

# Complaint Report

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**Complaint Number:** C24-0162

## Customer Information

**Customer Name:** Bartholomew, Dane

**Account Number:** [REDACTED] 5

**Other Contact Info:** Glenn Bartholomew

**Phone Number:**

**Email Address:** GBartholomew@thesaltgroup.com

**Service Address:** 7865 South Bingham Junction Blvd, A407  
Midvale, UT 84047

## Complaint Information

**Company Name:** Questar Gas dba Enbridge Gas Utah

**Date Received:** 7/5/2024

**Date Resolved:** 7/15/2024

**Type of Call:** Complaint

**Complaint Type:** Billing Problems

**Complaint Received By:** Cynthia Dumas

**Utility Company Analyst:** Patricia M

**Gone Formal:** NO

## Complaint Description:

The following was received via email and copied as is, see attached.

From:  
Date: Thu, Jul 4, 2024 at 5:50 AM  
Subject: RE: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW  
To:

Please confirm receipt of this on July 3, 2024..

Glenn

**Dane Bartholomew**

Apartment since: 2255 S 300 E B501, SALT LAKE CITY, UT 84115-2898

Permanent home: 13304 S Nashi Ln, Draper, UT 84020

Utah Division of Public Utilities

P.O. Box 146751

Salt Lake City, UT 84114-6751

[UTILCOMP@utah.gov](mailto:UTILCOMP@utah.gov)

To Whom It May Concern:

**Property through 1/18/23:** 7865 South Bingham Junction Blvd, A407, Midvale, Utah 84047

**Dominion Energy Account:** [REDACTED]

Dane Bartholomew received a SUMMONS and MOTION FOR SUMMARY JUDGEMENT which was first denied but a resubmittal was granted. Dane attempted to pay the full amount due plus interest several times. As the amount of the judgement is extraordinary in light of the unpaid amount and the circumstances demonstrate bad faith on behalf of Dominion Energy and its assigns, and since the legal justification stems solely from a strained interpretation of PSCU 500/600, and since the population of persons affected by this interpretation and its potential abuses by collection agents are very large, we respectfully request that all parties—Division of Public Utilities, Dominion Energy, and Public Service Commission—consider the facts and determine whether the legal interpretation was proper.

**FACTUAL BACKGROUND**

1. Dane Bartholomew moved out of his Parc View apartment on January 18, 2023 (7865 South Bingham Junction Blvd A407 Midvale, Utah 84047).
2. As a tenant, Dane paid for his own Dominion Energy gas services.
3. On January 18, 2023, Dane initiated a new gas contract at his new apartment located at The Zeller located at 2255 S 300 E, South Salt Lake, UT 84115 with Dominion Energy.
4. On January 21, 2023, Dominion Energy emailed an invoice for \$219.24 without an account number or the property address.
5. On February 17, 2023, Dominion Energy emailed another invoice for \$283.58 without indicating the account number or property address which purportedly

includes an additional month of gas usage began and ended after the month that Dane vacated the apartment.

6. On April 20, 2023, Dominion Energy emailed another invoice for \$283.58 the same amount without any information identifying the account or property.
7. Dane continued to pay his new gas bills currently not understanding the existence of an outstanding debt relating to the Parc View apartment.
8. Neither Dominion Energy nor its assigns, EXPRESS RECOVERY SERVICES, made any attempts to contact Dane to inform him of any outstanding debts relating to the old address even though Dane retained his historical cell phone number of 801-664-9907 and email of [dtbartholomew32@gmail.com](mailto:dtbartholomew32@gmail.com).
9. In November of 2023, EXPRESS RECOVERY SERVICES Inc. ("ERS") served a SUMMONS to Dane's former home address for a debt purported assigned to them by Dominion Energy.
10. Having been unaware of liability, Dane immediately sent a check for the full amount of Assigned Principal and Interest to ERS. Dane contested the SUMMONS and MOTION FOR SUMMARY JUDGEMENT asking ERS provide Dane with any documentation supporting an attempt to collect a bill, explaining the date and methods for computing the gas consumed, requesting explanation for charging Dane for a full additional month of gas services after Dane vacated the former apartment, and asking for ERS to provide any evidence that it attempted to collect the debt using normal and conventional means including the telephone and email which had not changed as demanded by 15 U.S.C. §§ 1692-1692 and Utah Code 12-1-11 Collection fee -- Convenience fees.
11. Nor has it demonstrated it rights as an assignee under Utah Natural Gas Tariff, PSCU 500, Section 8.04.
12. In the SUMMONS, ERS demanded:

