



State of Utah

PUBLIC SERVICE COMMISSION OF UTAH

Commissioners
Ron Allen
Chairman
Dave Clark
Ron Allen
Thad Levar
Executive Staff Director

Gary Herbert
Governor

Heber M Wells Building
160 East 300 South 4th Floor
Box 45585
Salt Lake City, Utah 84145-0585
Telephone: (801) 530-6716 Fax (801) 530-6796

Legal Counsel

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MEMORANDUM

TO: All Parties Seeking Further Resolution After Exhausting the Informal Complaint Process.

FROM: The Division of Public Utilities

As a consumer / complainant that has filed an informal complaint against a utility and remain dissatisfied with the utility's response, the Division of Public Utilities is obligated to advise the complaining party to consider alternatives to seek further remedy and resolution, through mediation or a formal proceeding before a hearing officer of the Commission.

Pursuant to Public Service Commission Administrative Rules R746-200-7 and R746-240-7, (see rules on reverse side) the Division extends the offer to the parties to mediate the dispute in seeking a satisfactory remedy.

THE MEDIATION PROCESS

Mediation is a process that is less formal than litigation. It is a good faith exercise wherein the ***parties*** to a conflict come together and attempt to find a mutually acceptable or satisfactory solution to a dispute or conflict. This is accomplished **with the assistance of a third party neutral or mediator** and of course the **willingness of the parties**. A mediator is not a judge. The mediator has no authority and should have no preconceived biases. The mediator shall not favor one party over another; he or she does not take sides or make assumptions, and draws no conclusions. The process establishes no right or wrong and does not establish blame or fault.

The parties' good faith participation is entirely and strictly voluntary. If resolution or settlement is reached it is because of the parties' 'good faith' efforts and compromises. A contractual agreement as a result of settlement efforts is usually drafted listing the details and specifics but will be binding only to the extent of all parties good faith and determination.

The mediator, assigned by the Division shall regard all discussion, measures, procedures, and processes in the mediation process as strictly confidential and shall be maintained that way. Confidentiality by the conflicting parties is self mandated. The mediators' notes and records will be destroyed at the conclusion of the process, regardless of whether or not a satisfactory resolution or agreement is reached. Mediators are protected by the law; they cannot be deposed, subpoenaed, or ordered to testify, for any reason, at any time, for either party for any matter related to the proceeding.

Any of the parties, including the mediator, has the right to abandon the process at any time for any reason. Participation in mediation does not compromise the complainant's right to request a formal review of the dispute by the Commission in the event the mediation process is unsuccessful.

The mediator has no rules; the agenda belongs to the parties.

After reviewing the above mediation process, if you would like to try the mediation approach to dispute resolution please contact the Division at (801) 530-7622 with your request. The Division will then contact the other party advising them of your request to mediate the dispute and attempt to establish a time that is convenient to all parties. The Division may request additional information from the parties and conduct a review of the facts prior to the scheduled mediation date and time.

2Please keep in mind that disputed issues and items that can be mediated are only those subject to the Commission's jurisdiction and covered by State Statute, or Rule, or those covered by the utility's tariff or price list. Also, monetary damages for harm suffered due to a utility's action or inaction cannot be considered in the conflict or dispute, nor will any consideration for the utility to provide service for free be entertained.

3R746-200-8. Informal Review.

A. A person who is unable to resolve a dispute with the utility concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the utility that an informal complaint has been filed. Absent unusual circumstances, the utility shall attempt to resolve the complaint within five business days. In no circumstances shall the utility fail to respond to the informal complaint within five business days. The response shall advise the complainant and the Division employee regarding the results of the utility's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution. The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted a proposed solution or otherwise completely resolved the complaint with the utility, the complaint shall be presumed to be unresolved.

B. Mediation - If the utility or the complainant determines that they cannot resolve the dispute by themselves, either of them may request that the Division attempt to mediate the dispute. When a mediation request is made, the Division employee shall inform the other party within five business days of the mediation request. The other party shall either accept or reject the mediation request within ten business days after the date of the mediation request, and so advise the mediation-requesting party and the Division employee. If mediation is accepted by both parties or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the dispute, considering both the customer's complaint and the utility's response, their past efforts to resolve the dispute, and try to mediate a resolution between the complainant and the utility. Mediation efforts may continue for 30 days or until the Division employee informs the parties that the Division has determined that mediation is not likely to result in a mutually acceptable resolution, whichever is shorter.

