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March 6, 2013

To: SIEA Board of Directors and Mr. Rudolf

Re: response to your letter dated February 5th, 2013.

Dear SIEA Board and Mr. Rudolf,

I take issue with every item in this letter, and I'm having a difficult time believing I have to write this letter to my Electric Utility Company.

Paragraph 2:

Jack did remove himself from this decision, but you still allowed him to run, and appointed him to the board as of September 15th, 2012. You did this, while knowing that SIEA was working on this new meter policy, and that you'd have a problem getting it implemented in Pueblo West. He stated that "no one at SIE told him about this policy", which was started on July 1st, 2012, and he became aware of it when I discussed it in front of the PWMD board in October. Someone at SIEA should have stopped him from running. This was SIEA's responsibility as a reputable company. Jack is also responsible for the recently negotiated and approved golf course easement relocation to appease SIEA, which I take issue with. I like what Mr. Johnston is doing for Pueblo West and believe he should continue as our manager, but it is my opinion that he should resign from the SIEA board, due to the conflict of interest.

Paragraph 3: Your compromise fiberglass pedestal's are not "improving the aesthetic's of the service", and look worse than the mobile home pedestal. I disagree that "this is the best outcome for all parties".

I doubt the building department will approve your "compromise". Pueblo West's easements are not designed to accommodate these twin meter pedestals. Typically, when a transformer servicing two homes is installed, it's placed on the property that builds first. This is because the first one built must pay for the transformer, and because the adjacent property may not want to build for several years. SIEA must create the utility easement with the first home owner, otherwise their equipment will not be protected. How will you solve the IEC requirement that the homeowner have 24/7 unfettered access? If the owner with the transformer installs a fence and has dogs, how will the other owner access their meter in an emergency. And they better hope they get along with their neighbor, since their neighbor now has 24/7 unfettered access to their meter. You will still have to install a second meter base. Just because you are tired of enforcing your own easements, is no excuse for passing your problems onto the community. How is that a solution?

In regards to your recently granted golf course easement adjustment. Moving the transformers off of the golf course lots and placing them on the golf course is not a good idea. How will you install those fiberglass pedestals? You can not place a homeowners meter on a "public accessible golf course", especially without having unobstructed access. Even if you could, you have made it incredibly easy to break into these homes by giving a thief access to the main power shut off, and placing it in a "public accessible" area. All a thief would have to do is dress up like Bob Hope, get a golf club, shag a ball near the box, shut down the box, and wait to see if anyone comes outside to check the panel boxes. Now he knows if your home, if you have a dog, if you have an alarm, etc.

Paragraph 4:

Why Black Hills, Xcel, IREA, and Colorado Springs Utility don't have these so called "safety and operational concerns" is perplexing. They have the exact same problems with select properties in their service area's, but deal with them and still use home mounted meters. When these other companies discuss "safety issues", they are referring to their customer's safety, not their employee's. Every Pueblo West resident should be insulted by your attitude. Apparently, we are too mean, ignorant, and stupid for SIEA workers to deal with us at our homes. And I don't see Black Hills asking Pueblo West for any easement adjustments.

Paragraph 5:

When you are a "not for profit" company, it's easy to be the cheapest electric company in town. Black Hills and Xcel are stock held companies. If they fail to maintain quality service and please their customers, their stock value drops and someone gets fired. If you fail to please your member's, nobody gets fired. You're claiming that they "only" care because of the money, but sorry, I'm not that cynical. If you are saying you care more about your employee's than all these other power companies, I disagree.

"This decision had an economic impact"? Yes, on the new home buyers.

Paragraph 6:

"The economics to the homeowner are the same"? And somehow the Builder is hiding information from our customers?? And the insults just keep coming.

First: you do not know what I tell my clients Mr. Rudolf. But since you claim you know, know this! I always have my electric and gas bills available to prospective clients, because they are so low. Most agents ask to see my electric bill prior to contracts, even if I didn't have them available earlier. The only fact I will be hiding now, is that SIEA is providing power to the property.

Second: SIEA is a "not for profit" association who will make money on the home for the next hundred years. I have to hire "for profit" electrical and underground contractors, who will only be making money on the work performed on that job. Unless SIEA is charging exorbitant rates to install the additional underground line, then SIEA should be cheaper.

Third: anyone who understands economics, understands that the Builder does not "pay" for anything. It's the homeowner who pays, no matter who does the work. I must pass all incurred cost's on to the buyer. This cost is either financed via SIEA's 5 year minimum usage billing, which has always been cheaper, or they finance it for 30 years via a mortgage company at a much higher extended cost. The buyer can pay the balance owed to SIEA at any time without penalty. All utility companies have to recoup the initial cost for installation of service, but they have different ways of getting it. Your suggestion that builders "surprise our customers by leaving them with a loan to pay off" is not plausible and I am once again insulted.

