

Complaint Report

Complaint Number: C19-0068

Customer Information

Customer Name: Ducey , Patricia & Robert

Account Number:

Other Contact Info: Debrah Ducey

Phone Number: 646-335-2680

Email Address:

Service: 47303 W 7100 S Sundown Ridge

Address: Fruit Land , UT 84027

Complaint Information

Company Name: Moon Lake Electric Assn.

Date Received: 3/11/2019

Date Resolved: 3/11/2019

Type of Call: Complaint

Complaint Type: Shut Off or Notice

Complaint Received By: Cynthia Dumas

Utility Company Analyst: Dustin McGee

Gone Formal: NO

Complaint Description:

The Division received a call from Ms. Deborah Ducey, in behalf of her father Robert Ducey regarding the shut off notice they received from Moon Lake Electric. She explained her mom, Patricia Ducey, passed away in December 2018. At that time the family stopped working to spend the last days with Patricia. Since then Robert has moved to Florida with his daughter since he needs to be taken care of. Ms. Ducey has been paying \$100 towards her parents electric bill. She explained she has maximize all her money and can't make payments at this time. Moon Lake would like for the customer to \$600.16 by tomorrow in order to keep services on. Ms. Ducey stresses they need the services turned on since they're trying to sell the home and can't afford to have them disconnected or pay a reconnection fee. Her resolution would be for Moon Lake to place a lien on the home for the amount passed due, so when they house gets sold the company gets their money that way. Please contact Deborah Ducey.

Complaint Response:

From: Dustin McGee
Date: Mon, Mar 11, 2019 at 12:31 PM
Subject: UT - Ducey Patricia & Robert Informal Complaint
To: Cynthia Dumas

Cynthia, yes, things have been well here, and still receiving plenty of snow.

This is a response to the compliant by Deborah Ducey made in behalf of her father's account (Robert Ducey). I have been in contact, primarily via email, with Robert Ducey over the past few days regarding his bill, and have tried to negotiate a reasonable deal for both parties.

Here are the numbers: Total Balance \$1,184.07; Past Due Balance \$616.02; Staying on a regular billing cycle, we are scheduled to bill this account around the 20th of this month which will obviously increase their total balance.

We have been trying over the past few months to work with Robert, all things considered, to pay down his balance. In lieu of shut-off due to delinquency, we accepted a \$200 payment in January and a \$100 payment in February, even though the total past due and total balances were increasing. With the total balance now \$1,184.07, we feel it is necessary to collect, at minimum, the past due balance of \$616.02 so that we do not incur a larger outstanding balance, and to avoid shut-off.

Thanks,
DUSTIN T. MCGEE
Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** Additional Response from Dustin McGee ***

From: Dustin McGee
Date: Mon, Mar 11, 2019 at 12:42 PM
Subject: UT - Ducey Patricia & Robert Informal Complaint
To: Cynthia Dumas

Just as a further note, placing a lien on a home for electric utility payments is not an option. In the past we have received legal council informing us that because electric bills are an unsecured debt, we are not entitled to file a lien on a property. (this is in reference to Deborah Ducey's complaint (C19-0068) requesting we file a lien in lieu of paying their bill)

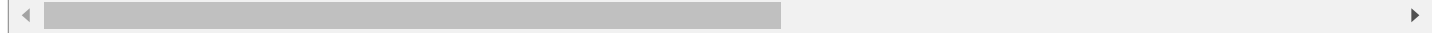
Thanks,
DUSTIN T. MCGEE
Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

From: Dustin McGee
Date: Mon, Mar 11, 2019 at 3:28 PM
Subject: UT - Ducey Patricia & Robert Informal Complaint
To: Cynthia Dumas

That lien conversation took place this morning via email at 8:05am.

