

Complaint Report

Complaint Number: C20-0039

Customer Information

Customer Name: Tolbert, LaVoy

Account Number:

Phone Number:

Email Address:

Service: Box 61
Address: Loa, UT 84747

Complaint Information

Company Name: Garkane Energy Cooperative

Date Received: 3/23/2020

Type of Call: Complaint

Complaint Received By: Maria Martinez

Gone Formal: NO

Date Resolved: 3/30/2020

Complaint Type: Non-Regulated

Utility Company Analyst: Neal Brown

Complaint Description:

3/20/20

Gary Widerburg
Utah Division of Public Utilities
P.O. Box 146751
Salt Lake City, UT 84114-6751

Dear Mr. Widerburg,

The electrical co-op to which I belong, Garkane Energy, "retains" and "uses" unclaimed property rather than remitting it to the state's Unclaimed Property Division of the Office of State Treasurer. As I understand it, unclaimed property remitted to the State Treasurer is safeguarded to be claimed by rightful owners or their heirs. For a utility to retain and use unclaimed property would not be in compliance with the intent implied in remitting unclaimed property to the State Treasurer. If unclaimed property is transferred to a new owner and "used," it cannot be claimed by rightful owners or heirs. If I am correct, and communicating with the correct person and department for dealing with this sort of concern, please let me know and I will file a formal complaint.

I have been trying for two years to get Garkane administrators to change this behavior. I have not been successful. I now question whether I should have considered giving the Garkane Energy Board of Directors and CEO a "free pass." The transfer of member unclaimed property to new owners, where it is used for purposes unrelated to co-op operational purposes appears to be very illegal to me.

The trail leading to this ownership transfer and "USE" is orchestrated by many players.

LaVoy Tolbert
Box61
Loa, UT 84747
Phone: (435) 616-3312

PS; I do not have internet. A written reply would suit me best.

Complaint Response:

March 30, 2020

Division of Public Utilities

Marialie Wright

Heber M Wells Building, 4th Floor

160 East 300 South / Box 140751

Salt Lake City, UT 84114-0751

RE: Mr. LaVoy Tolbert Informal Complaint

Dear Marialie Wright,

We have reviewed the facts surrounding the above-referenced complaint and submit the following information as Garkane Energy's response to the Public Service Commission (PSC). As a cooperative, we sincerely regret any instance when one of our member-owners feels it necessary to contact the Commission with a problem. We pride ourselves in being responsive to our membership.

We are aware of Mr. Tolbert's concerns regarding unclaimed capital credits. We believe his main concern to be why Garkane actively participates in community and charitable giving efforts by using unclaimed capital credit funds. An unclaimed capital credit is money previously owed to a member that goes unclaimed. Garkane staff is thorough in exhausting all resources in attempts to locate these individuals. When past members who are owed money cannot be located, the money returns to an unclaimed capital credits fund. Following State law H.B. 255 Garkane appropriately utilizes unclaimed capital credits by contributing to financial assistance to a school, non-profit organization, or community organizations. We follow the guidelines of the law. We have tried multiple times to explain our actions to Mr. Tolbert in fact, we sponsored a special public meeting inviting our members to attend to answer his questions. Unfortunately, his understanding of this issue cannot be resolved with fact and presentment of the law.

We want to reiterate that Garkane legally spends unclaimed capital on financial assistance to a schools, non-profit organizations, or community organizations. We regret that Mr. Tolbert feels like management or the Board hasn't addressed his concerns but be assured, Garkane has acted in accordance with regulations stipulated in the Utah Code.

If you have any further questions about this matter, please feel free to contact me.

Sincerely,

Neal Brown

Manager of Member Services and Marketing

Garkane Energy

Enclosures

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