Paragraph 7:

Blaming the "rapid expansion of Pueblo West" and "having to install the meters on the house", for your inability to react to the market place, is not an appropriate response. I did not have a bad experience with SIEA while Mr. Woods was in charge of the company. While I may have had a couple of minor issues, they were no worse than any other bumps a builder encounters during construction, especially during a period of unprecedented growth.

And your "new policy removes several expensive and time consuming steps"? Which steps are those? SIE still has to send a crew out to install the transformer, no matter if the Builder wants temp service or not. In Pueblo

County, many Builders choose not to pay for temporary service and make the subs bring their own generators, thus eliminating that additional trip. Builder pay's for temp service and start paying the minimum billing that month and through the construction process, (which currently is costing me \$70.00 a month for very little electric use), so you make money on the temporary service. I would note that many city ordinances require the electric company to install temporary service to reduce air and sound pollution. I still have to hire a contractor to drive out and dig the trench and install the conduit. I still have to have the Electrical contractor come out and hook up the line and breakers. SIEA may not be making as many trips, but there are still as many trips being made by others. I don't see the savings to SIEA members.

Paragraph 8:

So SIEA "is having ingress and egress issues when the meter is on the house"? I'm sure your easement problems are the same as all the other major suppliers of electricity in Southern Colorado. All utility companies write their own easement agreements, notarize and record them. The builder or homeowner can not change anything in your legal agreement. If SIEA is having trouble enforcing their own easement agreements, then you need to adjust your legal agreement, not penalize the honest people.

And how do I, Chris Bryant, prove your point Mr. Rudolf? How is taking the meter off the house and putting it next to the street, or 150' from the home inside the back yard, going to help keep them from being vandalized? That is the very reason why your members want the meter on the house. Just because I ran into one neighbor from hell, that does not prove anything. In thirty years, every community I have built in has had one person that did not like me for building a home near them. But I always had 4 people that were good neighbors and understood my right to build a home. Dealing with this small minority is a part of my job. If I thought Pueblo West was that bad, I would not have all of my money invested here, and would not be planning to retire here.

You have "an issue entering property that is fenced and has dogs"? First, you do not own my property, you only own the legal right of access. It is perfectly within the homeowner's rights to fence their property and have dogs. Once again, you write your own easements. If you are having problems, that is an issue for your lawyer, the police, and the courts, not the 99% of honest members.

"And with increasing frequency our facilities are being enclosed by additional construction"? So, you are finding illegal, non permitted buildings, and you refuse to tell the Pueblo County Building Department or the Pueblo West COA? I suspect they are more than willing to help you with this problem, since it violates not only the International Electric Code, Pueblo County Building Department regulations, and Pueblo West COA laws, but is not safe for the homeowner to live in, or sell such property. How is that being concerned for Pueblo West residents and our community?

Paragraph 9:

You are "lessening the impact on a member's private property"? How is that true? The builder still has to run the line from your meter to the home. What *you* aren't saying, is that the homeowner is now responsible for maintaining a 240 volt electric line, that is large enough to kill them, instead of the electric company. No impact there. That's why the gas companies install their meter on the home and run their own line to the house. They don't want the homeowner to be responsible for maintenance of such a dangerous line. The builders do run the water line to the home from the street, but, water lines don't kill.

Your "improving member satisfaction by eliminating negative public contact"? I thought your job was to have public contact. Are the residents of Pueblo West really that bad that you feel compelled to "limit your public contact with us"? Do we threaten the lives of your employee's to the point of having to take such drastic measures?

Paragraph 10:

“SIEA will only install pedestals on new construction sites”? Then allow our attorney to draw up a legal document, have all SIEA board of directors sign and notarize it, and have it recorded at the Pueblo County recorders office. Although, I’m not sure how that will help your current easement issues, since installing them only on new homes, will not fix your existing problem properties. It is my belief that you intend to eventually move all the meters onto pedestals. And even if you don’t, you will have half the properties with pedestals and half on the homes. That is insane.

“Pedestals will not cause excessive vandalism, the Metro District itself has multiple commercial accounts on pedestals and I have yet to receive one complaint”? We are not talking about commercial buildings. They are different in many ways than a single family home on one acre. By your own admission, “where day and night people are traveling past the meters”. Yes, commercial properties typically have “more people” visiting their stores, etc. The meters are typically clustered in a visible place, which allows the Police to easily check for vandalism. There is more public lighting, traffic passing by, and security cameras. Business owners may work into the late hours, have night security guards, or be working 3 shifts 24/7. If a thief turns off the building’s lights, this will attract the attention of the Police and also make it more difficult to break into. Most residential break in’s occur during the daytime while most people are working.

