

Arminda I. Jurgenson (13769)
Questar Gas Company
333 South State Street
P.O. Box 45360
Salt Lake City, Utah 84145-0360
(801) 324-5024
arminda.jurgenson@questar.com
Attorney for Questar Gas Company

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

IN THE MATTER OF THE)	
FORMAL COMPLAINT OF)	Docket No. 12-057-17
THE HOUSE OF FUELL)	
AGAINST QUESTAR GAS COMPANY)	ANSWER OF QUESTAR GAS
)	COMPANY AND
)	MOTION TO DISMISS
)	

Respondent Questar Gas Company (“Questar Gas” or “Company”) provides its Answer to the Complaint filed by June and Robert Shane house of Fuell (individually referred to as Mrs. and Mr. Fuell, or collectively as the “Fuells”) with the Public Service Commission of Utah (“Commission”) on Nov. 7, 2012. Questar Gas moves that the Complaint be dismissed in that Questar Gas has acted in compliance with all applicable federal, state, tariff, and Commission requirements, and the Fuells have presented no claim for which relief may be granted.

ANSWER

1. In May 2012, Leonard Cornelius DeJong, the father of Mrs. Fuell, was the customer of record for natural gas service from Questar Gas at real property located at 3722 McCall St., South Salt Lake, Utah (“Fuell Account”). To the best of the Company’s knowledge, Mr. DeJong passed away in the spring of 2012, and in June 2012,

Mrs. Fuell assumed the Fuell Account from her father. In July 2012, the service address was transferred to 207 W. Plumtree Ln 2I, Midvale Utah. The amount of the disputed bill and the usage of gas at the service locations are not in dispute.

2. According to Company records, on or around May 18, 2012, Questar Gas received and posted a money order for \$195.00 (“May Money Order”) that was sent to Questar Gas for payment toward amounts owed on the Fuell Account. A copy of the May Money Order is attached as **Exhibit A**. The May Money Order was written from Leonard Cornelius DeJong, made out to “PAY TO THE ORDER OF: THE U.S. TREASURY/ CREDIT TO QUESTAR GAS ACCT. # [FUELL ACCOUNT],” and signed by Mrs. Fuell. The May Money Order did not list any known financial institution or third party business, as is commonly included on money orders. Questar Gas processed the payment according to its standard procedures and deposited the May Money Order with the bank used by the Company (“Bank”).

3. According to Company records, on or around May 29, 2012, the May Money Order was returned by the Bank without credit to the Company, stamped “REFER TO MAKER” and “RETURN UNPAID NON-TREASURY ITEM.” The \$195.00, originally credited to the Fuell Account, was then debited and, in accordance with Section 8.03 of the Questar Gas Utah Natural Gas Tariff, PSCU 400 (“Tariff”), a ‘Returned check’ fee of \$20.00 was charged to the Fuell Account.

4. In accordance with Company procedures following a returned check, on or about May 30, 2012, Questar Gas attempted to notify the Fuells of the returned money order via telephone; however, the phone number on record for the Fuell Account had

been disconnected. The Company then, on or around June 6, 2012, left a written notice at the Fuell Account residence.

5. On or around June 12 and June 13, 2012, a series of phone calls occurred between the Company and the Fuells regarding the unpaid May Money Order. Mr. Fuell disputed that the May Money Order was returned unpaid. The Company agreed to send Mr. Fuell a legal copy of the returned May Money Order and waived the \$20.00 'Returned check' fee.

6. On or around July 9, 2012, Mrs. Fuell, under her maiden name June Dejong, filed an informal complaint ("Informal Complaint") with the Division of Public Utilities (the "Division") demanding "an affidavit from the bank AND Questar [Gas], each, signed by a corporate executive under the penalties of perjury, that the funds are not available . . . and have not monetized the funds and there is no book entries regarding such."

7. On or around July 11, 2012, Questar Gas responded to the Division and Mrs. Fuell by letter, providing Mrs. Fuell with a copy of the returned May Money Order and directing her to contact the establishment that had drawn the May Money Order for further information. A copy of the Questar Gas letter is attached as **Exhibit B**.

8. The Division closed the Informal Complaint on or around July 11, 2012.

9. On or around July 25, 2012, in accordance with Company procedures, Questar Gas attempted to contact the Fuells to seek payment on the Fuell Account for the amounts returned by the May Money Order as well as the amounts accruing for additional gas usage since May. After an unsuccessful attempt to contact the Fuells, Questar Gas started the process to terminate gas service in accordance with the

Company's Tariff and applicable procedures. Questar Gas had no records of additional payments to the Fuell Account since the return of the May Money Order.

10. On or around Aug. 8, 2012, an urgent 48-hour notice was left at the residence of the Fuell Account. In response to the notice, Mr. Fuell contacted Questar Gas to insist that the May Money Order be credited to the Fuell Account. Mr. Fuell acknowledged that he received the legal copy of the May Money Order but continued to demand an affidavit signed by a Questar Gas executive to attest that Questar Gas did not misappropriate the funds and that the Bank had, in fact, rejected the May Money Order.

