

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Mr. Michael Moyal and the
Master Meter System at the Millstream
Motel

DOCKET NO. 16-2593-01

ORDER OF DISMISSAL

ISSUED: December 29, 2016

BACKGROUND

On October 20, 2016, the Division of Public Utilities (Division) filed with the Public Service Commission of Utah (PSC) a request for agency action (Request). The Request alleged that Michael Moyal (Mr. Moyal) was operating a Master Meter System that failed to comply with numerous federal and state safety requirements.

On October 25, 2016, the PSC issued a scheduling order and notice of hearing. Thereafter, the parties requested that the schedule be suspended, due to their having reached a settlement. The PSC granted the request on November 22, 2016.

On December 21, 2016, the Division filed the parties' settlement agreement, along with a notice of dismissal per Utah R. Civ. Pro. 41(a)(1) and/or a request for approval of the stipulation per Utah Code § 54-7-1.

DISCUSSION

Utah R. Civ. Pro. 41(a)(1) allows a complainant to dismiss its own complaint at any time prior to the date on which the respondent files an answer or other responsive pleading. Where the PSC has no administrative rule governing such circumstances, it adopts Utah R. Civ. Pro. 41(a)(1) in this case and finds that dismissal is appropriate under the rule.

Further, the PSC has reviewed the parties' stipulation, which sets forth the following terms and conditions:

DOCKET NO. 16-2593-01

- 2 -

1. On October 26, 2016, Questar Gas Company locked the meter for Mr. Moyal's Master Meter System. Subsequently, Mr. Moyal had the piping for the Master Meter System appropriately purged.
2. On November 14, 2016, Pipeline Safety conducted a site inspection and verified that Questar Gas Company had locked the Master Meter System; that the Master Meter System remained locked; and that the piping had been appropriately purged, thereby rendering the system inoperable.
3. Mr. Moyal agrees that he will not restore gas service through the Master Meter System.

The PSC finds and concludes that the terms and conditions of the parties' stipulation are appropriate and sufficient to ensure the public health and safety.

ORDER

Based on the foregoing, the Public Service Commission of Utah acknowledges the Division's notice of dismissal and approves the stipulation of the parties. Where the stipulation requires ongoing compliance by Mr. Moyal, dismissal is without prejudice.

DATED at Salt Lake City, Utah, December 29, 2016.

/s/ Jennie T. Jonsson
Administrative Law Judge

DOCKET NO. 16-2593-01

- 3 -

Approved and confirmed December 29, 2016 as the Order of the Public Service
Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#290991

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the 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 Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission'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 Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on December 29, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Mr. Michael Moyal (memoyal@gmail.com)

Patricia Schmid (pschmid@utah.gov)

Justin Jetter (jjetter@utah.gov)

Rex Olsen (rolsen@utah.gov)

Robert Moore (rmoore@utah.gov)

Utah Attorney General's Office

Erika Tedder (etedder@utah.gov)

Division of Public Utilities

By Hand-Delivery:

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160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant