

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Robert Ducey against
Moon Lake Electric Association, Inc.

DOCKET NO. 19-030-01
ORDER DISMISSING COMPLAINT

ISSUED: May 3, 2019

On March 12, 2019, Robert Ducey (“Mr. Ducey”) initiated this docket by filing a formal complaint (“Complaint”) against Moon Lake Electric Association, Inc. (“Moon Lake”). On March 13, 2019, Moon Lake sent to the Public Service Commission (“PSC”) some correspondence between Moon Lake, Mr. Ducey, and Mr. Ducey’s relatives. On April 9, 2019, Moon Lake filed a response. Mr. Ducey did not file a reply, and the deadline established by the PSC of April 26, 2019, has passed.

Mr. Ducey complains that Moon Lake was taking steps to terminate electric service to him due to unpaid bills. Mr. Ducey notes that his service was going to be terminated during the winter, states some of his personal circumstances that affected his bill payments, and addresses some of the potential consequences he would face if his electric service were terminated. In its response, Moon Lake asserts that it followed Utah Administrative Code R746-200-7 (“Rule 200-7”) and R746-500-5 with respect to Mr. Ducey, and outlined some history of Mr. Ducey’s payments, payment plans, and continuing balance.

We conclude that Moon Lake must comply with Rule 200-7, Termination of Service, with respect to any activities by Moon Lake related to termination of Mr. Ducey’s electric service. Mr. Ducey has not alleged that Moon Lake violated any provision of that rule, and he has not identified any other statute, rule, or tariff that he claims Moon Lake violated.

Additionally, we have reviewed Mr. Ducey’s factual allegations in the light most favorable to

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Mr. Ducey. We conclude that he has not alleged any conduct by Moon Lake that would violate Utah Rule 200-7, and we are unaware of any other statute, tariff, or rule that would be violated by the conduct of Moon Lake that Mr. Ducey alleges. Moon Lake has also affirmatively asserted to the PSC that it followed Rule 200-7 with respect to Mr. Ducey's scheduled service termination.

Accordingly, we dismiss Mr. Ducey's Complaint. We recognize the seriousness of the circumstances Mr. Ducey describes in his Complaint. Some of the payment assistance resources that might be available to him are available at this website:

<https://publicutilities.utah.gov/faqsc.html>

DATED at Salt Lake City, Utah, May 3, 2019.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#308094

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the PSC within 30 days after the issuance of this Order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on May 3, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Bob Ducey (bob@westerncabinkits.com)

Dustin T. McGee (dmcgee@mleainc.com)
Moon Lake Electric Association, Inc.

Patricia Schmid (pschmid@agutah.gov)
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By Hand-Delivery:

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Administrative Assistant