or proceed under Modified Procedure?



Daniel Klein

DK:udmemos/formal complaint bowers

David Young

Canyon County 454-7474

Fax 334-3762

TRANSMITTAL COVER

TO PUC MONICA MOEN - Steve Brown

FROM Pam + Scott Bowers

DATE 7/3/07

FAX 388-6936, ID Power

DOCUMENT DESCRIPTION My Formal Complaint

TOTAL PAGES, INCLUDES THIS PAGE Two (2)

SENT BY: APTO, INC. PB

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Pamela A. Bowers

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By: PB Date: 7/3/07

Unless Requested By:

DATE

7/3/07

A.M. "Scott" & Pamela A. Bowers

BOWERS TRANSPORT

9559 W. Hills Gate Dr.

Star, ID. 83669-5300

hapwings@msn.com & spdywing@msn.com

PHONE 208-286-9909

FAX 208-286-9846

7/3/07

I-WE NEED HELP TO GET SOME RULES AND LAWS PASSED TO PREVENT THIS KIND OF ABUSE.

We purchased a Commercial lot in Caldwell we were told and did pay for and install power to our lot as did everyone in our commercial subdivision.

Except for one-our neighbor that works for Idaho Power, installs under-ground utilities. He built and while we were gone broke and entered into our property..cut the lock. Hooked up to the equipment we paid for. He now has our-the service for FREE!!!

Idaho Power claims this is their easement so they can and have done what they - - - well wanted. They have protected and backed this neighbor at our expense.

A law or rules need to be passed to prevent this kind of abuse in the future.

1. Sharing of equipment should be fair and equal...each party pays the same amount.
2. Sharing the equipment should be installed on the lot line, equally, 50-50 not on another's property and lines run under fences into the other lot owners property...creating rights for that neighbor to trespass and creating a prescriptive easement against our property, clouding our title!
3. Breaking and entering should be illegal...Notice should be given... a phone call, a letter written, notice of some kind for the taking of another's property, or use of it.
4. Since it is legal, by declaring a utility easement, a written agreement should be required between the parties especially in our case where nothing is 50-50...not even do we have equal use of the power. We have maybe 200 amps he has 600+ amps. We have to pay for more amps if we want more power, he got his for free!

New rules need to be put in place, laws need to be in place to protect lot owners like us in the future.

We can't find out WHY Idaho Power is doing this and especially towards us only us!

Thanks Pam 286-9909

Fax 286-9846

capwingsemen.com

TRANSMITTAL COVER

TO Puc Commissioner
 FROM Pam + Scott Bowers
 DATE 7/26/07
 FAX 334-3762

DOCUMENT DESCRIPTION Letter & Cover FOR: Marsha Smith, Mack Redford AND Paul Kyellander (Pres.)

TOTAL PAGES, INCLUDES THIS PAGE (4) four

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Pamela A. Bowers

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DATE 7/26/07

APTO, Inc.

A.M. "Scott" & Pamela A. Bowers
 9559 W. Hills Gate Dr.
 Star, ID. 83669-5300

hapwings@msn.com & spdywing@msn.com

PHONE 208-286-9909

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Pam & Scott Bowers
9559 W. Hills Gate Dr.
Star, ID. 83669-5300
Phone 208-286-9909
Fax 208-286-9846

7/16/07

To Whom It May Concern:

Regarding: We are asking for HELP.

Please respond, help or give your opinion. We need to get some rules and laws passed to prevent this type of abuse...

We purchased a commercial lot in Caldwell, Idaho. We were told required and did pay for and install power to our lot, as did each lot owner in this commercial subdivision.

Problem: Except for our neighbor, he works for and installs under ground utilities for Idaho Power. He built a shop and while we were gone he instructed his employee to open our locked gate. He cut the chain; they broke in and illegally entered our property. He hooked up to our-the power service box, the equipment we paid for, that is on our property. The neighbor now has our-the service for FREE !!! Idaho power claims this is their easement so they have the right to give this neighbor the right to trespass and to give him service for free, they can do as they ---- well want !!! They have and continue to back and protect this neighbor, at our expense.

