



# State of Utah

## Department of Commerce Division of Public Utilities

FRANCINE GIANI    CHRIS PARKER  
*Executive Director    Director, Division of Public Utilities*

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*Lieutenant Governor*

### Recommendation

**To:** Utah Public Service Commission

**From:** Utah Division of Public Utilities

Chris Parker, Director

Marialie Wright, Manager

Gwen Flores, Office Specialist

**Date:** June 17, 2019

**Re:** **Docket No. 19-035-26**, In the matter of the Formal Complaint of Frankie Baker vs. Rocky Mountain Power

### Recommendation (Dismiss Complaint)

#### Complaint Analysis:

The Division of Public Utilities (Division) received an informal complaint from Frankie Baker (Complainant) on February 26, 2019, claiming that Rocky Mountain Power (Company) has not adequately processed funds from the Complainant's chapter 13 bankruptcy case.

The Complainant has filed six previous complaints regarding the same issue.

- May 11, 2009
- September 01, 2010
- April 05, 2011
- October 04, 2012
- July 16, 2018
- February 26, 2019
- March 01, 2019

#### Company Response:

Autumn Braithwaite, the Company's Consumer Affairs representative responded to the Complainant's informal complaint on February 27, 2019. Ms. Braithwaite explained the balance owing on the Complainant's electric account was \$392.94 and of that amount, \$276.46 was past

due. The Baker's did file bankruptcy on August 27, 2018, but this case was dismissed on September 14, 2018 by the courts. Later in September 2018, there was a motion to vacate the dismissal and in October 2018 the motion was agreed to.

Rocky Mountain Power processed the bankruptcy on October 17, 2018, which removed \$1,938.57 from their electric account.

The balance owing at that time was \$392.94 including a security deposit of \$99.00, which was assessed when the bankruptcy was processed, and current charges from November 2018 through February 2019.

On Monday, March 25, 2019. Ms. Braithwaite was able to speak with Ms. Baker confirming the balance owing at that time was \$436.04. The Complainant advised Ms. Braithwaite her previous address at 2114 North 175 West in Sunset, Utah should have been in her landlord's name. However, the Company's records indicate this location was in her name from Oct 2016 to Nov 2018. Ms. Braithwaite offered to do a three-way call with the landlord but the Complainant was upset and indicated the Company did not care what she was saying. The Complainant felt the balance was high so Ms. Braithwaite went over how the balance breaks down:

\$154.32 was for service at 2114 N 175 W in Sunset, UT from August 27, 2018 to November 27, 2018 after the bankruptcy filing.

\$182.72 was for electric service at 4642 S 1900 W Apt 50 in Roy, UT from November 26, 2018 to present date

\$99.00 security deposit due to bankruptcy filing

In the same phone call, the Complainant stated she was making payments, Ms. Braithwaite requested confirmation of her payments. The last payment the Company received was \$272.00 from the HEAT office on March 19, 2018. Ms. Braithwaite also confirmed that the Complainant does have an active life support on file. However, power can still be disconnected for non-payment. Ms. Baker ended the call.

On Tuesday, April 2, 2019, Ms. Braithwaite provided the Division with an additional update. The Company was able to speak with Ms. Baker and establish a long term payment arrangement. Ms. Baker agreed to pay \$135.00 that was received on March 25, 2019. The remaining balance of \$301.04 was deferred over the next 18 months, which will invoice \$17.00 a month plus current charges.

#### **Division Review and Recommendation:**

The Company and Complainant established a long term payment arrangement. The Complainant agreed to pay the remaining balance of \$301.04 over the next 18 months, which is \$17.00 a month in addition to the monthly charges. It is not apparent that the Company has violated any commission Administrative Rules, Commission ruling or Company tariff. Therefore, the Division Recommends that the complaint be dismissed unless Complainant provides evidence demonstrating the Company's failure to comply with relevant rules, tariff or laws.