

Complaint Report

Complaint Number: C21-0074

Customer Information

Customer Name: Thompson, Dave

Other Contact Info: Kip Swan

Email Address: kip@1stutah.com or denimbird@aol.com

Service: 2967 E Branch Dr.

Address: Salt Lake City, UT 84117

Account Number: [REDACTED]

Phone Number: 801-971-8144

Cell Number: 385-630-9663

Complaint Information

Company Name: Rocky Mountain Power

Date Received: 5/10/2021

Type of Call: Complaint

Complaint Received By: Gwen Flores

Gone Formal: NO

Date Resolved: 5/11/2021

Complaint Type: Tree Trimming

Utility Company Analyst: James Ingram

Complaint Description:

DPU ONLINE COMPLAINT

UTILITY CUSTOMER

FROM: Kip Swan & David Thompson

CONTACT: Kip Swan

PHONE: 801-971-8144

OTHER PHONE: 385-630-9663

EMAIL: kip@1stutah.com

EMAIL: denimbird@aol.com

SERVICE ADDRESS:

2967 E Branch Dr.

Salt Lake City, Utah 84117

MAILING ADDRESS:

2967 E Branch Dr.

Holladay, Utah 84117

INCIDENT DETAILS

UTILITY: Rocky Mountain Power

ACCOUNT NUMBER: [REDACTED]

COMPLAINT TYPE: Tree Trim

COMPLAINT:

On Monday April 26, around 2:30 in the afternoon, two men working for Trees LLC, showed up behind our house on the private road between 2950 & 2966 Valley View Avenue, to gain access to the trees in our backyard to see if they needed to be trimmed for the power lines for Rocky Mountain Power.

One of the men began trimming our aspen tree over in the far NW corner of our backyard and the other man got in a bucket and began moving himself up into our blue spruce and ponderosa pine. He fired up his chain saw and began cutting away.

Fortunately, both my partner Dave Thompson and I were home at the time. It was raining so we were surprised that they were working at all. We had been told from one of the power company's Arborist the year before that there really was no reason to work on the pines because the power company had literally cut both these 40-year-old pine trees (10 years ago) completely off at the top. One a blue spruce and the other a ponderosa pine. They do not grow vertical anymore. They grow horizontal and the branches thicken. And it really did not seem like the aspen needed to be trimmed either. In fact, there were 3 columnar aspen trees between our aspen and the pines that if any of the trees, they looked like they needed trimming more than the ones they were working on.

We were perplexed. Nevertheless, we watched in horror as the guy with his chain saw in the bucket up in our pines was cutting away very aggressively and liberally. When there

was a moment of silence, Dave asked the man in the bucket if he was finished. Without answering he lowered his bucket and began cutting more branches. He lowered the bucket to the point where it was now hitting the Comcast line. Now he was starting to cut branches that gave us privacy from the houses, yards, and roads behind us. I finally asked for this man in the bucket with the chainsaw to stop. He could not hear me because his chain saw was going and he was wearing ear plugs. When he finally heard me, he told me to stop yelling at him. I told him I wanted him to stop now. He said no, I can cut 10 feet from the power line and he kept cutting. I yelled again. I told him I wanted him to stop now and get his supervisor. I insisted he get his supervisor. He finally stopped.

This man had no business doing what he was doing. It was obvious that he had an issue with us and he was going to show us, under the pretense of a utility easement that he felt gave him unlimited liberties and license to do exactly what he wanted to do and to show us that he was in charge. And, to show us, that he could destroy our property and ruin our privacy if he so desired. It became very clear to Dave and me the minute this guy looked over our fence, that he could see there were two gay men living here. He and his co-worker were over on the other side of the fence laughing away and using the "F" word. We did not hear exactly what they were saying, but it was very clear by the look we both got from this guy in the pines and his condescending tone and the smirk on his face when he looked at us and said, "how are you?". And then he went at it with his power chainsaw, with glee. Cutting branches that he had no business cutting. After my demand that he stop, and my request for his supervisor, he emptied his bucket filled with branches he had cut and they shredded them, plus the bigger ones that were on the ground. Then they drove off. This was around 4:00 pm.

We waited for a supervisor to come to the house. Nobody came to our house. Tuesday morning, April 27th, I went to the Trees LLC website and sent an email filing a complaint. I wanted to speak with someone about this horrible experience. Later that morning, I had a call from Allen Webb with Trees LLC. We played phone tag most of the day. Later in the day we finally connected and made an appointment for Allen to come to our house Wednesday April 27th at 9:00 am. Allen arrived, I told him what happened and we went in the back yard so he could see the damage.

I also had photographs of how the trees looked before. We had added a solarium onto the house (summer of 2020) and we had taken many photographs of the area before the new addition during the planning stages. These big pines were part of the outdoor natural aesthetic design as well as the privacy. In our conversation, Mr. Webb was in complete agreement and very apologetic about what had happened. He too said he would be furious if this had happened to his home.