Thanks,

DUSTIN T. MCGEE
Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com



Additional Info:

From: Dustin McGee
Date: Mon, Mar 11, 2019 at 11:42 AM
Subject: UT - Ducey Patricia & Robert Informal Complaint
To: Cynthia Dumas

Cynthia, good morning. Thank you for sending this compliant to me. I have been in touch with this consumer over the past 3 business days trying to negotiate a reasonable deal.

With respect to the response, does the PUC request the response to be on company letterhead, or would an email be sufficient?

Thanks,
DUSTIN T. MCGEE

3/11/2019 - I thanked Dustin for his response and marked the complaint as resolved. -
Cynthia

From: Dustin McGee
Date: Tue, Mar 12, 2019 at 7:23 AM
Subject: Re: Utah PUC Help!
To: Marialie Wright
Cc: Cynthia Dumas

Ms. Wright, good morning,

I wanted to reach out to you this morning regarding this compliant from Robert (Bob) Ducey. It was originally filed yesterday with Cynthia Dumas, compliant number C19-0068.

Moon Lake Electric has followed the correct steps to perform this shut-off today. Please review the resolved compliant. Our shut-offs begin at 8am today, and Mr. Ducey is scheduled to be shut-off per the resolved compliant yesterday.

In short, this consumer is averaging over a \$500 monthly bill, yet in January we accepted a \$200 payment, in February we accepted a \$100 to avoid shut-off--we accepted those payments due to his loss of family member. His current bill is \$1184.07, with a past due amount of \$619.02--and to add to the situation, we will be billing his account early next week, with an anticipated \$450 bill on top of what is not paid.

Please advise.

Thanks,
DUSTIN T. MCGEE

Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

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P Please don't print this e-mail unless you absolutely need to!

*** Email attached to Dustin McGee's email ***

On Mon, Mar 11, 2019 at 6:00 PM wrote:

Utah PUC Management:

We are offering to pay 100% of what Moon Lake has asked (\$619,02) for in 9 days from my Social Security, and Moon Lake Management is telling me it's too late because we contacted you!

Hard to believe but true!

We have agreed to pay the \$619.02 in 9 days.

They told us they are turning off the power tomorrow. (9 days!) Wow!

Please help our family resolve this.

Thank you

Bob Ducey

From: Dustin McGee

Sent: Monday, March 11, 2019 5:06 PM

To: Bob DuCey

Subject: Re: Payment

Bob, you backed Moon Lake Electric into a corner when sending a complaint to the PUC, I had to commit to an amount and date when resolving this complaint. The amount was \$619.02, and the date is tomorrow to stay consistent with our regular shut-off cycle.

*** Maria's (DPU) Reply to Moon Lake email ***

From: Marialie Wright

Date: Tue, Mar 12, 2019 at 9:53 AM

Subject: Re: Utah PUC Help!

To: Dustin McGee

Cc: Cynthia Dumas

Hi Mr. McGee,

I am not in the position to give any legal advise. The Division's role in the Informal Complaint process is only to facilitate it. The Utah Public Service Commission (Commission) has the vested authority to enforce the rules.

However, I do want to know if the customer has been offered a Deferred Payment Agreement or is currently on one but has defaulted??

I also encourage you to review the Utah Code Title 54 Public Utilities Statutes and Public Service Commission Rules Book. The particular Rules I suggest you review to make sure you're in compliance are the Rules R746-200-7 (C) Reasons for Termination of Service and R746-200-5 Deferred Payment Agreement.

Thanks,
Maria

Maria's email to Mr. DuCey

From: Marialie Wright

Date: Tue, Mar 12, 2019 at 9:56 AM

Subject: Re: Utah PUC Help!

To:

Mr. Ducey,

Were you on a Deferred Payment Agreement with Moon Lake Electric? And were you current or have you defaulted?

Maria

*** Mr. DaCey's reply to Marialie (DPU) ***

From:

Date: Tue, Mar 12, 2019 at 10:20 AM

Subject: RE: Utah PUC Help!

