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dba Dominion Energy Utah*

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE FORMAL COMPLAINT OF FRANKIE BAKER AND RUSTY BAKER AGAINST DOMINION ENERGY UTAH	Docket No. 20-057-04 DOMINION ENERGY'S REDACTED RESPONSE TO COMPLAINANTS REQUEST FOR RECONSIDERATION
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Respondent, Questar Gas Company dba Dominion Energy Utah (“Dominion Energy” or “Company”), respectfully submits this Response to the *Request for Reconsideration of Frankie Baker and Rusty Baker*.

INTRODUCTION

On February 20, 2020, Frankie Baker and Rusty Baker (“Complainants”) filed a Formal Complaint alleging that they had difficulty getting a medical letter to extend service notwithstanding their account delinquency and, that they would like to work with Dominion Energy to retain service during cold weather months.

On March 23, 2020, Dominion Energy submitted its response indicating that the parties had made arrangements for Complainants to pay the remaining balance on their account, and that they were receiving natural gas service. On March 30, 2020, the Utah Public Service Commission (“Commission”) issued an Order Dismissing the complaint. On March 31, 2020, Complainants

submitted correspondence alleging that “The issue is still a complaint for the fact that they put an amount of \$1,835.00 on our bill from 7 years ago can we reschedule at a later time.” On April 7, 2020, the Commission issued a Notice that it would treat the March 31, 2020, correspondence as a petition for reconsideration.

The Company responds to the request for reconsideration as follows:

RESPONSE TO REQUEST FOR RECONSIDERATION

The Company previously submitted, as DEU Confidential Exhibit B to the Company’s Response, an itemization of Complainants’ account going back to June of 2013 (seven years ago). This itemization clearly sets forth the basis for all charges that the Complainants now contest.

Complainants commenced natural gas service on June 6, 2013, at [REDACTED] [REDACTED] (the First Address) in the name of Frankie Baker with Rusty Baker listed as the account holder’s spouse. DEU Confidential Exhibit B, page 1. When service commenced, the Complainants had an outstanding balanced of [REDACTED] from a prior residence. *Id.* Complainants continued to receive service at the First Address until January of 2015. *Id.* At p.2. On January 5, 2015, Complainants filed for bankruptcy relief in the United States Bankruptcy Court District of Utah bearing Case Number 15-20056. At the time the account closed there was a balance of [REDACTED]. *Id.*

On January 5, 2015, Complainants opened a new account at the First Address in the name of Frankie Baker, as a result of a post-bankruptcy petition natural gas usage. *Id.* At p. 3. The bankruptcy was dismissed on April 23, 2015, for non-compliance with previous Order of the Court. Though the Commission can take judicial notice of such Orders, the Company provides a courtesy copy of that order, and the other orders referenced herein, as DEU Appendix A. The Company

applied the pre-petition balance of [REDACTED] to Complainants' account. *Id.* On August 5, 2015, service was terminated for nonpayment. *Id.* At the time of shut-off in August 2015, Complainants had a balance of [REDACTED]. Company applied the security deposit of [REDACTED] leaving a balance of [REDACTED]. *Id.*

On September 3, 2015, service was restored at the First Address. *Id.* at p. 4. At the time of restoration Company received a payment of [REDACTED] leaving a balance of [REDACTED]. The Company charged Complainants an additional [REDACTED] in fees leaving a remaining balance of [REDACTED]. *Id.* On October 2, 2015, the account was again closed because Complainants' filed for bankruptcy relief in the United States Bankruptcy Court District of Utah bearing Case Number 15-29276. *Id.*

On October 2, 2015, Complainants opened yet another account for the same premise for post-bankruptcy service. *Id.* at p. 5. Though Complainants were intermittently current and delinquent on this account, it was ultimately closed on November 15, 2016 with a balance of [REDACTED]. *Id.*

October 28, 2016, Complainants obtained natural gas service at [REDACTED] [REDACTED] (the Second Address), this time in Rusty Baker's name. *Id.* at p. 6. This account began with a \$0.00 balance and Complainants continued to receive natural gas service, again being intermittently current and delinquent on the account. *Id.* at pp. 6-7. On April 26, 2017, Complainants again filed for bankruptcy in the United States Bankruptcy Court District of Utah bearing Case Number 17-23552. The balance at the time of filing for bankruptcy was [REDACTED]. *Id.*

On April 26, 2017, Complainants opened a new account for the Second Address, in the name of Rusty Baker, for post-petition natural gas usage. *Id.* at p. 7. In November of 2017, the bankruptcy was dismissed for failure to comply with court Order, and the balance of [REDACTED] was transferred to Rusty Baker's active account on November 21, 2017. *Id.* This account closed on March 12, 2018, with a balance of [REDACTED]. *Id.*

On August 27, 2018, Complainants filed Bankruptcy in the United States Bankruptcy Court District of Utah bearing case number 18-26373. Complainants had a delinquent account in the total sum of [REDACTED] at the time of filing. *Id.*

On August 29, 2018, service resumed at the Second Address in Frankie Baker's name. *Id.* at p.8. On September 14, 2018, the bankruptcy case was dismissed, and the [REDACTED] balance was transferred to Frankie Baker's active account. *Id.* On September 24, 2018, the dismissal was vacated, and the bankruptcy was reinstated. *Id.* The balance of [REDACTED] was again removed from the account balance. *Id.* This account closed November 29, 2018, with a balance of [REDACTED]. *Id.*

On November 27, 2018, service was transferred to [REDACTED] (the Third Address). *Id.* at p. 9. Service continues there today. The starting balance at the Third Address was [REDACTED]. *Id.* The bankruptcy bearing case number 18-26373 was again dismissed on February 13, 2020, so the [REDACTED] pre-petition balance was transferred to this active account. *Id.* Though Complainants allege the Company has improperly applied a seven-year-old debt of \$1,835 to their account, the Company is unable to reconcile this figure with its records. The Company believes that Complainants are referring to the [REDACTED] applied to their account on February 13, 2020.

Though Complainants have had an intermittently delinquent account for the past seven years, DEU Confidential Exhibit B plainly shows, that Complainants had a current account many times during the past seven years. Section 8.04 of the Company's Utah Natural Gas Tariff No. 500 ("Tariff") provides that "the Company will apply the payment first to the oldest arrears and to accrued interest, and any remainder will be applied to the bill for current service." The balance to which Complainants object, the [REDACTED] that could not be billed due to Complainants' most recent bankruptcy, was due and owing as of April, 2018—just more than two years ago. That amount represents an amount for usage between December of 2016 and April of 2018 (including usage that had been included in a prior bankruptcy proceeding which was ultimately dismissed). At most, the amount is owed for gas usage over the last 3 ½ years—not the seven-plus years alleged by Complainants. Applying the above-referenced Tariff provision (applying payments to the oldest arrears), the debt is owed for more recent usage than that. Moreover, Complainants have since entered into a payment agreement by which they have agreed to pay the amount owed.

The record in this matter clearly shows that the Company acted in accordance with the applicable statutes, rules and regulations. Therefore, the Complainants request for reconsideration should be denied.

DATED: April 14, 2020.



Jennifer Nelson Clark

Questar Gas Company dba Dominion Energy Utah
Attorney for Dominion Energy Utah

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DOMINION ENERGY'S REDACTED RESPONSE TO REQUEST FOR RECONSIDERATION** was served by email upon the following as set forth below on April 14, 2020:

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