

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Tim A. Skougard against Dominion Energy Utah	<u>DOCKET NO. 19-057-27</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: December 9, 2019

1. Background

On October 15, 2019, Tim A. Skougard (“Complainant”) filed a Formal Complaint (“Complaint”) with the Public Service Commission (PSC) against Dominion Energy Utah (DEU). The Complaint relates that Complainant believes DEU has charged him unnecessary, unjust, or otherwise inappropriate fees. The Complaint does not specify with reasonable clarity the nature or amount of the fees he disputes. However, a description in the informal complaint, summarizing information Complainant provided to the Division of Public Utilities (DPU) and prepared by the DPU, explains DEU disconnected Complainant’s service for non-payment and Complainant disputes the fees DEU has imposed to reconnect service.

On October 16, 2019, the PSC issued a Notice of Filing and Comment Period, allowing DEU to file a response by November 14, 2019 and Complainant to file a reply by November 29, 2019.

On November 14, 2019, DEU filed its response (“Response”). Supported by a sworn affidavit, the Response details Complainant’s “long history of failing to pay ... making and defaulting on payment arrangements, and then engaging in theft of gas to reinstate service without paying.” (Response at 1.) Complainant “has been given notice that his service will be terminated for failure to pay forty-seven (47) times since February of 2010.” (*Id.* at 2.) “Of the

47 notices of termination ... [DEU] actually shut service off to [Complainant's] residence 30 times." (*Id.* at 2-3.)

Under § 7.02 of DEU's Tariff, "[i]f [a] customer breaks or removes the seal placed on the valve following a meter shut-off and restores service, a plug will be placed in the service line" and if the customer removes or tampers with the plug, the "meter and regulator will be removed and/or the service will be cut at the main." In such cases, § 7.02 requires a customer who wishes to reinstate service to pay "[f]or all gas consumed during the period of unauthorized gas use," a reconnection fee, and "associated construction and repair costs."

The Response represents Complainant "has a history of removing the seal" to, essentially, steal gas and that he has "done so at least nine times" between May 2011 and August 2019. The Response explains DEU has charged and Complainant has paid charges and fees under § 7.02 "20 times since 2010." (Response at 3.)

DEU represents it terminated Complainant's service on August 7, 2019 for non-payment consistent with all applicable statutes, rules, and tariff provisions. (*Id.*) On August 14, 2019, DEU discovered Complainant "had tampered with the meter resulting in unlawful consumption of natural gas" and, in compliance with the Tariff, DEU plugged the meter. (*Id.* at 4.)

DEU represents on August 16, 2019, Complainant contacted DEU to seek reinstatement of service. (*Id.* at 4.) At the time, Complainant owed more than \$800 for authorized and unauthorized use of gas and fees under the Tariff. (*Id.*) DEU "offered a Payment Arrangement if he paid a \$300.00 payment at that time, as the first installment." (*Id.*) Complainant attempted to make payment the same day via Western Union but the payment was not completed "because the

bank account related to the payment had been closed.” (*Id.*) Consequently, on August 26, 2019, DEU again terminated service for non-payment. (*Id.*)

On September 4, 2019, Complainant paid \$700.00 and DEU again restored his service. (*Id.*) DEU maintains this payment reduced the total amount owed to \$142.95 and includes a chart in its Response itemizing each portion of Complainant’s balance, the reason for the charge, and citing the section of the Tariff that authorizes or requires it.

DEU asks the PSC to deny the Complaint. DEU also alleges Complainant has repeatedly threatened violence against DEU employees and requests the PSC arrange for security in the event a hearing is held. (*Id.* at 3, 5-6.)

Complainant filed no reply or other document in support of his Complaint.

2. Findings, Conclusions, and Order

Having reviewed the Complaint, the Response and supporting exhibits, and Complainant having failed to file a reply or to otherwise support his Complaint, the PSC finds Complainant has not alleged facts suggesting DEU violated any provision of statute, rule, or tariff. The Complaint is dismissed.

DATED at Salt Lake City, Utah, December 9, 2019.

/s/ Michael J. Hammer
Presiding Officer

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Approved and confirmed December 9, 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#311408

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 written order by filing a request for review or rehearing with the PSC 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 PSC 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 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 December 9, 2019, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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