To: Marialie Wright

Cc: Cynthia Dumas, Dustin McGee

Hi Marialie,

I just got off the phone with Cynthia.

No Deferred Payment Agreement with Moon Lake.

They were asking for \$619.02.

I told them yesterday I agree to pay the \$619.02 from my social Security (3rd Wed of month) Mar 20

I offered \$100 (No!), \$200 (No!), \$350 (No!) and yesterday I agreed to pay the full \$619.02 (about 1/2 of my Social Security)

He says it's too late because: "Bob, you backed Moon Lake Electric into a corner when sending a complaint to the PUC"

I have agreed to pay the full payment he is asking for (paid in 8 days) and he is turning off the electric because my daughter talked with Cynthia! Wow!

Please have Moon Lake not turn off the electric. We have agreed to pay him 100% of what he has asked for when I receive my Social Security in 8 days.

I'm in Florida with my daughter after my wife died in Fruitland in December. The home is listed for sale on the MLS. The electric bill was the last thing we were focused on.

Thank you
Bob Ducey

*** Maria's reply to Mr. Ducey ***

From: Marialie Wright
Date: Tue, Mar 12, 2019 at 10:34 AM
Subject: Re: Utah PUC Help!
To:
Cc: Cynthia Dumas

Hi Bob,

I don't have the authority to stop the shut-off unfortunately. My advise would be is to file a Formal Complaint with the Public Service Commission (Commission).

Please fill out the attached Formal Complaint form and send it to the Commission as soon as you can.

Thanks,
Maria

*** Mr. Dacey' reply to Marialie ***

From:
Date: Tue, Mar 12, 2019 at 10:40 AM
Subject: RE: Utah PUC Help!
To: Marialie Wright
Cc: Cynthia Dumas ,

Can you please reach out to Moon Lake on our behalf.

He is saying: he is required to turn off the electric because the case was resolved before I agreed for the full amount.

Please talk with each other.

Business Decision 101 says: (I agree to pay full in 8 days and Moon Lake extends until Mar 20)

Thank you
Bob Ducey
Bob@WesternCabinKits.com
All 50 States

*** Dustin's (Moon Lake) Response to Marialie ***

From: Dustin McGee
Date: Tue, Mar 12, 2019 at 10:40 AM
Subject: Re: Utah PUC Help!
To: Bob DuCey
Cc: Marialie Wright , Cynthia Dumas

Marialie,

Here are the facts:

1. We did not formally call it a "Deferred Payment Agreement," we did however set up a payment plan back in December, to which they were compliant until February. The payment plan of \$100/month was set up before the bills started to average a larger balance (December \$433, January \$483, February \$618). In March we had to revisit the payment plan, the Ducey's only wanted to pay \$100 month, which does not comply with R146-200-5 because the debt would not be paid back in 12 months, meaning we had to request to increase the monthly installments, which they declined on the initial negotiation--this all occurred before I was involved in the negotiations.
2. The \$619.02 is only the past due amount, meaning we will most likely be negotiating again next month given the total current bill is over \$1100 right now, with a new bill being produced next week. That bill should be in the neighborhood of over \$400.
3. I have emails to back this up. Bob emailed saying that he was going to contact the PUC since at the time I was not accepting the \$200. I actually encouraged him to do so if he felt he was not being treated fairly. It was after the compliant was resolved that he then offered the \$350, then the full past due amount, but paid on March 20.

Thanks,

DUSTIN T. MCGEE

Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** Dustin's Additional Email ***

From: Dustin McGee
Date: Tue, Mar 12, 2019 at 10:53 AM
Subject: Re: Utah PUC Help!
To: Bob DuCey
Cc: Marialie Wright , Cynthia Dumas

PUC,

We (Moon Lake Electric) have tried to negotiate a monthly payment plan that would both reduce the debt of the Ducey's account, and satisfy PUC rule R746-200-5. Once negotiations crumbled due to the Ducey's only offering \$100/month with over an \$1100 outstanding bill, and a resolved informal complaint, we felt our only option to stop the future bills from getting too high was to shut-off the power to this property and to comply with Rule R746-200-7 C.