C. Division Access to Information during Informal Review or Mediation - The utility and the complainant shall provide documents, data or other information requested by the Division, to evaluate the complaint, within five business days of the Division's request, if reasonably possible or as expeditiously as possible, if they cannot be provided within five business days.

D. Commission Review - If the utility has proposed that the complaint be dismissed from informal review for lack of merit and the Division concurs in the disposition, if either party has rejected mediation or if mediation efforts are unsuccessful and the Division has not been able to assist the parties in reaching a mutually accepted resolution of the informal dispute, or the dispute is otherwise unresolved between the parties, the Division in all cases shall inform the complainant of the right to petition the Commission for a review of the dispute, and shall make available to the complainant a standardized complaint form with instructions approved by the Commission. The Division itself may petition the Commission for review of a dispute in any case which the Division determines appropriate. While a complainant is proceeding with an informal or a formal review or mediation by the Division or a Commission review of a dispute, no termination of service shall be permitted, if any amounts not disputed are paid when due, subject to the utility's right to terminate service pursuant to R746-200-6(F), Termination of Service Without Notice.

R746-200-8. Formal Agency Proceedings Based Upon Complaint Review.

The Commission, upon its own motion or upon the petition of any person, may initiate formal or investigative proceedings upon matters arising out of informal complaints.

R746-240-7. Review and Resolution of Disputes.

A. Informal Review - A person who is unable to resolve a dispute with a telecommunications corporation concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the telecommunications corporation that an informal complaint has been filed. Absent unusual circumstances, the telecommunications corporation shall attempt to resolve the complaint within five business days. In no circumstance shall the telecommunications corporation fail to respond to the informal complaint within five business days.

The response shall advise the complainant and the Division employee regarding the results of the telecommunications corporation's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution. The telecommunications corporation shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the telecommunications corporation requests that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The telecommunications corporation shall inform the Division employee of the telecommunications corporation's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted a proposed solution or otherwise completely resolved the complaint with the telecommunications corporations, the complaint shall be presumed to be unresolved.

B. Mediation - If the telecommunications corporation or the complainant determines that they cannot resolve the dispute by themselves, either of them may request that the Division attempt to mediate the dispute. When a mediation request is made, the Division employee shall inform the other party within five business days of the mediation request. The other party shall either accept or reject the mediation request within ten business days after the date of the mediation request, and so advise the mediation requesting party and the Division employee. If mediation is accepted by both parties or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the dispute, considering both the customer's complaint and the telecommunications corporation's response, their past efforts to resolve the dispute, and try to mediate a resolution between the complainant and the telecommunications corporation. Mediation efforts may continue for 30 days or until the Division employee informs the parties that the Division has determined that mediation is not likely to result in a mutually acceptable resolution, whichever is shorter.

C. Division Access to Information During Informal Review or Mediation-The telecommunications corporation and the complainant shall provide documents, data or other information requested by the Division, to evaluate the complaint within five business days of the Division's request, if reasonable possible or as expeditiously as possible if they cannot be provided within five business days.

D. Commission Review - If the telecommunications corporation has proposed that the complaint be dismissed from informal review for lack of merit and the Division concurs in the disposition, if either party has rejected mediation or if mediation efforts are unsuccessful and the Division has not been able to assist the parties in reaching a mutually accepted resolution of the informal dispute, or the dispute is otherwise unresolved between the parties, the Division in all cases shall inform the complainant of the right to petition the Commission for a review of the dispute, and shall make available to the complainant a standardized complaint form with instructions approved by the Commission. The Division itself may petition the Commission for review of a dispute in any case which the Division determines appropriate. While a complainant is proceeding with an informal review or mediation by the Division or a Commission review of a dispute, no termination of telecommunications service shall be permitted, if amounts not disputed are paid when due, subject to the telecommunications corporation's right to terminate service pursuant to R746-240-6(D), Termination Without Notice.

