

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In Re Complaint of GLEN E. MARTIN, Complainant  
vs.  
GARKANE ENERGY, Respondent

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DOCKET NO. 01-028-02  
REPORT AND ORDER

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ISSUED: November 28, 2001

SYNOPSIS

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

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By the Commission:

PROCEDURAL HISTORY

Complainant above-named filed his complaint October 1, 2001, and Respondent filed its answer, together with a motion to dismiss, November 6, 2001. 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 Respondent, an electrical corporation certificated by this Commission.
2. Complainant alleges that Respondent has illegally refused to establish service to his farm.
3. In its answer, Respondent sets out that it stands ready to serve Complainant at such time as he can show he has complied with Garfield County zoning ordinances and has had his premises inspected and approved by Garfield County authorities. Respondent avers that to this point, Complainant has not produced any such proof.

CONCLUSIONS OF LAW

The Commission has party and subject-matter jurisdiction. Complainant has failed to allege facts which would entitle him to relief from the Commission. The Commission's service condition rules (R746-310-2D) authorize a utility to refuse service until a customer complies with local governmental ordinances. That appears to be exactly the situation here. Complainant's real quarrel is with Garfield County authorities, and the Commission has no jurisdiction whatever over them. If Complainant thinks those governmental authorities are acting improperly, he will have to pursue his remedy through the courts. But since Respondent has violated no applicable laws or Commission rules, this matter must be dismissed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The complaint of GLEN E. MARTIN against GARKANE ENERGY be, and the same hereby is, dismissed.

If GLEN E. MARTIN wishes to proceed further, GLEN E. MARTIN may file a written petition for review within 20 days of the date of this Order. Failure so to do will preclude the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 28th day of November, 2001.

/s/ A. Robert Thurman  
Administrative Law Judge

Approved and Confirmed this 28th day of November, 2001, 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# 27096