
Formal Complaint of Amie Brooke against Dominion Energy Utah	<u>DOCKET NO. 21-057-16</u>
	<u>ORDER</u>

ISSUED: September 23, 2021

BACKGROUND

On July 20, 2021, Amie Brooke (“Complainant”) filed a complaint with the Public Service Commission (PSC) against Dominion Energy Utah (DEU) for not providing her a “full report of findings” regarding a gas leak at her multi-unit condominium complex (“Building”). Complainant claims that she originally called DEU to report the smell of gas at or around her unit. She states that another tenant also called to report a gas leak shortly thereafter. While Complainant acknowledges DEU provided a report of its investigation of a possible gas leak in her unit, Complainant asserts that DEU is obligated, under Utah Admin. Code R746, to report in full “detection of gas leaks to consumers impacted by faulty lines, particularly in a multi-unit building where multiple residents were impacted by gas in a common area.”¹ Specifically, Complainant indicates that her request includes “all notes from [DEU’s] service agents, exact location of the gas line leak detected in the common walls from unit R24 or other units, and also any repairs and recommendations made by [DEU] or its agents.”² On July 22, 2021, the PSC issued a Notice of Filing and Comment Period.

On August 19, 2021, DEU filed its response including a copy of the complete correspondence and documentation provided to Complainant (“DEU Response”). DEU states the

¹ Complaint, ¶ 4.

² *Id.*, ¶ 5.

Building has multiple units that are serviced by separate gas meters and that each resident has a separate account.³ DEU further states that a service technician investigated the reports of the gas odor, found a small leak on a flex connector (not DEU equipment) attached to another customer's appliance, and repaired the leak before he left.⁴ DEU confirms that it provided Complainant on June 21, 2021 the Order Detail relating to the May 31, 2021 service visit to her unit.⁵ DEU also created and provided related but separate reports regarding the reported gas leak to two other tenants of the Building.⁶ DEU does not, however, "in the ordinary course of business, create full reports of findings related to gas leaks on customer-owned facilities."⁷ DEU explains that there were no leaks on DEU-owned facilities.⁸

Complainant replied to the DEU Response August 26, 2021 ("Reply"). Complainant confirms the DEU technician's finding of a small leak in a flex line of one of the closets in the common hallway (outside of her unit).⁹ Complainant states that DEU was called a second time by another resident (the "Neighbor") due to even stronger gas odors in the common area.¹⁰ Complainant asserts that DEU provided a separate report to the Neighbor who placed the second service call, but the Neighbor refuses to give Complainant a copy. Complainant argues that the

³ DEU Response, at 1.

⁴ *Id.*, at 1-2.

⁵ *Id.*, at 2.

⁶ *Id.*, at 2-3.

⁷ Based on the DEU Response, it appears that DEU interprets Complainant's request to encompass not only the individual reports created and provided to each tenant, but also one comprehensive report related to the same reported gas leak. Assuming this is true, the PSC understands that DEU does not prepare one comprehensive report detailing a reported gas leak when the gas leak is caused by non-DEU-owned facilities.

⁸ *Id.*, at 2.

⁹ Reply, at 1.

¹⁰ *Id.*

Neighbor's report should not be confidential because the Neighbor called on behalf of the entire Building and that report contains information pertinent to all tenants in the Building. *Id.*

DISCUSSIONS, FINDINGS, AND CONCLUSIONS

We have carefully reviewed all of the information provided by the parties, and applicable laws, rules, and regulations. Complainant argues that she is entitled, under Utah Admin. Code R746, to receive a "full report of findings" regarding the gas leak that occurred at her Building on or about May 31, 2021 ("May 31, 2021 Gas Leak"), including her Neighbor's report, reports provided to other neighbors, as well as those related to customer-owned equipment (not owned by DEU) because it is all related to the same gas leak that she and her Neighbor reported.¹¹ Complainant does not, however, cite a specific provision under Title 54 or rule in Utah Admin. Code R746 to support her argument.

We conclude that neither Title 54, nor Utah Admin. Code R746 imposes an obligation on DEU to share with Complainant all reports, or a comprehensive report if available, related to the May 31, 2021 Gas Leak. Complainant acknowledged that DEU has provided the Order Detail pertaining to the May 31, 2021 Gas Leak as it relates to Complainant's unit and her service call which includes a description of the small gas leak on a flex connector attached to another customer's appliance. We find that DEU cannot provide comprehensive reports pertaining to a reported gas leak because, according to DEU, it does not create them when the gas leak is related to customer-owned facilities.¹²

¹¹ Reply, at 1.

¹² DEU Response, at 2.

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We find that any additional information in DEU's possession related to the May 31, 2021 Gas Leak pertains to other accounts and other units. We conclude therefore that under Utah Admin. Code R746-460-3, this information cannot be shared with any person, without the express consent of the account holder of the subject unit. There is no evidence on the record that any of Complainant's neighbors consent to sharing their information with Complainant. On the contrary, the record shows that her Neighbor has refused to share the report related to the second service call with Complainant. *Id.*

ORDER

For the reasons explained above, and because Complainant has not cited any applicable statute, rule, regulation, or tariff provision that DEU has violated, the PSC denies the relief sought in the Complaint.

DATED at Salt Lake City, Utah, September 23, 2021.

/s/ Yvonne R. Hogle
Presiding Officer

Approved and Confirmed September 23, 2021, as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair
/s/ David R. Clark, Commissioner
/s/ Ron Allen, Commissioner

Attest:
/s/ Gary L. Widerburg
PSC Secretary
DW#320384

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 30 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 September 23, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

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