

Case No.  
IPC-E-09-27

## DECISION MEMORANDUM

**TO:** COMMISSIONER KEMPTON  
COMMISSIONER SMITH  
COMMISSIONER REDFORD  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** NANCY HYLTON

**DATE:** SEPTEMBER 10, 2009

**RE:** FORMAL COMPLAINT OF ROBERT BRUNO dba BRUNOBUILT HOMES

On September 3, 2009, the Commission received a "formal" complaint (Attachment A) from Robert Bruno dba Brunobuilt Homes against Idaho Power Company. The customer is disputing a return trip charge of \$50. The Company's Rule H provides for an Underground Service Return Trip Charge when crews are unable to install service initially and must return to the site to complete installation (Attachment B). Idaho Power assessed the charge because it had to return to install electrical service at a home being built by Mr. Bruno at 10112 Whitecrest in Star, Idaho. Robert Bruno was unsatisfied with the outcome of the informal procedures to resolve his complaint and has filed this formal complaint.

### BACKGROUND

Mr. Bruno's original informal complaint was opened on July 2, 2009. He was upset that Idaho Power had charged him a \$50 return trip charge. The Company's refused to install service because the conduit in the ground wasn't perfectly vertical, was not close enough to the siding and was not clamped to the siding. At the time, the house was still being painted, and Mr. Bruno indicated that clamps are usually installed after exterior painting is finished.

Mr. Bruno claimed that his building practices had never been questioned by Idaho Power in the past. He said it appeared to him that Idaho Power had put new rules in place since this is the first time he's ever been denied connection or assessed the return trip charge. Mr. Bruno doesn't believe the Company is consistent in enforcing its requirements and that he was not notified when apparently new requirements were adopted by the Company.

Idaho Power provided a link to the Company's website for a copy of the brochure that outlines the requirements that builders must now follow. The brochure (Attachment C) was revised in 2008. Idaho Power stated that a letter was sent to builders and developers that belong to the Building Contractors Association of Southwest Idaho (BCA). The Company did not provide Staff with a copy of this letter and could not verify that Mr. Bruno had received either the letter or the revised brochure. The Company indicated that Mr. Bruno is currently a member of the BCA.

#### **STAFF RECOMMENDATION**

Robert Bruno was not satisfied with the outcome of the informal complaint. Consequently, he filed a formal complaint. See Rules 23, 25 and 54, IDAPA 31.01.01.023, .024 and .054. Staff recommends that the Commission issue a summons to Idaho Power and direct the Company to file a response to the complaint.

#### **COMMISSION DECISION**

Does the Commission wish to accept Robert Bruno's formal complaint? Does the Commission wish to issue a Summons to Idaho Power?

  
\_\_\_\_\_  
Nancy Hylton

udmemos/Robert Bruno Formal Complaint dec memo



**BRUNOBUILT**  
HOMES

September 03, 2009

Idaho Public Utilities Commission  
Attn: Ms. Jean Jewell, Commission Secretary  
PO Box 83720  
Boise, ID 83720-0074

RECEIVED  
2009 SEP -3 PM 1:07  
IDAHO PUBLIC  
UTILITIES COMMISSION

Re: Formal Complaint against Idaho Power

Dear Ms. Jewell:

I would like to formally make a complaint against Idaho Power for the assessment of a \$50.00 return trip charge applied to my job at 10112 Whitecrest in Star (Service Agreement No. 0350151331).

My complaint is that Idaho Power Company is inconsistent in their application of their rules and guidelines for contractors and as a result allows contractors to become confused as to what they will or will not allow in the field. As a result, my subcontractors had installed a run of conduit which wasn't perfectly vertical or attached to the building expecting Idaho Power Company to install the meter and the power regardless. It turns out that Idaho Power Company chose my particular job site to deny power to, causing me to lose several days of scheduling and work, losing hundreds of dollars of income and then without notification billed me \$50 to go back and install the meter and the power. I have attached a photo of the meter and the conduit in its state when they refused to install the power to the house and also attached another photograph showing a recent job where they did install the power to the house. In the second photo the conduit was more vertical but clearly not attached to the building which is supposed to be one of their steadfast rules and one of the reasons they didn't install power to the job site this complaint is about. Obviously they can't decide when to enforce their rules and in my mind they should not be able to arbitrarily charge a customer a fee whenever they damned well please.