R746-240-8. Formal Agency Proceedings Based Upon Complaint Review.

The Commission, upon its own motion, the petition of the Division of Public Utilities, or any person, may initiate formal hearings or investigative proceedings upon a matter arising out of an informal complaint.

4 FORMAL COMPLAINT INSTRUCTIONS

PUBLIC SERVICE COMMISSION OF UTAH

The Public Service Commission Rules of Practice and Procedure, Section R746-3(A), (B), (C) & (F) require any person wishing to have a hearing before the Commission on a complaint against a utility to file the formal complaint in writing (8 ½ x 11 paper). Attached is a sample form which you may follow. The Commission will take no formal action on oral complaints.

You may either fill in the blanks on the attached form, or you may write your own complaint, but the same information must be included in your complaint. Complaints which are incomplete or illegible will be returned.

Please state your complaint in simple, straightforward, non-technical language. Decide what you want to accomplish in complaining. Do you just want to vent your frustration about high rates? Do you want your telephone fixed? Do you want to make sure you're being charged the proper rate? Be specific in stating your complaint.

The utility involved has thirty days within which to answer your complaint. Your complaint will be reviewed by the Commission's legal counsel to determine if the Commission has the statutory authority to help you through its hearing process. If a hearing is scheduled, the Commission will send you a notice indicating the hearing date and time, and it will be conducted much like a court hearing with a court reporter recording the proceedings. All testimony will be under oath, and false testimony may be made the basis for a felony prosecution for perjury. The opposing side may cross examine all witnesses, including you as Complainant. You have the responsibility of proving the merits of the complaint.

Utility companies are represented by their lawyers. You may also have a lawyer, if you wish. If you come without your lawyer, you will be held to have given up your right to legal representation. If you fail to attend a hearing, and have not alerted the Commission, your complaint will be finally dismissed.

Formal complaints are the last resort in the complaint process. The Commission will not permit a customer to file a formal complaint unless it seems unlikely that a settlement can be reached through the informal process.

The State Legislature has granted the Commission limited authority over utilities in regard to customer complaints. The Commission may order a utility to: a) correct service problems; and b) refund incorrect billings.

The Commission has no authority to correct property damage from maintenance operations or sales of defective telephone equipment, nor rudeness on the part of the utility representative to name three examples.

Your rights and responsibilities are contained in Utah Law (Title 54 Chapter 1) and PSC rules and regulations. Mail or bring, your written formal complaint to: Public Service Commission, 160 East 300 South, Fourth Floor, P.O. Box 45585, Salt Lake City, Utah 84145-0585. Questions should be directed to GARY WIDERBURG at the Public Service Commission telephone 530-6716

(Please note: Complaints elevated to formal complaints and filed with the Commission are public documents and will be published on the Commission's website.)

**FORMAL COMPLAINT FORM
PUBLIC SERVICE COMMISSION
Heber M. Wells State Office Building
160 East 300 South, Fourth Floor
P.O. Box 45585
Salt Lake City, Utah 84114**

1. Name of Complainant: Chris Raver

Address: 92 Riverbend Road Saratoga Springs, Utah 84045

Telephone No.: 801-362-2330

If represented by counsel, list:

Name: _____

Address: _____

Telephone No.: _____

2. The utility being complained against is: Questar Gas

3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper? Include exact dates, times, locations and persons involved, as closely as you can.

Violation of R764-200-7 Termination of Service

Mailed termination notice was sent on 06-13-2013. They claim a 48 hour notice was left on 08-13-2013

but was not. Termination did not occur until 08-28-2013.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 business days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

4. Why do you (the Complainant) think these activities are illegal, unjust or improper? Two Months

passed between the date the mailed notice was sent and termination occurred. No 48 notice was left on

8.13.2013 as they claim.

5. What relief does the Complainant request? Reinstatement of the Differed Payment Agreement

without a security deposit and the immediate termination of Elia Lopez and Kendra Keddington.

6. Signature of Complainant _____

Date: _____