

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Frederick Prater vs. Bridger Valley)
Electric)
)

DOCKET NO. 05-022-01
REPORT AND ORDER DISMISSING
COMPLAINT

ISSUED: December 1, 2005

By The Commission:

On August 15, 2005, Complainant Frederick Prater filed a Complaint seeking to have a charge of \$684.00 levied by Respondent Bridger Valley Electric Association, Inc. (“Bridger Valley”), removed from his account. Complainant indicated a fire had occurred at his cabin in Summit County, Utah on December 31, 2003, and that some weeks later he received a bill from Respondent seeking \$684.00 for an electrical service call including overtime labor charges for two linemen plus mileage.

On September 19, 2005, Respondent filed its Answer and Motion to Dismiss indicating that on December 31, 2003, Bridger Valley personnel had responded to a request from the Uinta County, Wyoming emergency dispatcher to disconnect power to Complainant’s cabin as soon as possible in order to reduce the potential for additional property loss and the risk of physical injury. Respondent argued the Commission does not have jurisdiction over this dispute because the charges assessed to Complainant are in no way related to Complainant’s electric service account.

On October 18, 2005, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission disallow the \$684.00 charge, noting the charges

sought by Respondent are not published or listed in Respondent's Commission-approved electric service schedules and therefore cannot be assessed to Complainant.

Hearing on this matter was held before the Administrative Law Judge on November 29, 2005. Complainant appeared and represented himself. Mr. Danny Eyre, General Manager of Bridger Valley, appeared by telephone on behalf of Respondent.

At hearing, Complainant and Respondent agreed that Mr. Prater has never had an electric service account with Respondent but that an account to provide electrical service to Respondent's cabin does exist in the name of "Prater Family HB."¹ Mr. Prater testified to a general lack of information provided by Bridger Valley in response to repeated requests for information concerning the circumstances surrounding the service call on December 31, 2003, that resulted in the \$684.00 charge. Mr. Prater understood the invoice he received to be a bill on the cabin's electric service account and had therefore filed his Complaint regarding that bill with the Commission. Mr. Prater pointed out the bill also contained a charge for the electric meter destroyed by the fire and stated he had paid that portion of the bill without dispute because the fire had destroyed the meter which was Bridger Valley property.

In response to questioning from the Administrative Law Judge, Mr. Eyre confirmed that at no time has the \$684.00 sought from Complainant ever been applied to the electric service account of any Bridger Valley customer. Mr. Eyre acknowledged that attempting to apply such charges to a customer account would be contrary to Respondent's tariff. He reiterated Respondent's position that the bill sent to Complainant was not a bill for electric service and that the dispute between Complainant and Respondent should properly be handled

¹Mr. Prater explained that he has historically been a part owner of the cabin with other family members and that those family members had always paid the electricity bill.

outside of Commission channels. Mr. Eyre confirmed the account balance on the Prater Family HB account is currently zero even though the \$684.00 charge to Mr. Prater remains outstanding. Mr. Eyre also noted the bills Bridger Valley routinely sends to its electric service customers look nothing like the invoice sent to Complainant in this matter. Finally, Mr. Eyre stated his intent to request the Bridger Valley Board of Directors extinguish Complainant's \$684.00 debt, but that, independent of that action, this Complaint should be dismissed.

Having reviewed the testimony and documents provided to the Commission, it appears the payment demand Mr. Prater received is not an electric service bill. Mr. Prater is not and has never been a Bridger Valley customer. The customer account by which electric service was provided to the cabin prior to the fire currently shows a zero balance and has never been charged the \$684.00 sought from Mr. Prater. No Bridger Valley customer account has been charged this disputed amount. The invoice is not in the form of the periodic billing statement routinely sent by Bridger Valley to its electric service customers, but is merely an invoice seeking payment for damages and services rendered from a private party who has never been a Bridger Valley customer. Therefore, we conclude this matter does not constitute a proper complaint before the Commission and dismiss the same.

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 §§ 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

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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 §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 1st day of December, 2005.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 1st day of December, 2005, 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

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