I have photographs of several locations where the power company has installed power to homes with crooked conduit or unattached conduit, showing that they pick and choose who they want to help and who they want to hurt on any given day.

In addition, I have attached a photo of their habit of littering our job sites which their management has told me I cannot hold them responsible for without asking their permission!

It is my opinion and the opinion of many a power company customer, both residential and commercial, that this utility company has the attitude that they don't care because they don't have to.

I want the \$50 charge abated along with any interest or penalty charges which they may have tried to assess.

Robert Bruno  
BrunoBuilt, Inc.

cc. Better Business Bureau

BRUNOBUILT, INC.  
947 E. Winding Creek  
Eagle, Idaho 83616

Office: 208.938.2367  
Fax: 208.938.2359

[www.brunobuilt.com](http://www.brunobuilt.com)

Attachment A

**Robert**

**From:** Smith, Matt [MSmith@idahopower.com]  
**Sent:** Tuesday, July 07, 2009 1:41 PM  
**To:** Robert  
**Cc:** Johnston, Guy  
**Subject:** RE: RE:

Dear Mr. Bruno, I originally told you when I spoke to you on Thursday July,2 that I would check into why it was turned down. I did that and I was told the conduit was not against the siding and the clamp was not installed to secure the conduit. I shared this with you when we talked this morning and I did say I was told it was approx 8" away and you disputed that. I then said I would check again and I did. I responded back that the 8" was more of a guess and that was from the foundation and not the siding and I apologized for that. I also e-mailed you a picture of the conduit and why it was turned down. I talked to your excavator and he said it was 3 1/2 or 4 inches from the siding but he agreed that that was too far. I also have talked to your electrician to get his perspective and he thought it was because the clamp was missing. We do want the clamp installed and we do sometimes push wire before the clamp is installed but the main reason this was turned down was the distance from the siding and we also stated that the clamp was missing. He agreed that it should have been closer. You also stated that the siding was stucco and that's why the clamp was not installed and why it was away from the siding, this is not correct as the picture shows. I as I stated before I stand behind the work of my employees and if we make a mistake as we do on occasion I will correct the issue and resolve the dispute. You also stated that we "always" leave the wire ends and trash at your work site, If this does happen please contact me and we will resolve the issue because we expect our employees to clean up their mess. I would encourage you to review the Reduced charge Option for Underground Electrical Service at <http://www.idahopower.com/>

Matt W. Smith  
Lines Leader, Capital Region  
Idaho Power Company  
(208) 388-2053  
msmith@idahopower.com

**From:** Robert [mailto:Robert@brunobuilt.com]  
**Sent:** Tuesday, July 07, 2009 11:02 AM  
**To:** Smith, Matt  
**Subject:** RE:

For the record Mr Smith, you told me today that the conduit was 8 inches away from the house and that is why the power wasn't pulled.  
You also told me as a result, I was billed a return trip charge.  
Your crews told me they wouldn't pull the power because the conduit wasn't clamped down to the house.  
Something that is a common practice. (Not having a clamped riser until trim out)  
Get your stories straight.  
You won't make a good witness if you don't.

Robert Bruno  
BrunoBuilt, Inc.  
947 E Winding Creek Drive  
Eagle, ID 83616  
938-2357

9/3/2009

Attachment A

Note: Please see original file for viewable photos.



THIS IS A PHOTO OF THE LOCATION WHERE  
IN POWER DIDN'T RUN THE CABLE OR SET  
THE METER CLAIMING IT WAS DUE TO THE  
CONDUIT BEING TOO FAR FROM THE HOUST  
AND NOT ATTACHED. NOTE THE TEMP  
POLE WITH A METER ATTACHED EVEN  
THOUGH THEY SAY IT'S AGAINST THEIR  
REGULATIONS TO INSTALL A METER  
LESS THAN 5' ABOVE GRADE. ANOTHER  
EXAMPLE OF THEIR INCONSISTENCIES