He told me that he could not understand why the guy doing the trimming had his bucket so low when the "hot" wire which is the highest wire was so high. I told him the guy told me that he had to trim 10 feet down. If his bucket was bouncing on the Comcast line, this seemed a lot further away than 10 feet from the hot line of the power line. The top of the tree that was cut years ago is way below 10 feet. The tree now grows horizontal. I

pointed at the branches that are in some cases 20 feet horizontal because of the way the tree has grown since it was cut at the top years ago. Allen just shook his head.

I would like clarification on the actual distance of tree to it needing to be cut from the hot power wire. Allen then told me the way this person behaved was not acceptable and this was not his first confrontation with a residential customer. I told Allen; I was concerned that there might be retribution from this person because of our filing a complaint. Allen assured me that these guys are based out of Texas and they move to different states after a contract is completed.

Based on this episode, he may even be placed on suspension. We are still concerned. Especially if he is put on suspension. Not to mention, we still have a serious issue here. A HUGE privacy issue that needs to be resolved! Allen took a lot of photos; I gave him my photos and he again apologized. Allen told me that I may be contacted by Elaina Dunkel with Davey Tree. I told him that I had given her the information on how to get to the private road from Valley View Avenue to make it convenient for the crew. Also, he said that Tyler Sorenson, from Tree's LLC would contact me and possibly Pat Omadie. His copy of this report would also go to Mike English with the photos and the President of Trees LLC. This, Allen said was a real serious issue. Allen also told me that there was a compensation program. I told him that the only compensation we wanted was to have our privacy put back in place. We had made a very significant investment in the addition we had built onto our home (an all-glass solarium that cost over \$150,000.00) and a large part of the thought planning and reasoning was the natural surrounding and privacy that those trees provided.

For some man to come in and destroy this in a little over an hour was devastating to us. On April 27th Dave also received an email from Rocky Mountain Power Customer Service. It was signed, Liz. We decided not to reply as I had just met with Allen Webb that morning. After meeting with Allen, it seemed as though we would be hearing from Trees LLC very soon and we could hopefully get some kind of resolution. Our expectation was to have some sort of mature conifers planted that would fill in the space that was now bare which had been caused by the damage done by the employee of Trees LLC. By May 5, we had not heard a word.

Dave had asked me to move forward with the complaint which I did. I emailed a letter to "Liz" in customer service. I have not had a reply from Liz or anyone from Rocky Mountain Power.

On May 6th about 2:30 pm, there was a knock at the door which I found odd. We have a Ring doorbell. We have the Ring doorbell for several reasons. Security, and also when we are in the backyard, or downstairs, we know there is someone at the door. We also like to know who is at the door before we open it. I found it interesting that this man chose not to use the doorbell which would have taken a picture of him. I just happened to be in the kitchen and heard the knock on the door. I opened the door and there was a man standing with a mask about 10 feet to the side of the door with a tablet in his hand. He asked if

I was Kip Swan. I told him I was and he told me that he was from the power company and "just happened to be in the neighborhood" .

He wanted to know if he could talk with me about the tree incident. I asked him to wait a minute while I put my dogs in the other room. I did not want any interruption during our conversation. I invited him into our home. I then began to tell him about what had happened. The more I begin to explain what went on, the more defensive he was of Trees LLC and the person who did the damage. I explained the conversation that Allen Webb and I had. He dismissed my conversation with Allen and told me that Allen had only been a supervisor for less than 4 months.

He told me that he could understand that a new supervisor would say anything to a customer as angry as we were just to satisfy the situation. He also told me that the man who did the damage should not have acted this way but, "maybe he was having a bad day, we often do you know, and his wife was having a baby" .

I did not respond. I suggested we go outside and look at the damage. At this point, things went from bad, to awful, to disastrous. It became very clear to me that this man was there to discredit everything we were saying and that we were completely wrong. I became so overwhelmed, that I simply said, "okay, we are done here, you can leave now" . I do not think he thought that I was serious. I again told him, "I am finished with this conversation, you can leave now" . I did not yell; I was very firm in my statement. I just wanted him to leave. I was so shaken that I completely forgot his name. After I closed the door, I took a deep breath and I went out to his truck and told him that I wanted his boss to contact us. He replied that he was the boss. That comment infuriated me.

I asked him who he thought he was to just show up at our house without an appointment and try and intimidate us into thinking we were wrong in complaining about the abuse and damage that had been done to our property. If I had known what he was up to, I would have never let him in our home. I let this person in our home trusting that he was who he said he was. I honestly do not know who he was. After he left, I realized, that he was not in a company car, he did not present a company badge, he did not have a company shirt nor did he give me a business card. I was literally sick to my stomach. When Allen Webb came to our house, he had a company truck, a company uniform, he was polite, he made an appointment and he showed respect to me, the customer.

