

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Brett Robinson and Brad Crookston against Dominion Energy Utah	<u>DOCKET NO. 18-057-18</u> <u>ORDER DENYING REQUEST FOR REHEARING OR RECONSIDERATION</u>
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ISSUED: February 6, 2019

On January 23, 2019, the Public Service Commission (“PSC”) issued its Order Dismissing Complaint (“Order”), dismissing the formal complaint (“Complaint”) that Brett Robinson and Brad Crookston (“Complainants”) filed in this docket against Dominion Energy Utah (“DEU”). The subject of the Complaint was the route DEU proposed with respect to a gas line extension in Complainants’ development and the relief Complainants sought was an adjustment to DEU’s proposed route. In granting DEU’s motion to dismiss and dismissing the Complaint, the PSC noted that the gas line extension in question had been installed and that Complainants had not alleged DEU to have violated any applicable provision of statute, rule, or tariff.

On January 25, 2019, Complainants submitted an email to the PSC, protesting the dismissal, inquiring about the process for review of the decision, and insisting that DEU had violated its policy to treat customers “[f]air and [e]qual.” The PSC will treat this email as a request for review or rehearing pursuant to Utah Code Ann. § 54-7-15 (“Request”), a prerequisite to judicial review.¹

¹ The PSC ought to have included a standard paragraph at the end of its Order advising Complainants of their right to seek administrative review or rehearing and applicable deadlines. See Utah Code Ann. § 63G-4-208. The PSC acknowledges and apologizes for the oversight. As the PSC treats Complainants’ email as a timely request for review or rehearing, we conclude the error was harmless.

The PSC remains unable to identify any remaining issue, articulated in the Complaint, upon which to proceed to a hearing. Specifically, the Complaint sought an exception to DEU's policy regarding gas main extensions, but the installation of the gas line in question forecloses the remedy Complainants sought. Moreover, no allegation exists that DEU violated any particular provision of statute, rule, or tariff. The PSC cannot proceed to a hearing on the merits of issues that have not been reasonably identified or on issues that have not been the subject of appropriate requests for agency action.²

For the same reasons enumerated therein, the PSC affirms its Order, dismissing the Complaint without prejudice, and declines the Request. The PSC reminds Complainants that its Order dismissed the Complaint without prejudice. To the extent Complainants believe outstanding issues exist that arise out of the circumstances leading to their Complaint, the Order does not foreclose further PSC action or examination. To the extent the Complainants wish to seek further action from the PSC, they may file an appropriate request.

² In Complainants' response, filed November 13, 2018, they suggest the PSC "investigate the language of the policy" in question and that "[p]erhaps [the] language should be changed." Complainants should understand the PSC does not conclude these statements, buried in a response to a motion to dismiss the Complaint, constitute an appropriate request for agency action nor do they meet the statutory requirements for such a request. *See* Utah Code Ann. § 63G-4-201. In evaluating a customer complaint, the PSC generally evaluates whether a utility has complied with applicable law, regulation, and tariff. If a stakeholder wishes the PSC to consider the propriety of an existing tariff provision or policy, the stakeholder should initiate an appropriate request for agency action, which would necessarily put other stakeholders on notice of the proceedings and allow them an opportunity to seek to participate.

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DATED at Salt Lake City, Utah, February 6, 2019.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed February 6, 2019 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
PSC Secretary
DW#306574

Notice of Opportunity for Judicial Review

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 Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on February 6, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Brett Robinson and Brad Crookston
1217 E 2500 N
North Logan, UT 84341

By E-Mail:

Brett Robinson (brettandlandree@hotmail.com)
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