

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Formal Complaint of Michael Lyons against Dominion Energy Utah	<u>DOCKET NO. 20-057-09</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: May 21, 2020

On April 29, 2020, Michael Lyons (“Complainant”) filed a complaint with the Public Service Commission of Utah (PSC) against Dominion Energy Utah (DEU) for telling him that he would be charged \$6.75 per month plus taxes for temporarily shutting off his services for six months. Complainant explains that he is a low-income senior citizen living on social security, and that he tries to cut expenses any way he can. Further, he states that he only takes natural gas service at his home in St. George, Utah for heating purposes during the coldest six months of the year, temporarily going without natural gas service the other six months.

On April 30, 2020, the PSC issued a Notice of Filing and Comment Period. On May 13, 2020, DEU filed its response noting that under Section 8.03 of its Natural Gas Tariff PSCU 500 (“Tariff”), “[c]ustomers taking service on rates schedules GS, FS, TBF, MT, TS and IS will be billed an annual B[asic] S[ervice] F[ee] on a monthly basis for each meter installed ... [and] will be required to pay the BSF for each month during a temporary discontinuance of service.”¹ DEU further states that Temporary Discontinuance of Service is deemed to be the “[d]iscontinuance of service for any reason lasting less than twelve months” under Section 11 of the Tariff.² DEU concludes that Complainant’s discontinuance of service for six months of the year is plainly

¹ Dominion Energy’s Response to Complaint of Michael Lyons, ¶ 3.

² *Id.*

“Temporary Discontinuance of Service” under the Tariff and therefore, that Complainant must pay a Basic Service Fee during that time.³

On May 13, 2020, Complainant filed its reply acknowledging that the Basic Service Fee is legal. He indicates, however, that it is wrong.⁴

CONCLUSIONS, FINDINGS, AND ORDER

The PSC acknowledges Complainant’s argument that, while the Basic Service Fee is legal, it is bad public policy considering his personal circumstances. The Basic Service Fee is consistent with DEU’s currently effective and approved Natural Gas Tariff PSCU 500. We approved the Basic Service Fee on the basis that it reflected actual costs and therefore that it was just and reasonable. There is nothing on the record in this case that refutes our earlier finding that the Basic Service Fee reflects actual costs. Thus, we find that the Basic Service Fee is consistent with the Tariff and that DEU is not violating any applicable laws, rules, or regulations, and dismiss the complaint accordingly.

DATED at Salt Lake City, Utah, May 21, 2020.

/s/ Yvonne R. Hogle
Presiding Officer

³ *Id.*

⁴ Complainant Reply.

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Approved and confirmed May 21, 2020, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#313931

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 written 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. §§ 63G4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on May 21, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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