**From:** Smith, Matt [mailto:MSmith@idahopower.com]  
**Sent:** Tuesday, July 07, 2009 9:27 AM  
**To:** Robert  
**Subject:**



Matt W. Smith  
Lines Leader, Capital Region  
Idaho Power Company  
(208) 388-2053  
msmith@idahopower.com



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9/3/2009

Attachment A

**IPC-E-09-27**

**Note: Two pages of the complaint (Attachment A, Page 5 of 6 and Attachment A, Page 6 of 6, were omitted because of poor copy quality. Please see the original case file for better copies.**

RULE H  
NEW SERVICE ATTACHMENTS  
AND DISTRIBUTION LINE  
INSTALLATIONS OR  
ALTERATIONS  
(Continued)

g. Temporary Service Return Trip Charge. If the conditions stated in Section 5.f. of this rule are not satisfied prior to the Customer's request for temporary service, a Temporary Service Return Trip Charge of \$35.00 will be assessed each time Company personnel are dispatched to the job site, but are unable to connect the service. The charge will be billed after the conditions have been satisfied and the connection has been made.

h. Unusual Conditions. Applicants, Additional Applicants, and subdividers will pay the Company the additional costs associated with any Unusual Conditions included in the Work Order Cost related to the construction of a Line Installation or Relocation. This payment, or portion thereof, will be refunded to the extent that the Unusual Conditions are not encountered. Unusual Conditions payments for Line Installations will also be refunded, under the provisions of Section 6, if the Unusual Conditions are encountered.

In the event that the estimate of the Unusual Conditions included in the Work Order Cost exceeds \$10,000, the Applicant, Additional Applicant or subdivider may either pay for the Unusual Conditions or may furnish an Irrevocable Letter of Credit drawn on a local bank or local branch office issued in the name of Idaho Power Company for the amount of the Unusual Conditions. Upon completion of that portion of the project which included an Unusual Conditions estimate, Idaho Power Company will bill the Applicant, Additional Applicant or subdivider for the amount of Unusual Conditions encountered up to the amount established in the Irrevocable Letter of Credit. The Applicant, Additional Applicant or subdivider will have 15 days from the issuance of the Unusual Conditions billing to make payment. If the Applicant, Additional Applicant or subdivider fails to pay the Unusual Conditions bill within 15 days, Idaho Power will request payment from the bank.

i. Joint Trench. Applicants, Additional Applicants, and subdividers will pay the Company for trench and backfill costs included in the work order prepared for an unshared trench. In the event that the Company is able to defray any of the trench and backfill costs included in the work order through the sharing of the trench with other utilities, the trench and backfill cost savings will be refunded.

j. Underground Service Return Trip Charge. When a residential Customer agrees to supply the trench, backfill, conduit, and compaction for an underground service, an Underground Service Return Trip Charge of \$50.00 will be assessed each time the Company's installation crew is dispatched to the job site at the Customer's request, but is unable to complete the cable installation.

### Program Explanation

The Reduced Charge Option is available for new 1-Ø underground electrical services and allows the customer to install the conduit for the service cable. When the installation is complete, inspected, and all requirements have been met, Idaho Power will then install the cable and meter at a reduced charge.

**Be sure to connect to the proper equipment.**  
Refer to the *Definitions* section or contact Idaho Power for clarification.

Call **Dig-Line** for locations  
at least **2 business days** before digging.



Know what's below.  
Call before you dig.

Dial  
**811**  
Nationwide

### Conformance

Each installation is **subject to review and inspection** at any time by Idaho Power for conformance to these specifications.

If a non-conformance is discovered such as the conduit length, route, depth, etc., or if you are not ready when the installation crew arrives, the cable **WILL NOT BE INSTALLED** and you will be charged \$50.00 for each return trip. After the non-compliance is corrected, contact Idaho Power to reschedule the installation.



#### Contact Idaho Power if:

- ◆ This is your first time using this program.
- ◆ Your service exceeds any of the design limits.
- ◆ A conduit stub cannot be found.
- ◆ You require service from a pole.

### Design Limitations

**200 Amp.** For self-contained meter bases up through 200 amps that meet the following limitations, you do not need to contact Idaho Power until you are ready for your service to be installed.

