

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----  
In the Matter of the Formal Complaint of )  
Alan Millard vs. Questar ) DOCKET NO. 06-057-08  
)  
) REPORT AND ORDER  
)  
-----

ISSUED: October 23, 2006

SYNOPSIS

Complainant having failed to demonstrate a violation by Questar Gas Company of any statute, rule, or tariff provision, the Commission dismissed the complaint.

-----  
By The Commission:

PROCEDURAL HISTORY

On August 8, 2006, Complainant Alan Millard filed a formal complaint against Respondent Questar Gas Company (“Questar”) claiming Questar had failed, upon Complainant’s request, to timely terminate natural gas service to a rental unit Complainant owns at 1021 Doxey Street, Ogden, Utah, and thereafter wrongly terminated said service when Complainant failed to pay amounts past due on his account. Complainant seeks a refund of the money he had to pay for gas service after he had requested that service be terminated, as well as punitive and compensatory damages.

On August 30, 2006, Questar filed its Answer and Motion to Dismiss (“Answer”) stating Questar has at all times acted in accordance with applicable rules, tariffs, and statutes, and requesting dismissal.

On September 11, 2006, Complainant filed his Counter to Answer of Questar Gas and Motion to Continue and Request to Grant Punitive Damages disputing several points made by Questar in its Answer and, apparently, seeking hearing on this matter.

On September 19, 2006, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission dismiss the complaint based on its conclusion that Questar’s actions had violated no provision of statute, rule, or tariff.

On September 27, 2006, Respondent filed a Memorandum in Opposition to Motion to Continue and Grant Punitive Damages.

This matter came on for duly-noticed hearing before the Administrative Law Judge on October 10, 2006. Complainant represented himself and appeared by telephone. Jenniffer N. Hyde, in-house counsel, represented Questar. Linda Kizerian, Questar Consumer Affairs representative, testified on behalf of Questar.

At hearing, Questar sought admission of an account history for Complainant marked Questar Exhibit 4. Because Complainant was in attendance by telephone and had not previously seen said exhibit, the Administrative Law Judge instructed Questar to mail a copy to Complainant and gave Complainant until October 18, 2006, to object to the admission of said exhibit. Complainant having failed to object, Questar Exhibit 4 is hereby admitted.

BACKGROUND, DISCUSSION, FINDINGS, AND CONCLUSION

Complainant testified he telephoned Questar on December 12, 2005, to request termination of gas service in his name at a rental property he owns at 1021 Doxey Street, Ogden, Utah. As proof that he contacted Questar on that date and desired to have service terminated on

that date, Complainant submitted a copy of a lease agreement indicating a new tenancy began at the property on December 12, 2005.

Questar has no record of any contact with Complainant on December 12, 2005. Instead, Questar's records indicate Complainant first contacted Questar to request termination of service on December 15, 2005. Questar provided and played at hearing a recording of the telephone call received by Complainant on that date. During that conversation, Complainant requested termination of service effective December 13, 2005, but made no mention of his claimed request of December 12, 2005. Also during this conversation, the Questar representative informed Complainant that because the property for which he sought to terminate service is a rental property he would have to complete, sign, and return an affidavit indicating said termination is not sought as a means of evicting tenants. Questar further informed Complainant that service termination could not be carried out until it had received said affidavit.

Questar sent the affidavit to Complainant on December 16, 2005. Complainant signed the affidavit on December 26, 2005, but did not return it to Questar until January 5, 2006. Questar thereafter terminated service to the property on January 9, 2006, and sent a final bill for \$99.49 to Complainant on January 16, 2006. Complainant did not pay this bill.

Complainant later requested gas service at 1021 Doxey Street be placed in his name effective April 3, 2006. Questar informed Complainant of his unpaid final bill but never received payment. On May 23, 2006, Questar mailed an Urgent Notice to Complainant's home. This was followed by a collection call from Questar on June 8, 2006, and a notice left at 1021

DOCKET NO. 06-057-08

-4-

Doxey Street on June 22, 2006. Questar terminated service to 1021 Doxey Street for nonpayment on July 5, 2006. Complainant thereafter made payment and service was restored.

Commission Rule 746-200-7(I)(2) requires a customer who is not an occupant at the residence for which termination of service is requested to advise the public utility at least 10 days in advance of the day on which he wants service disconnected and sign an affidavit that he is not requesting termination of service as a means of evicting his tenants. These requirements are similarly set forth at section 9.05 of Questar's tariff. In addition, subsection (1) of this rule requires a utility to disconnect service within four working days of the requested disconnect date.

Because the property at 1021 Doxey Street was a rental property not occupied by Complainant, the date on which Complainant first requested termination of service is immaterial to our resolution of this matter. Whether first contact was made on December 12 or December 15, our Rule requires that Complainant sign the appropriate affidavit before service is terminated. Having reviewed the evidence and testimony presented, we find and conclude that Questar properly informed Complainant of this requirement and acted promptly in providing the affidavit to him and terminating service upon receipt of the signed affidavit. We further conclude Questar acted properly in terminating Complainant's service for nonpayment in July 2005. Therefore, having found no violation by Questar of applicable statutes, rules, or tariff provisions, we determine to dismiss this matter.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The complaint filed herein is dismissed.
- 2 Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained 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 Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 23<sup>rd</sup> day of October, 2006.

/s/ Steven F. Goodwill  
Administrative Law Judge

DOCKET NO. 06-057-08

-6-

Approved and Confirmed this 23<sup>rd</sup> day of October, 2006, as the Report and  
Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#51100