

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the matter of the complaint of:)
LAVINIA F. LYDEN AND THE LYDEN)
SHOP,)
Complainant,)
vs.)
QUESTAR GAS COMPANY,)
Respondent)

DOCKET NO. 02-057-03
REPORT AND ORDER

ISSUED: January 15, 2003

SYNOPSIS

Complainants having failed to show any violation of Respondent's published tariffs or of the applicable statutes and Commission rules, we dismiss.

By The Commission:

PROCEDURAL HISTORY

Complainant filed her complaint alleging that a bill from Respondent Questar Gas Company ("Questar") was improperly high. Complainant paid the disputed amount to prevent shut-off of service, and requests a refund of \$100.00. Questar filed an Answer to the Complaint, together with a Motion to Dismiss. Questar claims that the complained of billing was for actual gas service used at the premises, and was high due to meter reading errors the preceding two months. The Division of Public Utilities investigated and filed a memorandum concluding that Questar Gas had not violated any statute, rule or tariff in this case, and recommending that the complaint be dismissed.

Customer complaints being designated informal proceedings under Commission rules, and there appearing to be no disputed factual issue necessary to the resolution of this matter, we deem it ripe for disposition without hearing or submission of further evidence. The Administrative Law Judge, having been fully advised in the premises, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Complainant is a residential customer of Questar, a gas corporation certificated by this Commission.
2. Complainant is the responsible party for gas service at an auto repair shop in West Valley City, Utah. Complainant alleges that the bill for gas service to the shop received in March 2002 was incorrect.
3. In its answer, Respondent states that on December 26, 2001, and January 25, 2002, Complainant's meter was misread which caused an underbilling for Complainant. Respondent alleges that the next meter read, done on February 26, 2002, was correct, and the bill complained of was accurate and included gas service for which Complainant was underbilled in the previous two months.
4. Questar further states that on March 8, 2002, a technician verified the meter reading. Questar also states that on April 8, 2002, a technician checked Complainants appliances at Complainant's request, and at that time shut-off a hanging heating unit. Questar further states that the technician performed a spot check on the meter which verified that the meter

was working properly. We accept those assertions as correct.

DISCUSSION

The bill at issue was abnormally high. Questar admits that it made erroneous meter readings the previous two months. Those erroneous readings caused the bill in question to be higher than normal, and understandably caused Complainant's concern. However, we find that the meter reading for the bill in question does accurately reflect gas service to the auto shop, including the under-billed service from the preceding two months. It is unfortunate when such errors occur, and they can be burdensome to customers, particularly when the errors are during the winter months. Nonetheless, customers are obligated to pay for gas service they received. The Commission's rules address the need to allow customers time to pay bills containing usage from prior periods. In this case the bill has been paid in full so those provisions do not come into play. The bill in question did reflect gas service provided to Complainant by Questar. Complainant is therefore not entitled to a refund. We will dismiss the Complaint.

CONCLUSIONS OF LAW

Based on the facts found above, the Complaint should be dismissed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- The complaint of LAVINA F. LYNDEN AND THE LYNDEN SHOP against QUESTAR GAS COMPANY is dismissed.
- If Complainant wishes to proceed further, Complainant may file a written petition for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal.

Dated at Salt Lake City, Utah, this 15th day of January. 2003.

/s/ Douglas C. Tingey
Administrative Law Judge

Approved and Confirmed this 15th day of January, 2003, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#32128