New rules and updated laws need to be in place to protect others and to correct this injustice done to us. Our opinion, the neighbor has no right to use and access our property! Blessinger used his position and Idaho Power used their power and have claimed a phony easement right to give him our-the service that we paid for. We are retaining the right to sue all parties involved now and in the future. Neither party, no one connected or involved and or their representatives etc...they cannot claim a prescriptive easement right to use our property now or in the future.

If it is true and laws are in place, that we are required to share this service... New rules and laws need to be put into place so that it is fair for all parties.

1. The equipment shall be installed on the property line equally, not on one property owners land and lines run under the fence and onto the other property owner's lot-land.
2. No prescriptive easements or clouding a title on just one of the two lot owner's property can be given by Idaho Power.
3. The taking of another person's property should be illegal.
4. Each party receives the same amount of power-amps.
5. Notice shall be given to both-each lot owner, prior to installing equipment. Either in writing, phone calls etc... Breaking and entering should be illegal.
6. A written agreement should be required for both parties and with Idaho Power. Spelling out what is expected of and from each and all parties etc... Making each lot owner equally responsible for payment and or damages etc...

We would appreciate an answer as to WHY are WE the ONLY lot owner required to share SERVICE?

WHY are WE the ONLY party required to pay for the equipment and installation etc... ?

WHY does Idaho Power have the authority or right to give a neighbor the use of our land, the right to trespass... even if it is a legal easement for Idaho Power?

When, Mr. Blessinger, torched our gate and took his crew onto our property, we feel just as violated as we would had he done a home invasion at our home. Our commercial yard is our office and work place.

When I went to Mr. Blessinger and personally to ask him to remove his line off my property an argument ensued and he had a religious slur leaving me to believe this is religious discrimination. It is impossible to understand this situation, why Idaho power and Blessinger have done this to us why we are the only lot owner in this commercial park-subdivision that is required to share and only at "our expense".

As for hiring an attorney we have been ripped off, paid money and no one will take the case. They admit it is a crime "but..." There is not enough money in it for them and it would cost us \$7,000.00 up to defend this. We were told you don't have enough money to fight them. So, we need to make changes with the rules and in the laws instead!

Idaho Power company has the control-power and hundreds of attorneys paid for by the public-us, to do as they ---well want !!! Their own words! They can do as they ---well want and can create an easement if one is not in place, we do not have a choice or any rights with regard to this. I still question that! The Idaho Power reps; Steve Brown, Gary Neal and MC Fhee are just a few involved with this matter. They have given the neighbor the use of our land, clouded our title, trespassed illegally, lied to us and committed fraud, in our opinion. The PUC is backing Idaho Power and helping to protect Blessinger, in our opinion, why we cannot understand!

The lying and the cover-up constantly going on in Washington, D.C. seems to be becoming the order of conduct within our justice system right here in what I would call rural Treasure Valley. Rural people use to have principles, honesty and respect for other peoples rights and their constitutional rights. Our Justice system has turned their backs on the basics. IS OUR QUALITY OF LIFE IN THIS MUCH TROUBLE?

I want to go before the legislature, speak about this problem, correct it, and stop this abuse. Stop the taking of a persons land and their use of their own land. Stop the large Corporations extreme power...Keep them from taking a land-lot owners rights, stop them from giving your property to another when they ---well want to!

Please HELP and respond immediately with any suggestions etc...