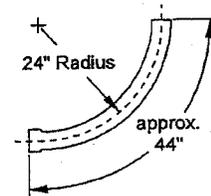
- ◆ **Use 2" gray, UL listed, Schedule 40 PVC**  
Use 2" conduit, bends, and fittings unless Idaho Power specifically tells you to use 3".
- ◆ **125' maximum service length**  
This is the horizontal distance measured along the service route between Idaho Power's equipment and the meter.
- ◆ **Up to 135° of conduit bends.**  
Don't include the bends at the meter or Idaho Power's equipment in the 135° limit.

**400 Amp.** For larger self-contained meter bases up through 400 amps, you must contact Idaho Power for **approval in advance** to ensure a proper design.

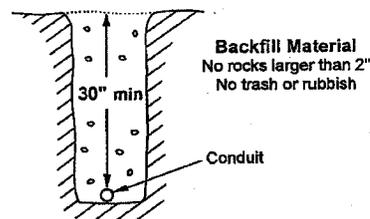
- ◆ **3" conduit**  
All services to meter bases larger than 200 amps require 3" conduit, bends, and fittings.

### Additional Requirements

**Conduit bends.** Only use gray colored manufactured bends with a radius of at least 24".  
**Do not form your own bends!**



### Trench and Backfill.



**WARNING!**

Non-conformances may have to be corrected at the builder's expense.

**Important Information**

**DON'T heat the conduit** in any way to shape it or to form bends.

**DON'T leave open trenches.** Any open trench must be adequately barricaded or protected to ensure public safety as required by local, state, or federal rules and regulations. Keep open trenches to a minimum.

**DON'T change conduit sizes** in the run.

**DO compact the trench** particularly near the meter where settling could pull the conduit down and damage the meter base. Although compacting the trench is the builder's responsibility, the homeowner is responsible for any future settling.

**DO make square conduit cuts.** Remove burrs from the inside and outside edges.

**DO glue conduit joints.** All joints must be completely seated and permanently glued with PVC cement.

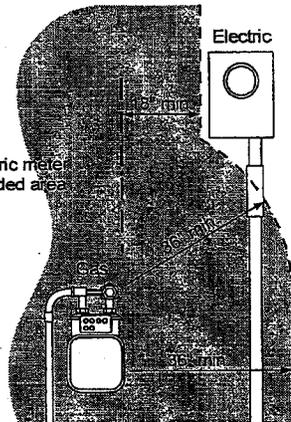
**DO keep dirt and debris out** of the conduit.

**DO keep proper trench separations.** Keep a 12" horizontal and vertical clearance between the electrical conduit and all other utilities and any structures.

**DO keep proper meter separations.**

The electric and gas meters must be separated as shown.

Keep the electric meter out of the shaded area



**Ownership and Maintenance**

Idaho Power assumes ownership of the builder-installed conduit when the electrical service cable is installed. However, the builder is responsible for the condition of the conduit and trench until the ownership of the home is transferred to the first buyer.

After the cable has been installed, Idaho Power will own and maintain:

- ◆ All conduit and fittings installed below the finished grade.
- ◆ The entire length of electric cable and the connections at Idaho Power's equipment.
- ◆ The meter.

**NOTE.** Idaho Power will connect the cable to the meter base but the homeowner will own and maintain the connections.

After the cable has been installed, the **builder or homeowner** will own and maintain:

- ◆ All conduit and fittings installed above the finished grade.
- ◆ The trench and any landscaping.
- ◆ The meter base and its connections to the electric cable.
- ◆ All wiring and electrical connections on the customer's side of the meter.

**Meter Base Guidelines**

Refer to the *Meter Base Identification Guidelines* located on [www.idahopower.com](http://www.idahopower.com).

**Meter Base Requirements**

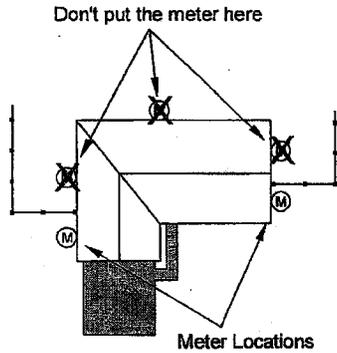
The meter base must accept 3" conduit if 3" conduit is used for the service.