I was told by this person that Allen had been transferred to Idaho. I asked about the file that Allen had from our visit and the photos I provided. This person said, "I dun no" . The next morning May 7, I called Rocky Mountain Power in an attempt to reach Liz, in customer service. I wanted to verify if in fact this person who was at my home the day before was from Rocky Mountain Power. And if he really was in charge of all the people who trim the trees.

I could not reach Liz direct; I was told by the person I was speaking with that he would have to send an email to Liz and that she would get back to me. As of Friday, 5/7 at 5:00 pm I had not heard from Liz. It is very clear to me that we need outside representation. Trees LLC and Rocky Mountain Power are gigantic companies with enormous resource. We are

two private citizens with limited funds and we have not only been treated very poorly, but we have also received damage. Damage that is going to cost a significant amount of money to resolve. Not to mention the time already invested. We have tried to work directly with the people who caused this harm and damage. After the visit with Allen Webb, we thought we were going to be able to resolve this. Clearly not.

We feel very strongly, the need for an agency like The Utah Division of Public Utilities. An agency who has the ability to assist with this kind of abuse and help citizens resolve these matters and unjust treatment. We look forward to hearing from you for further direction and hopefully complete resolution.

Kind regards,

Kip Swan & Dave Thompson

SUGGESTED RESOLUTION: Resolution is to replace privacy lost by planting mature conifers to cover the open gaps that were caused have caused us to loose our privacy by the branches that should not have been cut by Trees LLC.

Complaint Response:

From: Ingram, James (PacifiCorp)

To: Gflores@utah.gov

May 11, 2021

Hello Gwen,

I spoke with Mr. Swan regarding the concerns he has about the tree trimming performed on his property. Mr. Swan indicated that he wants to consult with his arborist before he meets with any further company employees. I provided my contact information for Mr. Swan, and he will reach out to me once he is ready.

The company vegetation management employee who met with Mr. Swan at his home on May 6, 2021 provided a summary of his contact Mr. Swan. He stated that he did have his company ID badge with him and introduced himself to Mr. Swan, and they did have an initially productive conversation. However, the employee made several observations about the trees that were pruned that appeared to have upset Mr. Swan, and then Mr. Swan asked the employee to leave the premises, which he did with no objection.

After an initial inspection of the trees that were pruned, the company employee did not determine that the pruning completed by the contracted arborist was outside of the trim zone. As you know, such pruning is done to maintain clearances, and the aesthetic impact of the trimming may not be to a property owner's preferences. However, the company will be happy to meet with Mr. Swan again regarding this matter once Mr. Swan is prepared to do so. The company wishes to maintain goodwill with Mr. Swan and Mr. Thompson.

Additional Info:

Please see attachment for mailing received from complainants on 11-23-2021

Kip Swan & Dave Thompson

2967 East Branch Drive

Holladay, Utah 84117-5503

801-971-8144 / 385-630-9663

kip@1stutah.com / denimbird@aol.com

James Ingram
Pacific Corp

November 16, 2021

Dear Mr. Ingram,

As the attached email explains, I have had problems with my computer. I have attempted to send you two emails. The second email I asked you to confirm receipt. You did not confirm a receipt.

Therefore, I am sending this correspondence via US mail. We understand that it has taken some time to find a company to manufacture the product that we want to replace the damage done by your employee. This has been accomplished and we would like to get this issue resolved as soon as possible.

We look forward to hearing from you.

Thank you,

Kip Swan & Dave Thompson

Cc: **Gwen Flores** – via US Mail

Fw: [INTERNET] Inspection of damage by Christopher Erickson

Kip Swan <kip@1stutah.com>

Tue 11/9/2021 10:30 AM

To: Ingram, James (PacifiCorp) <James.Ingram@pacificorp.com>

📎 1 attachments (51 KB)

Panel for Tree ReplaceKip Swan QUO2315.pdf;

Hello James,

I have been having problems with my email server and not sure if emails are going out or not. The email listed below was supposed to go to you yesterday. Can you confirm that it was received? If not, the email below is the email that you should have received. I'm sorry for this inconvenience.

From: Kip Swan <kip@1stutah.com>**Sent:** Monday, November 8, 2021 2:49 PM**To:** Ingram, James (PacifiCorp) <James.Ingram@pacificorp.com>**Cc:** Dave Thompson (denimbird@aol.com) <denimbird@aol.com>; gflores@utah.gov <gflores@utah.gov>**Subject:** Re: [INTERNET] Inspection of damage by Christopher Erickson

Hello James,

This is Kip Swan. A voice from the past. I never did hear from the vegetation director.