Paragraph 11:

“operating your home breakers is possible whether your meter is on a house or pedestal” may be a true statement, but it’s extremely unlikely that it will happen when on the house, especially if a 6’ high fence and dog are employed. When the meter is at the front, no fence or dog can prevent a thief or neighbor from flipping your breaker off and on, and installing the meter 150’ does nothing to help your employee’s, since they now have to run 150’ and back from a pit bull, instead of 20’.

I’m not sure how many times I have to say this to a Electric Utility Company, “you do not put a lock on a safety shutoff switch, which controls 240 volts of electricity flowing into a home, and is intended to be used during an emergency, such as a electrical fire”? I’m happy to know that SIEA will respond to an emergency electrical fire, I’m just not sure how much of my home will be burned down by the time you get there. Electrical fires spread quickly and can not be extinguished with water, the power must be shut off. While I realize our Fire Department will get there as quick as possible, when seconds count, having a lock on your shut off switch, and not remembering the combination or where you put the key, can be a bit of problem. Your suggestion that a front door lock is the same as an emergency shut off switch is ludicrous. The breaker panel box is not the same. The locking tab at the bottom of the box is not intended for security, it is the tab SIEA uses to install a tag after a meter pull due to lack of payment. This tag is snipped off when payment is made and service is restored to the home. This locking tab can be easily cut off with tin snips and is only there to inform the utility company if someone was tampering with their equipment.

Paragraph 12:

“Safety is our top priority and our world is changing around us”. A good company changes with the world, for the benefit of it’s customers. Changing a 50 year policy is not the change that is needed. Pedestals will not solve any of the problems you currently have and does not concern itself with the safety of our residents.

“I do everything I can to get everyone home to their family safely”? Are Pueblo West home owners really so bad, that you worry about your employee’s getting home at night? Are we that terrible?

Paragraph 13:

“I know this pedestal policy is unpopular with home builders”? I thought you said that you only had one home builder complain? So you are hearing complaints, you just refuse to do anything about it? Which is it?

“because we are making them responsible for more when times are difficult”? Yes, you are. I now have the liability for a 240 volt line buried 24" under the ground, and no public utility agreement, money, and room full of lawyers to protect my business from future lawsuits. And you have added approximately \$1,000.00 to the installation cost. I have no doubt that builders are not complaining, since there are very few of us left doing any building. It was indeed a great time for you to sneak this one in on us.

“SIE sent letters to all of the home builders and electricians in our service territory”. I have yet to talk to any members that have already known about this issue. You neglected to inform myself, my electrician, the PWCOA, the PWMD Board, and didn't even tell Jack Johnston. Why not inform the members and the community? I was told you sent out a total of 150 letters. And how many thousand's of members do you have?

When I applied for service at 45 Rancho Vista, I must have received the 151st letter. I had no idea what you were talking about, and what I did understand, I couldn't believe you were doing. I had to wait until after you installed the meter to see the pedestal installation. Most of your members will have the same problem. It will be several years until the community becomes aware of what you are doing, and then it will be too late to stop you. I would not make the mistake of assuming that your members will approve of this decision. Even with the two letters of condemnation, I still see no effort on your part to inform the community.

Having one of your employee's, Robyn O'Day, on the Pueblo Association of Home Builders board of directors, is another conflict of interest. I'm sure she never tried to influence any of the builders into thinking this was a great idea, especially the ones that are not currently building and who do not build or live in Pueblo West.

Paragraph 14:

You have “a vested interest in the growth and success of Pueblo West”? I know of no land developer who would subdivide land under your terms. All the current new home projects in Colorado Springs and the City of Pueblo have home mounted meters. If you want the area's you service to be grow successfully, then I suggest you change this policy, so as to attract future developers. If you do not change it, and if I can not make you change it legally, then I will no longer build anywhere on your grid.

I have deliberated extensively over your decision to take such draconian action in our community, and it is my opinion that SIEA should immediately stop this policy. If not, the PWMD Board, the PWCOA, and other interested parties should begin a class action lawsuit against SIEA. This is not now, nor will it ever be, common practice within the electrical community. When I purchased my land, I had a reasonable expectation that you would finish this project the way you started it over 50 years ago. This policy will have a negative effect on our Real Estate values, especially in the higher end homes.

My electric and gas companies provide me with an invaluable product, that is extremely dangerous and difficult to deliver, and for that, I have always had a high respect for them. I do everything I can to cooperate with their requirements. But, SIEA has made a very bad decision regarding our community, and unfortunately, they are not listening.

Sincerely,

Christopher Bryant
Bryant Builders