Assigned Principal	\$286.41
Collection Fee	\$0.00
Interest	\$19.68
Court Costs	\$112.00
Attorney's Fees	\$350.00
(less) Payments	\$0.00
Total Damages	\$768.09

13. ERS simply sites as its authority to take these actions the existence of under PSCU 500/600 as approved by Division of Public Utilities and the Public Service Commission in allowing for court costs and attorney fees in the manner demanded by ERS.

14. These provisions are silent as to actions required to entitle the Dominion Energy or its assigns to impose court costs and attorney fees.
15. As a result, on February 12, 2024, the 3rd District Court denied ERS' request for summary judgement.
16. Immediately, Dane attempted to contact ERS to pay the Assigned Principal plus Interest.
17. Rather, ERS filed another court action with the 3<sup>rd</sup> District Court which Dane rebutted a second time.
18. On June 10, 2024, the Court award a Judgement as follows: ERS filed a new action, which Dane again rebutted, but which the 3<sup>rd</sup> District Court granted on June 10, 2024.

Principal	\$286.41
Accrued Interest	\$35.78
Court Costs	\$112.00
Attorney Fees	\$1065.00
Total	\$1499.19

19. ERS refuses to accept any amount less than the full amount, except for a \$100 reduction if paid by July 11<sup>th</sup>.

#### **REQUEST FOR ACTION FROM DPU/PSC**

Dane respectfully requests that the Division of Public Utilities and the Public Service Commission review the egregious and unnecessary actions of Dominion Energy and its assigns, ERS, in exploiting PSCU 500/600 Tarif schedule including considering and answering all of the following:

1. What notifications must be given before a collection agency instigates collection actions in a District Court?
2. What duties does a collection agent have to document its collection efforts before invoking court costs and legal fees under PSCU 500/600?
3. To what extent must any collection actions accommodate federal and state consumer collection laws (15 U.S.C. §§ 1692-1692 and Utah Code 12-1-11 Collection fee -- Convenience fees)?
4. To what extent must adjustments be made for periods that begin and end after occupancy such as occurred after Dane moved out.
5. Where a customer agrees to electronic billing, to what extent must an emailed bill identify the account number and property as in this case to avoid confusion with

current utility agreements. (Dane had moved and was receiving electronic bills on his new address)?

6. Is there any limit to the legal collection fees that an assigns of Dominion Energy can impose on a customer such as Dane who did not realized the prior debt was unsatisfied.

As Dane historically has acted in good faith in compliance with his obligations, Dane will defer to the judgment of the PSC and DPU on whether the assigns of Dominion Energy have acted in good faith in pursuing tariffs allowed under PSCU 500/600. These conclusions have wide ranging consequences to all renters—a growing percentage of the population—who are effectively at the mercy of overzealous collection agents and their zealous attorneys to charge by the hour and have no incentive to act proportionately in the legal actions.

Full documentation of all legal documents and facts are available upon request.

A handwritten signature in black ink, appearing to read 'Glenn Bartholomew', with a stylized, cursive script.

Filed on behalf of Dane Bartholomew by Glenn Bartholomew

Glenn Bartholomew  
Father  
13304 S Nashi Ln  
Draper, UT 84020

**Complaint Response:**

From:CAPSC@dominionenergy.com

To:Cynthia Dumas

Cc: .