The meter base and conduit must be on the outside of an outside structure wall and remain accessible to Idaho Power.

**Exceptions must be approved in advance!**

Locate the meter on the side of the house toward the front.

- ◆ Don't place the meter behind a fence.
- ◆ Don't put the meter at the back of the house.



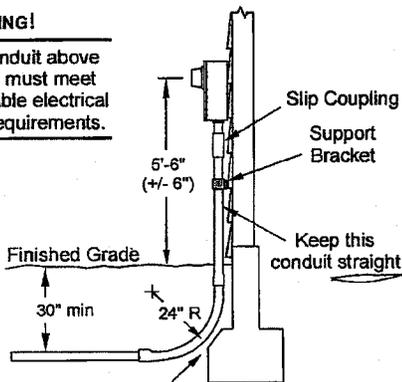
**NOTE.** Placing the meter in front of the fence will keep the meter reader out of the back yard.

The center of the meter must be 5'-6" (+/- 6") above the finished grade.

Meters installed on a pedestal require a minimum height of 3'-0".

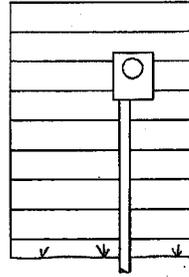
**WARNING!**

Any conduit above ground must meet applicable electrical code requirements.



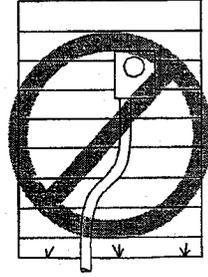
**Suggestion.** Block out a section of the footing for an easier installation.

**OK**



Keep the riser straight

**NOT PERMITTED**

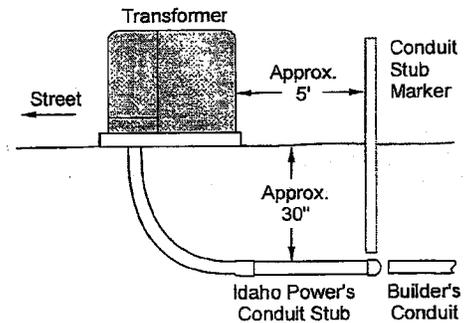
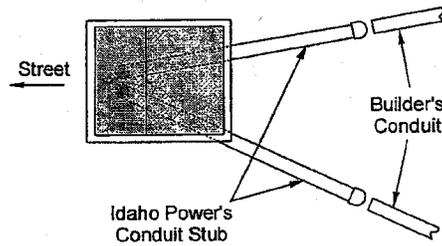


Don't form the PVC conduit with heat or add extra bends

**Transformers**

Most transformers have 2" or 3" conduit stubs as shown below. Expose the end of the stub and connect your new conduit. If the stub marker cannot be found, contact your Idaho Power representative.

**Don't dig under the transformer!**

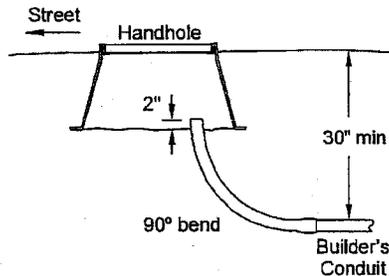
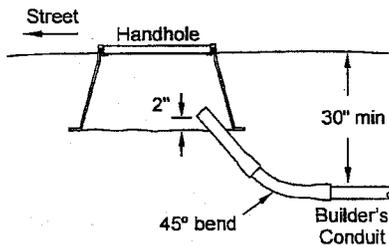
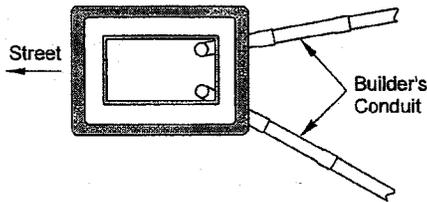


**Handholes**

Most handholes do not have conduit stubs.

- ◆ Plumb the conduit into the nearest corner of the handhole using a 45° or 90° bend with the end 2" above the handhole floor.
- ◆ Plug or cap the open end of the conduit to keep out dirt and debris.