The war of words continue to come in from the Ducey's (again, I have emails to support this), example "Business 101..." in Bob's most previous email. We have been compassionate as we have allowed the power to remain on at this location even though the total balance was growing larger each month.

It is unfortunate that this situation has gone to this extent, and we welcome any advice from the PUC, and ask for support and compliance from the Ducey's.

Thanks,

DUSTIN T. McGEE

Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** Mr. Ducey response to Dustin McGee ***

From:

Date: Tue, Mar 12, 2019 at 11:10 AM

Subject: RE: Utah PUC Help!

To: Dustin McGee

Cc: Marialie Wright , Cynthia Dumas

Dustin

Yesterday I agreed to the pay you the full amount you have ask for (\$619.02), in 8 days, and you told me you can't accept it because of our complaint to the PUC.

Please explain why you won't accept 100% of want you asked for and are turning off the electric?

Thank you

Bob Ducey

*** Additional email from Mr. Ducey ***

From:

Date: Tue, Mar 12, 2019 at 11:14 AM

Subject: RE: Utah PUC Help!

To: Dustin McGee

Cc: Marialie Wright , Cynthia Dumas

Dustin

This was the answer you sent me yesterday:

“Due to your complaint, I am now obligated by the PUC, tomorrow you will be shut off if payment is not received. End of negotiation on this amount”

Are you blaming the PUC?

Thank you

Bob Ducey

*** Dustin's response to Mr. Ducey ***

From: Dustin McGee

Date: Tue, Mar 12, 2019 at 11:22 AM

Subject: Re: Utah PUC Help!

To: Bob DuCey

Cc: Marialie Wright , Cynthia Dumas

To be clear, I will accept your \$619.02 payment anytime you want, the only pending stipulation was that if we did not receive your payment before today at 8am, your power would be shut-off.

I did not say "I can't accept it because of our (Ducey's) complaint to the PUC" I said "Due to your complaint, I am now obligated by the PUC" meaning I informed them of the past due amount that we have asked for of \$619.02, with a due date of today before 8am to avoid Shut-off--Because I told them the amount and date to shut-off if not payment received, I was obligated to follow through. Stark different in what you are implying I meant.

Thanks,

DUSTIN T. MCGEE

Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** Mr. Ducey's reply to Dustin McGee ***

From:

Date: Tue, Mar 12, 2019 at 11:27 AM

Subject: RE: Utah PUC Help!

To: Dustin McGee

Cc: Marialie Wright , Cynthia Dumas

Dustin,

Thank you for agreeing to accept my payment for \$619.02.

My only income is from Social Security and I receive that on the 3rd Wednesday of every month.

I hope you also agree to wait 8 days.

Thank you
Bob Ducey

*** Dustin McGee response to Mr. Ducey ***

From: Dustin McGee
Date: Tue, Mar 12, 2019 at 11:44 AM
Subject: Re: Utah PUC Help!
To: Bob DuCey
Cc: Marialie Wright , Cynthia Dumas

Bob, don't mistake my words, I will accept your payment at anytime, and as agreed upon, because it was not received before 8am this morning your power was in fact shut off.

Thanks,
DUSTIN T. McGEE
Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** Maria's email to Moon Lake & Mr. Ducey ***

From: Marialie Wright
Date: Tue, Mar 12, 2019 at 11:43 AM
Subject: Re: Utah PUC Help!
To: Dustin McGee
Cc: Bob DuCey , Cynthia Dumas

Mr. McGee and Mr. Ducey,

It is clear that a mutual agreement cannot be reached between both parties at this point based on the back and forth email correspondences that Cynthia and I have been privy to.