Truly,



Pam Bowers

Pam & Scott Bowers

TRANSMITTAL COVER

TO Whom this may Concern

FROM Pam & Scott Bowers

DATE 7/26/07

FAX _____

DOCUMENT DESCRIPTION Our Opinion: Neighbor be

Required to install - obtain his
own power for his intended use (on his property)

TOTAL PAGES, INCLUDES THIS PAGE: (3) Three

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Pamela A. Bowers

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A.M. "Scott" & Pamela A. Bowers

BOWERS TRANSPORT

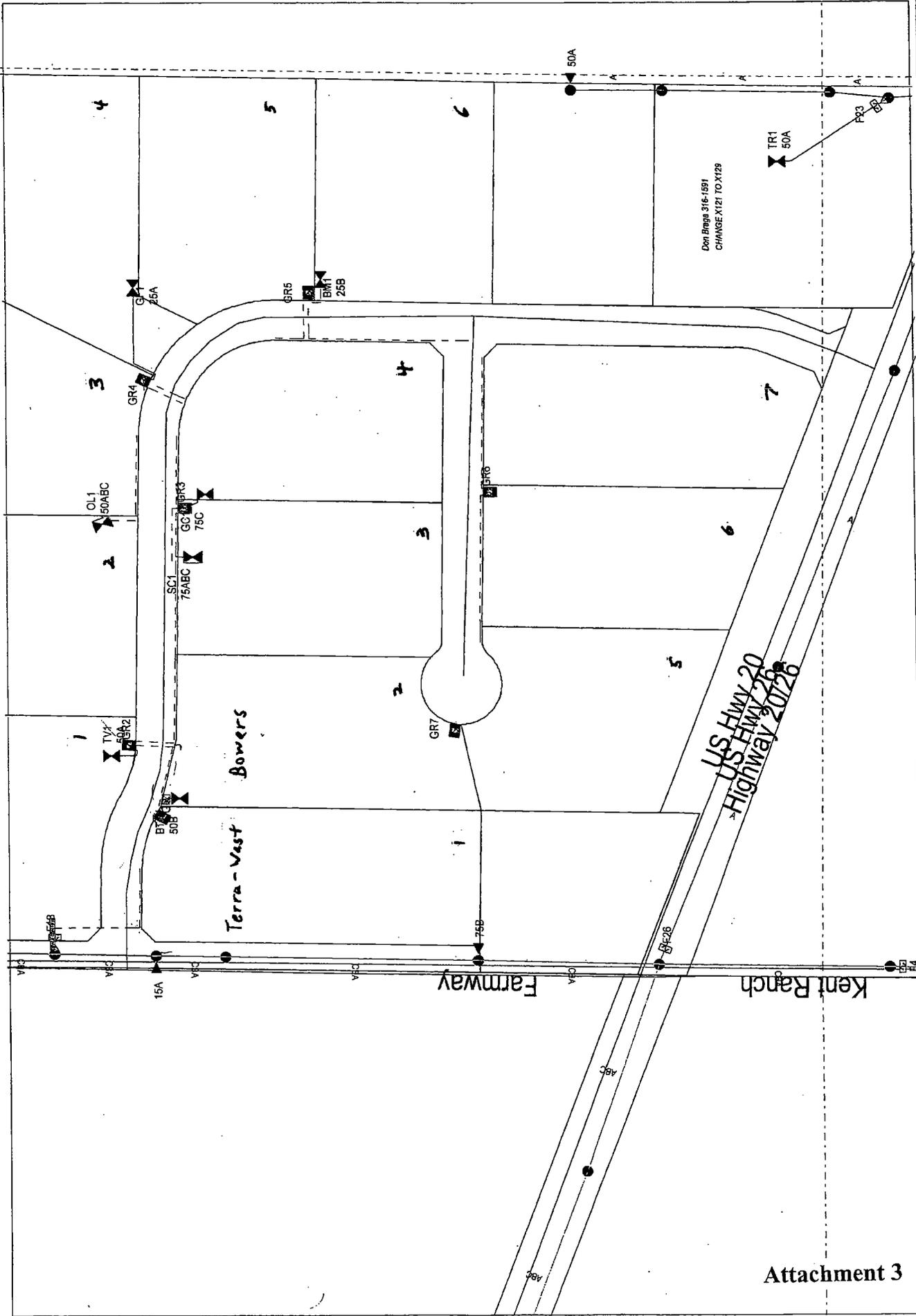
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SCALE: 1 IN = 185 FT 04/04/07 09:41

Attachment 3

Idaho Power