11. On or around Aug. 30, 2012, Questar Gas received a letter addressed to "Kevin Hadlock, dba CFO" and signed as "UCC 1-308 June Fuell" demanding "QUESTAR GAS' EIN number and a completed W9 Form and 1099 OID." Accompanying the signed demand letter, Mrs. Fuell enclosed, completed and signed, 1) an IRS Form W-8BEN, "Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding," and 2) an IRS Form W-8IMY, "Certificate of Foreign Intermediary, Foreign Flow-Through Entity, or Certain U.S. Branches for United States Tax Withholding." Under the W-8IMY, Mrs. Fuell declares herself as a "Nonwithholding foreign grantor trust." A copy of Mrs. Fuell's letter dated Aug. 30, 2012 and the accompanying tax documents are attached as **Exhibit C**.

12. On or around Sep. 6, 2012, Questar Gas received a second letter from Mrs. Fuell demanding tax documents and an affidavit; however, this letter also included a copy of the Fuell Account monthly billing statement from Aug. 22, 2012. On the remittance portion of the monthly billing statement, Mrs. Fuell hand-wrote "MONEY ORDER/ PAY TO THE ORDER OF THE UNITED STATES TREASURY/ CHARGE THE SAME

SUM SAID TO THE QUESTAR GAS/ CREDIT THE MOMORY OF ACCOUNT [REDACTED— Social Security Number/EIN Number]” (*sic*). Mrs. Fuell then signed the monthly statement and included similar UCC designations as in her previous letter. Because Questar Gas monthly billing statements are not legally recognized as a money order, no payment credits were applied to the Fuell Account. A copy of Mrs. Fuell’s letter dated Sep. 6, 2012 and the monthly billing statement money order are attached as **Exhibit D**.

13. On or around Sep. 12, 2012, Questar Gas responded to the Fuell’s request for an affidavit and again verified the return of the May Money Order. A copy of the Questar Gas letter is attached as **Exhibit E**. Questar Gas further notified the Fuells that payment must be received on the account in order to avoid service termination, indicating that “Questar Gas is only able to accept legal tender for the unpaid amounts due on [the Fuell Account].”

14. On or around Sep. 26, 2012, Questar Gas received a letter from Mrs. Fuell, dated Sep. 18, 2012, indicating that Questar Gas’s requirement of legal tender amounted to a “confession of theft of funds” and a “confession of breaking public policy.” Mrs. Fuell, then, signed the letter as “Non-resident alien” and included the designation of U.C.C. 1-308/3-415. A copy of Mrs. Fuell’s letter dated Sep. 18, 2012 is attached as **Exhibit F**.

15. On or around Oct. 23, 2012, Questar Gas sent Mrs. Fuell a final letter, providing contact information for a client service officer at the Bank and addressing the unpaid balance on the Fuell Account. The Company notified Mrs. Fuell that to avoid

service being shut-off, Questar Gas required payment in full of the entire balance of \$254.24. A copy of the Questar Gas letter is attached as **Exhibit G**

16. On or around Nov. 1, 2012, Questar Gas received a money order dated Oct. 28, 2012 addressed to “Questar Gas/Kevin Hadlock dba CFO” (“Oct. Money Order”). A copy of the Oct. Money Order is attached as **Exhibit H**. The Oct. Money Order was printed on bond paper stamped with the seal of “Society of the Sojourner / House of Fuell.” The Oct. Money Order was made out to Questar Gas from “June Fuell a foreign state” and indicated Mrs. Fuell lived “W/out the United States” in Midvale, Utah. The Oct. Money Order then referred to itself as an executive order, a notice of breach, a validation of debt request, a Freedom of Information Act Request, and a change of terms of agreement to the original payment acceptance arrangement, followed by a statement that the document was “backed by the full faith and credit of the United States,” specifically citing numerous federal statutes (including criminal statutes of witness tampering and piracy under the law of nations) and opinions from the Supreme Court, dated between 1866 and 1909. However, the Oct. Money Order not only neglected to reference any recognized financial institution but also failed to carry any indicia of credibility. Therefore, the original Oct. Money Order was returned by delivery to Mrs. Fuell at her residence. A copy of the Questar Gas letter returning the Oct. Money Order is attached as **Exhibit I**.

17. On or around Nov. 7, 2012, natural gas service at the Fuell Account residence was shut off for nonpayment.

18. On or around Nov. 7, 2012, the Fuells filed this Complaint with the Commission.

19. On or around Nov. 9, 2012, the Fuells paid \$49.23 in certified funds to Questar Gas at a 'Pay Station' located at Smith's Food and Drug Store. The Fuells then notified Questar Gas of the payment, and in accordance to Company procedures, Questar Gas restored service to the Fuell Account.

20. Questar Gas has complied with all statutes, Commission rules, and Tariff provisions with regards to accepting payment for natural gas service to the Fuells.

MOTION TO DISMISS

Questar Gas has complied with all statutes, Commission rules, and Tariff provisions with regard to accepting payment from the Fuells for natural gas service. Questar Gas has provided the Fuells ample notice of the required forms of payment and has not received any payment recognized by the Bank as legal tender. As Questar Gas has acted in accordance with Tariff requirements and Commission rules, the Fuells have presented no claim for which relief may be granted.

WHEREFORE, Questar Gas Company submits its Answer and respectfully moves that the Formal Complaint of June and Robert Shane house of Fuell be dismissed.

Dated this 30th day of November, 2012.

Respectfully Submitted

Armindia I. Jurgenson
Attorney for Questar Gas Company

CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of the foregoing Answer and Motion
to Dismiss on November 30, 2012, to:

June and Robert Shane House of Fuell
207 Plumtree Lane, Apt 2i
Midvale, UT 84047