Again, I want to reiterate that the Division's role in the complaint process is ONLY to facilitate it. That entails, sending the complaints to regulated public utilities and awaiting the utility's response within a specified time period per Commission Rules.

The responsibility on whether a utility company is in compliance of the Public Service Commission Rules falls under the utility company and ONLY the Public Service Commission (Commission) can enforce the Rules and determine whether a utility company is in violation of its approved tariffs and Commission Rules.

Mr. Ducey,

Your options are to either request a Mediation conducted by our Paralegal to try to resolve the underlying issues in person OR file a Formal Complaint with the Commission..

The Commission cannot review a complaint unless the complainant files for it to be reviewed. My advise for you is to file Formal since you're not satisfied with the result of the Informal process. You, however, have the burden to prove that Moon Lake Electric is in violation of its Commission approved tariffs and rules.

Maria

*** Mr. Ducey's response to Dustin's email ***

From:

Date: Tue, Mar 12, 2019 at 12:03 PM

Subject: RE: Utah PUC Help!

To: Dustin McGee

Cc: Marialie Wright , Cynthia Dumas

Dustin

Yesterday I agreed to pay Moon Lake 100% of what you asked for (\$619.02), but you are unwilling to wait 8 days until an 80 year old (me) receives his Social Security to pay you, so you are turning off the electric in the winter.

Is this correct?

Bob Ducey

*** Mr. Ducey's response to Maria's email ***

From:

Date: Tue, Mar 12, 2019 at 12:07 PM

Subject: RE: Utah PUC Help!

To: Marialie Wright , Dustin McGee

Cc: Cynthia Dumas

Moon Lake has agreed to accept the \$609.02 and I only need for them to agree to wait until next week when I receive my social security.

I hope this is acceptable to them or I will be forced to follow your recommendations.

Thank you

Bob

*** Mr. Ducey's Reply to Dustin ***

From:
Date: Tue, Mar 12, 2019 at 12:20 PM
Subject: RE: Utah PUC Help!
To: Dustin McGee
Cc: Marialie Wright , Cynthia Dumas

Dustin

Please agree to extend the time 8 days (March 20)? Moon Lake will receive \$619.02.

Thank you
BobDucey

*** Dustin's response to All ***

From: Dustin McGee
Date: Tue, Mar 12, 2019 at 12:36 PM
Subject: Re: Utah PUC Help!
To: Bob DuCey
Cc: Marialie Wright , Cynthia Dumas

All--I only reply to show I have read the latest emails from Bob. I feel that I have already answered these questions, and acted in compliance with PUC guidelines. I will wait to hear from the PUC for further instructions if that is the route that Bob seeks, or I will take the payment of \$619.02 to restore power to his property at any time thru the 13th. Until then the power will remain off.

As an FYI, the regular due date for your account is the 13th of each month. Tomorrow you will then be past due \$1234.07 (this amount does not include interest). It is the policy and practice of Moon Lake Electric that all past due amounts must be paid before power will be restored.

Thanks,
DUSTIN T. McGEE
Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** emails from Mr. Ducey in response to Dustin ***

From:
Date: Tue, Mar 12, 2019 at 12:47 PM
Subject: RE: Utah PUC Help!
To: Dustin McGee
Cc: Marialie Wright , Cynthia Dumas

Dustin

You said below you "tried to negotiate" and the "negotiations crumbled" due to only offering \$100/month.

I made 4 offers: (\$100, \$250, \$350 and \$619.02). You have said (NO) 4 times. So much for you "trying to negotiate"!

This all goes away if Moon Lake agrees to extend payment date 8 days and keeps the electric flowing.

Otherwise my only options are to escalate these communications.

Bob Ducey

From:

Date: Tue, Mar 12, 2019 at 12:50 PM

Subject: RE: Utah PUC Help!

To: Dustin McGee

Cc: Marialie Wright , Cynthia Dumas

FYI

My social security come in on the 3rd Wednesday of each month (March 20).

