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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

FORMAL COMPLAINT OF NICOLE RAE MCLAUGHLAN LOVATO AGAINST DOMINION ENERGY UTAH	Docket No. 23-057-14 <b>DOMINION ENERGY UTAH'S RESPONSE</b>
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Pursuant to the Utah Public Service Commission's ("Commission") Notice of Filing and Comment Period (the "Notice") issued on September 5, 2023 in this Docket, Questar Gas Company dba Dominion Energy Utah ("Dominion Energy" or "Company") respectfully submits this Response.

**BACKGROUND**

On August 31, 2023, Nicole Rae McLaughlan Lovato ("Ms. Lovato") filed a formal Complaint against Dominion Energy alleging that the Company had improperly calculated her budget bill amount, and that, among other things, such calculation would result in her being over-billed for her service. On September 5, 2023, the Commission issued the Notice, which provided that Dominion Energy could submit a written response to Ms. Lovato's

Complaint by Thursday, October 5, 2023. Accordingly, Dominion Energy submits this Response, along with the attached sworn affidavit of Austin Stewart identified as DEU Exhibit 1.0, with accompanying exhibits, all of which are incorporated herein by this reference.

### **RESPONSE**

Ms. Lovato alleges that Dominion Energy (1) overcharged her in her budget bill calculation; (2) failed to notify her of the possibility of an increase bill when she had been on the Budget Billing Program (defined below) for six months; and (3) recalculating her budget bill amount in August of 2023, instead of waiting until October of 2023, when she would have been on the Budget Billing Program for 12 months.

Section 8.05 of the Company's Utah Natural Gas Tariff No. 600 ("Tariff") describes the Company's voluntary Budget Plan ("the Budget Billing Program"). It provides,

To spread gas bill amounts evenly over the entire year, General Service customers may elect to utilize the Budget Plan and pay a predetermined monthly amount. On the basis of prior usage history or estimated usage, the customer's annual bill is computed under current rates and divided into 12 equal payments. Actual billings for customers utilizing the Budget Plan will be calculated each month according to the regular provisions of this Tariff. The monthly budget plan payment amounts may be adjusted by the Company during the year if actual and accrued billings deviate substantially or if a rate change of 5% or greater is approved.

If at the end of the Budget Plan Year, there is an overpayment or an underpayment on an account, the customer's projected monthly budget plan payment amount will be adjusted, spreading the difference over the next 12 months, interest free, unless a customer requests an immediate refund or credit.

As set forth more fully in Mr. Stewart's testimony, the Company properly calculated her budget bill amount, and subsequently adjusted that amount to reflect the payment that occurred after the original budget bill calculation.

The Company was not obligated by Tariff to either notify Ms. Lovato of budget bill increases after she had been on the Budget Billing Program for six months, or to refrain from recalculating the budget bill amount until she had been on the Budget Billing Program for 12 months. Indeed, the Tariff expressly provides that such recalculation will occur at the end of the Budget Plan Year. Mr. Stewart has testified that monthly bills for all customers on the Budget Billing Program are evaluated at that time, typically in August. Indeed, even if, as Ms. Lovato suggests, the Company is obligated to evaluate each customer's bill at their respective 12-month anniversary on the Budget Billing Program, the Company is free to adjust billing during the year "if actual and accrued billings deviate substantially."

The Company has, at all times, acted in accordance with all applicable statutes, rules, regulations, Tariff provisions, and Commission Orders.

### **CONCLUSION**

Based upon the foregoing, Dominion Energy Utah respectfully requests that the Commission deny Ms. Lovato's Complaint with prejudice.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of October, 2023.

DOMINION ENERGY UTAH



Jenniffer Nelson Clark

*Attorney for Dominion Energy Utah*

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **DOMINION ENERGY RESPONSE** was served upon the following persons by e-mail on the 5<sup>th</sup> day of October, 2023:

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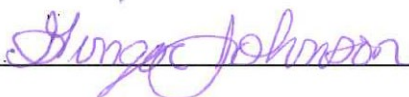
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