

IN THE MATTER OF THE)
APPLICATION OF DOMINION)
ENERGY UTAH FOR APPROVAL OF) Docket No. 17-057-T04
A THIRD-PARTY BILLING RATE)
) PETITION FOR DECLARATORY
) RULING

TO THE ATTENTION OF: Utah Public Service Commission and its Chairman

The Rocky Mountain Gas Association (RMGA), The Utah Home Builders Association (UHBA), The Utah Plumbing & Heating Contractors Association (UPHCA), and the Independent Electrical Contractors Association of Utah (IEC of Utah) respectfully petition the Utah Public Service Commission for a declaratory ruling on the recently approved Third-Party Billing Rate tariff (Docket No. 17-057-T04). The reason we request this review is because we were unaware of this Docket and only found out that it had passed on August 28, 2017, the last day to file an appeal. The RMGA and UHBA, both submitted Motions to Reconsider this Third-Party Billing Rate tariff. On August 28 at 4:21 PM, the RMGA Motion was emailed to all interested parties, including Dominion Energy’s legal counsel, but they inadvertently left off the PSC email address, and the PSC did not receive the RMGA Motion until the morning of August 29, the same day the UHBA submitted their Motion to Reconsider. With no assurance that our day-late motions will be considered, we are filing this Petition for Declaratory Ruling as well.

DISCUSSION

The petitioners request a declaratory ruling on Docket No. 17-057-T04, believing this tariff is adverse to the public interest and good, because it provides Dominion Energy Solutions,

a for-profit subsidiary of Dominion Energy with an unfair advantage over all other for-profit HVAC, Plumbing and Electrical contractors who offer home warranty programs, and natural gas furnace, water heater repair and electrical work in Utah. We have not contacted any of Utah's many big appliance, box stores and home improvement centers, but they are also likely to be harmed if this Third-Party Billing Rate tariff is allowed to go into effect, because Dominion Energy Solutions intends to offer the Dominion Energy Ratepayers Kitchen and Laundry Appliance Repair and Replacement warranty programs as well, which will also be billed through ratepayer gas bills.

We argue that while Utah Code 54-4-37, deals with third party billing, it does not address the issue of customer confusion and whether gas utility ratepayers will understand that they are not contracting directly with Dominion Energy, Utah's only natural gas provider. Ratepayers will be unaware that they are instead contracting with a for-profit subsidiary that competes directly with all other independent HVAC, Plumbing and Electrical contractors in Utah, who may also offer warranty programs and/or goods and services that may be less expensive or a better option for HVAC, Plumbing and Electrical service to Utah's natural gas customers, thus harming the ratepayers.

RMGA also refutes the discussion and findings in the docket, that there is not a readily discernible market for warranty programs in Utah, and that the proposed tariff would not negatively impact customers in a manner unrelated to their rates. As already stated, there will be confusion among ratepayers, who will believe that they are contracting for a warranty service with Dominion Energy, and not their for-profit subsidiary, Dominion Energy Solutions, which has plans to further blur the line between the ratepayer based entity and the for-profit subsidiary,

by advertising the warranty programs in Dominion Energy newsletters that are sent out regularly along with ratepayer gas bills, a prospect that small HVAC, Plumbing and Electrical contractors may not be able to accomplish because of the cost and ability to provide mechanical services in Dominion Energy's entire service area.

The Petitioners only found out about this Third-Party Billing Rate tariff application on Monday, August 28, 2017, which also happened to be the deadline for filing a motion to reconsider this matter; and while the RMGA motion was emailed to all interested parties on August 28, including the attorney for Dominion Energy, the primary PSC email was inadvertently left off, and the PSC did not receive the Motion until the morning of August 29. The same day the UHBA Motion was time stamped. Had we been aware earlier of this tariff request, we would have appeared at the initial hearing and objected at that time, and had the tariff still passed, we would have had more time to file timely motions to reconsider.

Additionally, Petitioners believe that no public utility under the Commission's jurisdiction will be adversely affected by a ruling favorable to the petitioners, but Dominion Energy's for-profit subsidiary, Dominion Energy Solutions may be adversely affected.

WHEREFORE, The Petitioners respectfully request that the Commission:

- 1) Rescind the approval of Docket No. 17-057-T04.
- 2) Have the Public Service Commission reconsider the public impact of third party billing services offered by Dominion Energy that would allow their for-profit subsidiary: Dominion Energy Solutions, an unfair competitive advantage over all other private

warranty service providers, HVAC, Plumbing and Electrical Contractors licensed to work in Utah.

- 3) Stop any and all implementation of Dominion Energy Solutions plans to advertise and offer HVAC, Plumbing and Electrical warranty programs on Dominion Energy ratepayer gas bills until this Petition is considered by the Public Service Commission.

DATED this 1st day of September 2017.

Respectfully submitted by Petitioner's Duly Authorized Representative:

John P. Hill

STATE OF UTAH
COUNTY OF SALT LAKE

The foregoing instrument was acknowledged before me this _____ day of September, 2017, who is personally known to me or proven to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public's Signature

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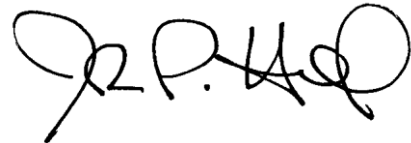
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September 2017, a true and correct copy of the foregoing Motion to Reconsider was served upon the following by electronic mail, with a mailed copy sent to Jenniffer Clark, Attorney for Dominion Energy:



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