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State of Utah  
DEPARTMENT OF COMMERCE  
Office of Consumer Services

MICHELE BECK  
Director

To: Public Service Commission of Utah

From: Office of Consumer Services  
Michele Beck, Director  
Cheryl Murray, Utility Analyst

Date: May 11, 2018

Subject: Dominion Energy's Gas Line Coverage Letter; Docket No. 18-057-07.  
Office of Consumer Services' Response to May 2, 2018 Action Request.

### Background

On May 2, 2018 the Public Service Commission of Utah (Commission) issued an action request to the Division of Public Utilities (Division) requesting the Division to investigate a letter recently sent under Dominion Energy's letterhead to Utah customers. Specifically, the Commission asked whether the service offering presented in the letter "complies with all applicable statutes, regulations, tariffs, and prior PSC orders." The Commission set the due date as May 11, 2018 in this action request.

The Office of Consumer Services (Office) respectfully requests the Commission to also consider these comments provided consistent with the action request due date.

### Comments and Recommendations

First, the Office respectfully requests that the Commission open up this process more broadly than contemplated in the action request. An investigation as potentially far reaching as compliance with "all applicable statutes, regulations, tariffs, and prior PSC orders"<sup>1</sup> should be done as an open, public process not a behind the scenes exercise between two regulatory agencies. If this investigation takes place solely as a Division response to a Commission action request<sup>2</sup>, then the Office is hindered in its ability to carry out its statutory duty to assess the impact of this public utility action on the residential customers that it is charged with representing. This request is not meant as a criticism of the work of the Division to date, rather it is a request to open the process to an appropriately broad audience.

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<sup>1</sup> Utah Code § 54-4-37.

<sup>2</sup> The Office notes that it was aware of the issues surrounding the letter sent from Dominion Energy because of unsolicited calls to the Office from individual consumers, conversations with others in the industry, as well as having staff in receipt of the letter. However, only one person in the Office routinely receives the action request notices as those are sent to a much smaller email distribution lists than Commission public notices requesting comments on issues. The Office does not always have adequate resources to thoroughly review the action requests in addition to the public notices.

Second, the Office requests that the Commission explicitly consider two issues that may not be included in a review that focuses on compliance with existing law, regulations, and orders. Those issues are: oversight of utility communication with its customers and an examination whether current law and regulations provide adequate protection of customer information and data.

One of the Office's primary concerns in this current circumstance is the lack of clarity in the service offering addressed in the letter. The second sentence in the letter reads as follows, "Your gas line and any damage to it, from your utility's responsibility up to each gas appliance in your home, is your responsibility."<sup>3</sup> Although additional information is provided later in the letter, this opening communication is very unclear and potentially misleading. Customers have contacted the Office<sup>4</sup> asking whether Dominion Energy is changing the terms of its service and what specifically this sentence means. The Office notes that in previous dockets the Commission has declined to give regulated utilities specific guidance regarding communications with its customers. In this docket, the Office requests that the Commission clarify that it would appropriately adjudicate a complaint about any specific communication sent to a customer within the framework of a Commission approved tariff.

Appropriate protections to maintain the privacy of customer information and data is also a priority for the Office. The Office has not attempted to evaluate whether the letter from Dominion Energy is fully compliant with the scope of issues included in the Commission's action request. However, the Office is concerned about a possible situation in which the use of customer information for production of this letter might be found to be technically compliant, but nevertheless raises additional issues about proper use of customer information and potentially missing levels of protection. Thus, the Office recommends that the scope of investigation be broadened to evaluate whether existing laws, regulations, and orders are sufficient to adequately protect customer information now that the Commission is presented with a specific example of the use of this information.

Finally, the Office is concerned about the immediate management of the service promoted in the Dominion Energy letter and Dominion Energy Utah's Schedule 8.08, the tariff under which the letter was sent. The Office's understanding is that Dominion Energy discontinued sending letters, but letters have already been sent to approximately two-thirds of its Utah customers. The Office further understands that some customers have already enrolled in the service that was offered by the letter. The Office asserts that it is critical to address the practical and logistical management of customers who have enrolled as well as the policy of whether the tariff should remain active during the investigation of the letter at issue in this docket. Our recommendation is that the tariff should be suspended and customers who have signed up should be notified of the investigation and temporary suspension of the tariff.

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<sup>3</sup> Dominion Energy's Gas Line Coverage Letter attached to the Commission's Action Request issued May 2, 2018

<sup>4</sup> The Office notes that it generally has forwarded customer calls to the Division's customer service unit so that they may be counted as informal complaints. However, callers that have requested to speak directly to the Office's director are routed to her and then advised that they may also contact the Division.

### **Summary of Recommendations**

The Office recommends that the Commission take the following actions:

1. Create a process to promote broader participation in this docket so that the process is fully transparent and informed by a wider set of stakeholders.
2. Allow the scope of this investigation to also address oversight of utility communication with its customers and an examination whether current law and regulations provide adequate protection of customer information and data.
3. Suspend Schedule 8.08 during the period of this investigation and require notification to customers who have enrolled of the investigation and temporary suspension of the tariff.

CC. Dominion Energy Utah  
Kelly Mendenhall

Division of Public Utilities  
Chris Parker, Director