

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of
Aaron Christner against Dominion Energy
Utah

DOCKET NO. 17-057-11
ORDER ON MOTION TO DISMISS

ISSUED: August 8, 2017

I. Background and Parties' Positions.

1. On June 6, 2017, Aaron Christner filed with the Public Service Commission of Utah (PSC) a formal complaint against Dominion Energy Utah (DEU), a public utility. Mr. Christner alleged that DEU terminated gas utility service to his premises without proper notice; miscalculated his bill; and improperly required him to pay charges assessed to a different customer in order to obtain service.
2. On July 6, 2017, the Division of Public Utilities (Division) filed a memorandum in this docket. Having reviewed Mr. Christner's allegations with DEU, the Division recommended that the complaint be dismissed. Specifically, the Division stated, "It is not apparent that [DEU] has violated any Commission Administrative Rules, Commission ruling or [DEU] tariff."
3. Also on July 6, 2017, DEU filed a response to the complaint and moved the PSC for dismissal. In moving for dismissal, DEU provided some of Mr. Christner's customer account records, which evidence the following facts:
 - a. On November 10, 2016, DEU offered, and Mr. Christner accepted, a payment plan under which he would pay off past-due charges at \$63 per month.
 - b. As of November 16, 2016, Mr. Christner had a delinquent balance of \$197.64 and was accruing ongoing charges and interest.

DOCKET NO. 17-057-11

- 2 -

- c. On November 16, 2016, Mr. Christner was billed \$30.92 for one month of gas service and \$0.17 in interest, for a total bill of \$228.73, including past-due charges. Mr. Christner made no payment, and the total bill became delinquent.
- d. On December 14, 2016, DEU gave Mr. Christner an urgent notice. The notice stated that Mr. Christner had failed to make payments according to the November 10, 2016 payment plan, and advised him to pay his delinquent balance within 10 days in order to avoid termination of gas service.
- e. On December 19, 2016, Mr. Christner was billed \$111.67 for one month of gas service, \$0.49 in interest, and \$57 as a security deposit, for a total bill of \$397.89, including past-due charges. Mr. Christner made no payment, and the total bill became delinquent.
- f. On January 19, 2017, Mr. Christner was billed \$133.19 for one month of gas service, \$3.40 in interest, and \$54.56 as a security deposit, for a total bill of \$589.04.
- g. On February 2, 2017, Mr. Christner made a payment of \$451 through Western Union. However, Western Union refused to complete the payment because Mr. Christner had provided an incorrect bank account number. Therefore, DEU did not apply the payment to Mr. Christner's account.
- h. On February 10, 2017, DEU applied Mr. Christner's security deposit to his outstanding balance, for an adjusted balance of \$477.48.
- i. On February 13, 2017, Mr. Christner made a payment of \$62.11, taking the outstanding balance to \$415.37.
- j. On February 16, 2017, Mr. Christner was billed \$95.23 for one month of gas service, \$4.15 in interest, and an after-hours connection fee of \$110.15, for a total bill of \$624.90.
- k. On February 22, 2017, DEU adjusted Mr. Christner's outstanding balance, reducing it \$70 for a total of \$554.90.
- l. On February 27, 2017, the Home Energy Assistance Target (HEAT) program paid \$525.52 toward Mr. Christner's outstanding balance, including the after-hours connection fee, thereby reducing the balance to \$29.38.

4. On July 11, 2017, Mr. Christner responded to DEU's motion to dismiss. In his response, he clarified his position on the three issues he raised, as follows:
 - a. Mr. Christner stated that he did not contest DEU's charges for gas usage, and that his dispute was solely as to a \$100 after-hours reconnection fee charge. Mr. Christner stated that he does not believe he owes anything for reconnection, but he did not provide any factual or legal basis for his belief.
 - b. Mr. Christner questioned whether DEU's records included his February 13, 2017 payment of \$62, and he stated that he was confused as to why, on February 27, 2017, his account was still delinquent in the amount of \$29.30, despite the payment made by HEAT.
 - c. Mr. Christner clarified that his purpose in referring to his 2008 dealings with DEU, when he was billed for service at two different addresses, was "to show how ruthless [DEU] is." Mr. Christner did not request agency action as to the 2008 dispute.
5. On August 4, 2017, DEU filed a final reply in support of its motion to dismiss. In the final reply, DEU provided additional account records to demonstrate the following:
 - a. Mr. Christner's gas service was shut off for nonpayment on February 1, 2017, with an after-hours turn-on order issued the same day. The associated fee of \$110.15 was billed to Mr. Christner on February 16, 2017.
 - b. Mr. Christner's gas service was again shut off on February 9, 2017, with a turn-on order issued on February 10, 2017. Mr. Christner was not charged a connection fee for the February 10, 2017 reconnection.
6. In its final reply, DEU also provided a recording of a February 10, 2017 telephone call with Mr. Christner. The DEU representative stated that DEU would resume gas service to Mr. Christner's address that same day, and would waive the \$100 charge.

II. Legal Standard for Dismissal.

Dismissal of a complaint is required if the complainant fails to state a claim upon which relief may be granted. Utah R. Civ. Pro. 12(b)(6). The PSC has jurisdiction to grant relief where

a complainant makes a prima facie case that a public utility has violated its tariff, a PSC order, or an applicable statute or rule. The PSC also has jurisdiction to grant relief where a complainant makes a prima facie case that a public utility has made a billing error.

III. Analysis.

Mr. Christner's complaint that DEU is "ruthless" does not fall within the PSC's jurisdiction. Therefore, we do not consider his allegations regarding DEU's actions in 2008.

Mr. Christner's complaint that he is confused about his bill is also beyond our ability to redress. Having reviewed DEU's records, we see evidence that Mr. Christner's February 13, 2017 payment of \$62 was applied to his account. We can offer no insight regarding why the payment from HEAT did not satisfy Mr. Christner's outstanding balance in full. DEU's records demonstrate that a balance of \$29.38 remained after the HEAT payment was made. Mr. Christner has not alleged that those records are incorrect, and we have no independent basis from which to question them.

We may take jurisdiction over Mr. Christner's complaint that DEU improperly charged him an after-hours reconnection fee. However, after carefully reviewing DEU's billing records, we find no evidence of improper charges. Between February 1, 2017 and February 10, 2017, Mr. Christner's gas service was shut off twice and reconnected twice. The first reconnection (February 1, 2017) was billed as an after-hours service. As to the second reconnection (February 10, 2017), DEU charged no fee. In order to present a prima facie case disputing the after-hours service fee for the February 1, 2017 reconnection, Mr. Christner would have to allege and

DOCKET NO. 17-057-11

- 5 -

support a claim that no after-hours reconnection service was provided on that date. He has not done so.

ORDER

Given the foregoing, the PSC dismisses the June 6, 2017 complaint of Aaron Christner against DEU. Dismissal is without prejudice.

DATED at Salt Lake City, Utah, August 8, 2017.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed August 8, 2017 as the Order of the Public Service Commission of Utah.

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

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DOCKET NO. 17-057-11

- 6 -

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC 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 PSC 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 PSC'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 Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on August 8, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

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