Sent:7/12/2024 11:19:03 AM

Attachments:

Dane.pdf

Hi Cynthia,

Here is the response our customer received. Please let me know if you have any questions.

Sincerely,

Elia Lopez

Lead Customer Relation & Energy Assistance Specialist

Consumer Affairs

Western Gas Distribution

1140 W 200 S, Salt Lake City, UT 84104

Mailing Address: PO Box 45360, DNR146, Salt Lake City, UT 84145

O:801-324-3557

Dominion Energy Utah  
1140 West 200 South, Salt Lake City, UT 84104  
Mailing Address:  
P.O. Box 3194, Salt Lake City, UT 84110  
DominionEnergy.com



Dane Bartholomew  
c/o Glenn Bartholomew  
13304 Nashi Ln  
Draper, UT 84020

July 12, 2024

Dear Dane & Glenn,

Re: 7865 Bingham Junction Blvd #A407 Midvale, UT 84047, Account [REDACTED]

This letter is in response to your complaint filed with the Division of Public Utilities. Thank you for giving me the opportunity to respond to your concerns.

Enbridge Gas, formerly Dominion Energy, utilizes the services of Express Recovery Services (ERS) to collect any unpaid debt. Our debt collection vendors, including ERS, follow strict guidelines and adhere to all state laws and regulations, including the Fair Debt Collection Act.

In reviewing Dane's account, our records indicate it was set up on paperless billing with the email address [dtbartholomew32@gmail.com](mailto:dtbartholomew32@gmail.com). Once a billing statement is prepared, an email notification is sent out notifying you that your bill is ready to view. You do need to log in online to view the complete billing statement, however the email notification does provide you with the first five digits of your account number as an identifier.

On January 17, 2023, a 10-day termination notice was sent to your service address notifying you of the \$140.13 past due balance due on your account. No payment had been received since October 11, 2022, or notice to cancel your service was received so the gas service was terminated for non-payment on February 13, 2023. A closing statement was generated on February 16, 2023.

These are the attempts we made to notify you of your debt before your account was referred to ERS:

1. On April 3, 2023, we mailed a letter advising of the outstanding balance and failure to pay would result in a referral to a collection agency.
2. April 19, 2023, we regenerated an E-billing statement and sent it to [dtbartholomew32@gmail.com](mailto:dtbartholomew32@gmail.com).

3. April 19, 2023, a copy of the final bill was sent to 7865 Bingham Junction Blvd #A407, Midvale, UT, 84047.
4. April 19, 2023, a copy of the final bill was sent to 13304 Nashi Ln, Draper, UT, 84020.

We did not receive any contact or payment from Dane after these attempts were made and the account was assigned to Express Recovery Services (ERS) on May 1, 2023. See the enclosed Urgent Notice, billing statements, and itemization that discloses billing dates and information as well as payments received on your account.

ERS is required to send notification to consumers within five days of placement, which is used as their initial communication. The notification was sent within 2-3 days of receiving the account.

ERS is subject to State and Federal Laws. Utah does have a statute to allow for convenience fees on electronic payments. Legal fees include hard costs for ERS that are not negotiable. Attorney fees are statutory with a minimum amount. If the account requires additional hearings, this could result in additional attorney fees assessed on the account depending on the attorney's time involved and the fees must be approved by the Court.

Per our contact with ERS they confirmed that they spoke to Dane twice, once he refused to pay and another, he said he would contact Enbridge Gas directly and disconnected the call. He also refused to provide an updated mailing address. After he was served, ERS received a payment, however the amount did not cover the court costs and attorney fees. The check also included a restricted endorsement that indicated, if the check was cashed, they agreed the account was paid in full. ERS did not cash the check.

The unpaid balance of \$286.41 plus any legal fees and interest that is owed to the collection agency will need to be addressed directly with them. Please contact Express Recovery Services at 801-486-4182 and reference account number [REDACTED].