Thank you

Bob Ducey

From:

Date: Tue, Mar 12, 2019 at 1:53 PM

Subject: RE: Utah PUC Help!

To: Dustin McGee

Cc: Marialie Wright , Cynthia Dumas

Dustin

Sorry to bother you but I need to plan ahead.

When I receive my social security my plan to send you the \$619.02.

And, new bills are coming.

Will I need to pay any more than the \$619.02 on March 20? (that will consume about 50% of my check)

Thank you

Bob Ducey

Maria's email to Moon Lake

From: Marialie Wright
Date: Tue, Mar 12, 2019 at 11:12 AM
Subject: Re: Utah PUC Help!
To: Dustin McGee
Cc: Cynthia Dumas

Hi Dustin,

Just wanted to clarify...so, Mr. Ducey was in compliant of the Payment Plan until last month (February), correct? Was there a Written Agreement of the Deferred Payment Arrangement? And was a copy of it provided to the customer?

And when the customer defaulted on the payment plan last month...was a Written Late Notice issued to inform the customer of the delinquent status?

Maria

*** Dustin's reply to Maria's email ***

From: Dustin McGee
Date: Tue, Mar 12, 2019 at 11:17 AM
Subject: Re: Utah PUC Help!
To: Marialie Wright
Cc: Cynthia Dumas

Correct on the compliance until February, when we determined that \$100 was insufficient. There was never a written agreement, it was only set up in our system using our Arrangement system program. No copy was given to the consumer but it was discussed over the phone. Yes, a written delinquent notice was sent, along with a 48-Hour notice, and a follow up phone call last Thursday--and continued emails from then thru today with Mr. Ducey.

Thanks,

DUSTIN T. MCGEE

Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com

*** Maria's email to Dustin ***

From: Marialie Wright
Date: Tue, Mar 12, 2019 at 11:50 AM
Subject: Re: Utah PUC Help!
To: Dustin McGee
Cc: Cynthia Dumas

I suggest you review the requirements on Rule R746-200-5 under Deferred Payment Agreement to ensure that Moon Lake is meeting those requirements.

Maria

*** Dustin's response to Maria ***

From: Dustin McGee

Date: Tue, Mar 12, 2019 at 12:10 PM

Subject: Re: Utah PUC Help!

To: Marialie Wright

Cc: Cynthia Dumas

Thank you for suggesting the review of Rule R746-200-5. We are in compliance with this rule. If anything is not compliant, it is that we didn't vocalize the wording of "Deferred Payment Agreement" when negotiations started. But we did state that we wanted to make payment arrangements to help their situation.

Short Review:

December 2018 it was negotiated that \$100 monthly payments would be made--this amount was sufficient at the time--Bob wanted those installments due to the recent death of his wife.

March 2019 Bob's daughter called in to be added to the account. At that time we explained that the monthly installments were insufficient since the December, January and February bills all exceeded \$400 each, we would need to increase the monthly payment amount. The only amount they would suggest then was \$100. That amount would not comply with R746-200-5 2 (it reads) "account holder shall have the right to a deferred payment agreement, consisting of 12 months of equal monthly payments, if the full amount of the delinquent balance, plus interest, shall be paid within the 12 months and if the account holder agrees to pay the initial monthly installment." By this statement alone, the Ducey's are not compliant--the current bill of \$1234.07 could not be paid back in 12 months, and that amount does not include the \$450 bill that is pending to bill next week, or monthly interest incurred. To top that off, they did not agree to pay the initial installment of \$619.02 (the past due balance).

We then proceeded to R746-200-5 B, Breach, and moved forward with R746-200-7 C and H to terminate the service.

Thanks,

DUSTIN T. MCGEE

Consumer Accounting Supervisor | MBA | Moon Lake Electric | Phone: 435-722-5435 |
dmcgee@mleainc.com