In the meantime, I have been working with a company, decorworx, to come up with a solution to this unfortunate situation caused by one of the people your company contracts with. This has taken some time, but we finally came up with a resolution. I am attaching a bid for this product. This does not include installation. I'm working to get a bid on installation. The company who manufactures this product is located in Cedar City Utah. We are trying to find the best solution on the installation. Because of the height and the linear coverage of this space, this requires 5 panels.

Let's remember, the damage done, was the loss of our privacy that was caused by one of your people removing branches that DID NOT need to be removed. A person who felt so entitled to act at his own discretion destroying "our" privacy which had nothing to do with the safety or the two RMP electrical lines and or any electrical hazard by caused by Rocky Mountain Power wires. Those lines are way beyond 10 feet and far above the area he felt so empowered to remove branches on.

Also, I have not yet been reimbursed for the cost of the arborist that we used. You did tell us to find our own arborist and that we would be reimbursed. I submitted the letter from Christopher Erickson and told you about the charges in the last email dated July 6, 2021. Can you please clarify how this reimbursement is to happen. I will get you the installation cost as soon as we receive it.

Now that the deciduous trees have lost their leaves the missing privacy of pines is more horribly apparent.

Please let me know if you have any questions.

Kind regards,

Kip Swan & David Thompson
2967 E. Branch Drive
Holladay, UT 84117-5503
801-971-8144 (Kip)
385-630-9663 (Dave)

Attachment (1)

Cc: UPSC

From: Ingram, James (PacifiCorp) <James.Ingram@pacificorp.com>
Sent: Tuesday, July 6, 2021 10:16 AM
To: Kip Swan <kip@1stutah.com>
Cc: Dave Thompson (denimbird@aol.com) <denimbird@aol.com>
Subject: RE: [INTERNET] Inspection of damage by Christopher Erickson

Hello Mr. Swan & Mr. Thompson,

Thank you for forwarding this information to me. I have sent it on to our vegetation management director for review, and the company will follow up with you shortly.

Regards,

James Ingram
Customer Advocacy/Tariff Policy
503 813 7431

From: Kip Swan <kip@1stutah.com>
Sent: Monday, July 5, 2021 8:24 AM
To: Ingram, James (PacifiCorp) <James.Ingram@pacificorp.com>
Cc: Dave Thompson (denimbird@aol.com) <denimbird@aol.com>
Subject: [INTERNET] Inspection of damage by Christopher Erickson

THIS MESSAGE IS FROM AN EXTERNAL SENDER.

Look closely at the **SENDER** address. Do not open **ATTACHMENTS** unless expected. Check for **INDICATORS** of phishing. Hover over **LINKS** before clicking. [Learn to spot a phishing message](#)

D. Kip Swan & David S. Thompson
2967 E. Branch Drive, Holladay, UT 84117-5503
801-971-8144 – 385-630-9663

Mr. James Ingram

July 5, 2021

Customer Advocacy Coordinator
Rocky Mountain Power

Dear Mr. Ingram,

We appreciate your willingness to be flexible with everyone's timeframe. With schedules being so full of work and trying to take some time off, after the pandemic, time has really slipped away. Needless to say, the huge hole in our pines caused by the employee at Trees LLC is still there. That area of privacy in our yard has not come back. In fact, due to the severe heat this year, the lack of protection from the larger branches that were carelessly removed and the direct harsh sun, is causing more damage to the other branches. They have never been exposed to such severe direct sun and this kind of heat before.

We were able to meet with our Arborist, Christopher Erickson. Christopher came out to our house and assessed the situation. We are attaching Christopher's letter to us, which is also in alignment with what Allen Webb at Trees LLC told Kip, the day he came out to our house, after this horrific event took place.

As the letter from Christopher clearly states, planting other trees to replace this horrific damage is not an option. The next option is to try and design some sort of fencing/trellis system that will provide the privacy that we lost, and will also accommodate a year-round vine, providing the privacy we lost, like an ivy or something similar.

We are in the process of discussing and looking at different options. Just yesterday, I saw something that may work. Dave has not seen this yet. We will both go and look at this piece and take photos and investigate. Unfortunately this trellis is on a building that is visible from a freeway onramp so it is difficult to stop and look or take photos. It will be a challenge to do this. We will make this work. This is extremely important to both of us.

After meeting with Christopher and discussing the limited options we have, we are still very upset that we even have to deal with this situation in the first place. As Christopher points out in his letter, we have a significant investment in the addition that we added to our home just last year. This is very frustrating and we are trying to deal with it as best we can. Besides, frustrating, this is very annoying, to have to put energy into a project like this. It makes us both very angry.

I paid the bill from Christopher's company for the consultation of \$200.00. How do you want to handle the reimbursement?

Dave and I will go look at the trellis system and, if Dave is in agreement, I have a place in mind that I believe can give us a bid on creating the piece. At this point, we will share the information with you. We can move forward from there.

Regards,

Kip Swan & Dave Thompson

Attachment (1)