Sincerely,



Patricia M.  
Customer Relations & Energy Assistance Specialist  
Western Gas Distribution

Enclosures

cc: Division of Public Utilities





NAME [REDACTED]	DATE July 5, 2024		PREPARED BY AMY P
SERVICE ADDRESS [REDACTED]	CURRENT ACCOUNT NO. [REDACTED]	OLD ACCOUNT NO. [REDACTED]	TURN ON DATE October 18, 2019
EMAIL ADDRESS [REDACTED]	ITEMIZATION REQUESTED BY: Customer		SHUT OFF DATE February 15, 2023

[illegible]

REMARKS:

\* R=Read, C=Calculation, P=Post Card, X=Meter Change, F=Final Bill, T=Turn Back On After Shut Off For Non-Pay

\* Misc: CF=Connection Fee, CK=Returned Check Fee, SD=Security Deposit, MS=Meter Seal, MP=Meter Plug, DM=Damaged Meter

\*\*\* See adjustment explanation under remarks

## Additional Info:

----- Forwarded message -----

From: Brenda Salter

Date: Wed, Jul 31, 2024 at 3:19 PM

Subject: Re: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

To: Cynthia Dumas

Cc: Marialie Wright

Hi Cynthia,

I just spoke with Glen Bartholomew. Long story short, he would like to file a formal complaint. Would you send him the information to complete this?

Thanks,

Brenda

----- Forwarded message -----

From: Cynthia Dumas

Date: Thu, Aug 1, 2024 at 11:12 AM

Subject: Re: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

To:

Cc: Utility Complaints ,

Good Morning Mr. Bartholomew,

I hope you are well. As informed by Brenda Salter, whom you spoke with yesterday, to send you the Formal Complaint instructions. See attached.

If you have any questions regarding the formal complaint please contact the Public Service Commission at 801-530-6617. They will be who will be handling the formal complaint.

Thank you,

Cynthia Dumas

----- Forwarded message -----

From: Cynthia Dumas

Date: Tue, Jul 30, 2024 at 3:02 PM

Subject: Re: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

To: Utility Complaints , ,

Dear Glenn Bartholomew on behalf of Dane,

Sorry for the delay response. I was out of the office from July 14 until today.

I received your rebuttal, and will respond within a day.

Thank you,

Cynthia Dumas

----- Forwarded message -----

From: Cynthia Dumas

Date: Tue, Jul 30, 2024 at 2:44 PM

Subject: Fwd: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

To: Brenda Salter , Marialie Wright

Hey Ladies,

I have this complaint which I would love some advice on. Not sure how to handle it. DEU has responded. and the customer has rebuttal and would like DPU to intervene.

Do we need to get Trish involved?

Please see attached and advise. Let me know if you have any questions.

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Utility Complaints (sent by gflores@utah.gov)

Attachments

Fri, Jul 26, 8:17 AM (4 days ago)

to me

Hi Cynthia,

This looks like it is part of your complaint.

----- Forwarded message -----

From:

Date: Thu, Jul 25, 2024 at 9:49 PM

Subject: RE: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

To:

Cc:

On July 4, 2024. Dane filed a complaint. On July 12, 2024, Dominion replied. Dane respectfully requests intervention from the DPU as to how this Tariff provision is to be applied. Please let me know if you need additional information.

Glenn Bartholomew on behalf of Dane

From: statetax@comcast.net

Sent: Thursday, July 4, 2024 5:50 AM

To: 'UTILCOMP@utah.gov'

Subject: RE: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

Please confirm receipt of this on July 3, 2024.

Glenn

From: Glenn Bartholomew

Sent: Wednesday, July 3, 2024 9:45 PM

To: UTILCOMP@utah.gov

Cc: dtbartholomew32@gmail.com; jonathan@primus.law

Subject: COMPLAINT TO PUBLIC UTILITIES COMMISSION ON BEHALF OF DANE BARTHOLOMEW

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Sincerely,

Utah Division of Public Utilities

Customer Service

Local Phone Number (801) 530-7622

Toll-free Phone Number (800) 874-0904

<https://dpu.utah.gov/index.html>