If there is a conduit stub, expose the end and connect your conduit to it.



**Contact Idaho Power**  
if your service involves a pole.

**Special Requirements for Poles**

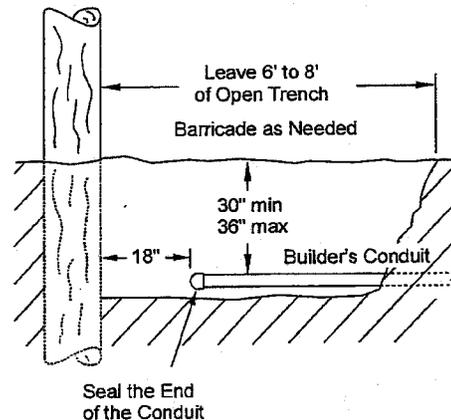
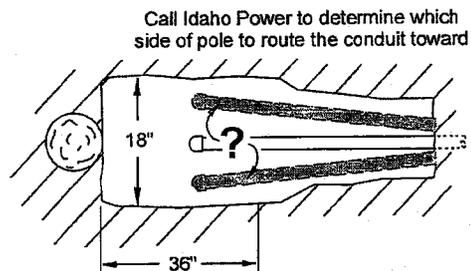
You **must meet** with an Idaho Power representative **prior to digging the trench** to determine:

1. If the pole is adequate for your service.
2. Which side of the pole you must route the conduit toward.

Trench all the way to the base of the pole. **If the pole becomes unstable, contact Idaho Power immediately!** When backfilling the trench, leave 6' to 8' open adjacent to the pole.

Any open trench must be adequately barricaded or protected for public safety.

After Idaho Power connects the pole riser and conduit, it is the builder's responsibility to backfill and compact any remaining trench.



**WARNING!**

Call Dig-Line for locations  
at least **2 business days** before digging.



Know what's below.  
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Nationwide

## Important Idaho Cost Information

The cost information below has been extracted from the "Rule H Line Installation Tariffs". You may view the tariffs on <http://idahopower.com/aboutus/regulatoryinfo/tariffPdf.asp?id=32&.pdf> . Copies are available by contacting Idaho Power or the respective Public Utilities Commission.

### Underground Services (400 amp max.)

The non-refundable charge for a new Schedule 1 or Schedule 7, underground 1-Ø service consists of a Base Charge plus a Distance Charge. These costs do not apply to services with meter bases larger than 400 amps.

#### Base Charge

From underground .....	\$40.00
From overhead (2" pole riser) .....	\$395.00
From overhead (3" pole riser) .....	\$520.00

#### Distance Charge

With 1/0 service cable.....	\$2.15/ft
With 4/0 service cable.....	\$3.60/ft
With 350 service cable.....	\$4.65/ft

**NOTE.** Use the following Distance Charges if Idaho Power provides the trench and conduit:

#### Distance Charge (IPCo trench & conduit)

With 1/0 cable .....	\$6.90/ft
With 4/0 cable .....	\$7.50/ft
With 350 cable .....	\$9.60/ft

There may also be additional charges for unusual trenching conditions.

### Temporary Services

The non-refundable charge for installing a 1-Ø temporary service is:

From underground..... \$140.00

The customer-provided meter pole must be securely set within 2' of the handhole or padmounted transformer.

From overhead..... \$120.00

The customer-provided meter pole must be securely set in a location that will allow the temporary service conductor to be attached to the permanent meter location by merely relocating it. A maximum of 100' of #2 Tx conductor is allowed.

#### TEMPORARY SERVICE NOTES.

- ◆ Electrical facilities provided by the customer must be properly grounded, electrically and structurally safe, provide adequate clearances, and ready for connection.
- ◆ The customer must obtain all permits required by the applicable state, county, or municipal governments before calling Idaho Power and provide copies or verification, as required.
- ◆ The site must be inspected, if required.
- ◆ All conditions must be met before the service will be connected. *(If any condition is not met, the service will not be connected and the customer will be billed \$35.00 per trip each time Idaho Power dispatches personnel to connect it.)*

**NOTE.** These costs are subject to change.  
Call Idaho Power for current pricing.

## Contact Idaho Power for Oregon Cost Information