
Formal Complaint of Dane T. Bartholomew against Enbridge Gas Utah	<u>DOCKET NO. 24-057-15</u> <u>ORDER DISMISSING COMPLAINT</u>
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ISSUED: November 8, 2024

PROCEDURAL BACKGROUND

Dane Bartholomew (“Complainant”) filed a formal Complaint with the Public Service Commission (PSC) on September 12, 2024 (“Complaint”) against Enbridge Gas Utah (“EGU”).¹ The PSC issued a Notice of Filing and Comment Period advising that EGU had until October 15, 2024, to file a written response to the Complaint and that Complainant had until October 30, 2024, to submit a written reply. On October 15, 2024, EGU filed a Response and Motion to Dismiss, along with sworn testimony and numerous exhibits (“Motion to Dismiss”). Complainant did not submit a written reply or otherwise respond to the Motion to Dismiss.

SUMMARY

Complainant was an EGU customer with a history of late- or non-payment of his monthly bill for gas service. EGU had been providing service to Complainant at an apartment that Complainant allegedly vacated on January 17, 2023. Complainant did not request termination of his gas service from EGU prior to vacating that apartment and, at the time of his move, had an unpaid balance that ultimately totaled

¹ The Complaint refers to Dominion Energy, which was acquired by Enbridge, Inc. in June 2024. Thus, Dominion Energy is referred to herein as EGU.

approximately \$284 (“Delinquent Amount”).² EGU eventually turned the Delinquent Amount over to a third party collection agency (“ERS”) which, after various collection activities, including a lawsuit initiated by ERS against Complainant, resulted in a judgment of approximately \$1,500.00 against Complainant and in favor of ERS (“Collection Amount”).³

The Complaint⁴ makes numerous allegations and poses various questions, but specifically identifies the following as what Complainant believes EGU did that is illegal, unjust, or improper: (1) “The measures taken [by EGU and/or ERS] ignore basic state and consumer credit protection laws.”⁵ (2) “The measures taken [by EGU and/or ERS] were grossly disproportionate to the unpaid balance.”⁶ (3) “All attempts to contact [EGU] have been met by denials that the said account existed.”⁷ The Complaint fails, however, to specifically state why Complainant thinks EGU’s actions as alleged are illegal, unjust, or improper, but instead simply states “[t]he facts speak for themselves.”⁸

² The exact Delinquent Amount is not clear because Complainant asserts differing amounts at different times throughout the Complaint.

³ The exact Collection Amount is similarly unclear for the same reasons stated above.

⁴ Complainant did not submit supporting exhibits with the Complaint, but instead directed the PSC to either contact Complainant for these claimed exhibits or to find them at a URL. However, it is not the PSC’s responsibility to obtain or access information that Complainant could have submitted with the filing.

⁵ Complaint at 1. The Complaint fails to identify what these specific laws are.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

The Motion to Dismiss responds to the allegations in the Complaint, provides sworn testimony and exhibits, and seeks dismissal. Through sworn testimony, the Motion to Dismiss provides a factual narrative and makes legal arguments in support of dismissal. Specifically, EGU asserts that the Complaint potentially asserts claims that are not supported by applicable statutes,⁹ seeks relief based on actions of a third party (ERS) over whom the PSC lacks jurisdiction,¹⁰ or fails to demonstrate that EGU violated any relevant tariff provision.¹¹

DISCUSSION, FINDINGS OF FACT, AND CONCLUSIONS OF LAW

The PSC's jurisdiction to adjudicate complaints is statutorily limited and allows a person to pursue relief from the PSC when a "public utility violates any provision of law or any order or rule of the [PSC]."¹² A complaint seeking PSC adjudication must "specify the act committed or omitted by the public utility that is claimed to be in violation of the law or a rule or order of the [PSC]."¹³

The Complaint is replete with factual allegations, but does not identify any applicable provision of statute, administrative rule, tariff,¹⁴ or prior order of the PSC that EGU has allegedly violated.¹⁵ Moreover, many of the allegations do not relate to

⁹ See Motion to Dismiss at 3-4.

¹⁰ See *id.* at 4-8.

¹¹ See *id.* at 8-12.

¹² Utah Code Ann. § 54-7-9(1).

¹³ *Id.* at § 54-7-9(2).

¹⁴ EGU's Utah Natural Gas Tariff governs gas service in the state of Utah ("Tariff").

¹⁵ An attachment to the Complaint cites to "Public Service Commission Rules of Practice and Procedure, Section R746-3(A), (B), (C) & (F)," but that citation does not correspond to any PSC rule.

matters within the PSC's jurisdiction. For example, the Complaint asserts a violation of some unidentified consumer credit protection laws, whether by ERS alone, or by EGU alone or in concert with ERS. However, the PSC does not have jurisdiction over ERS because it is not a public utility.¹⁶ Moreover, while the PSC has jurisdiction over EGU, that jurisdiction is not without limits¹⁷ and the Complaint fails to specify what law EGU allegedly violated and whether such law is within the PSC's jurisdiction.

Although not specifically stated, the Complaint could be interpreted as asserting that EGU violated its Tariff, but it fails to identify any specific Tariff section violated. However, the Motion to Dismiss presents and analyzes certain Tariff sections that could arguably apply here and will be addressed.

It is undisputed that the Tariff imposes certain obligations on EGU and Complainant. A review of the Complaint and the Motion to Dismiss demonstrate that the genesis of the Complaint is Complainant's unpaid bill with EGU. Complainant stopped paying for his gas service on or about October 11, 2022,¹⁸ and that the unpaid bill remained unpaid despite EGU providing notices and warnings.¹⁹ This is not disputed. The amount of that unpaid bill increased over time because Complainant did

¹⁶ See Utah Code Ann. §§ 54-4-1 (limiting PSC jurisdiction to public utilities) and 54-2-1(23) (defining a public utility).

¹⁷ As analyzed and argued in the Motion to Dismiss, and undisputed by Complainant, EGU is not subject to various laws potentially applicable based on the allegation in the Complaint. See Motion to Dismiss at 4-8.

¹⁸ See Motion to Dismiss, Ex. 1.0 at 4-5.

¹⁹ See *id.* at 5, 6, and 9.

not terminate his service at his former apartment or notify EGU about his move.²⁰ This is not disputed. Thus, that increased unpaid bill eventually matured into the Delinquent Amount, which in turn eventually matured into the Collection Amount. This is not disputed.

Based on the undisputed facts, EGU's analysis in the Motion to Dismiss of Sections 8.04, 9.07, and 9.08 of the Tariff as applied to the Complaint provides compelling evidence that EGU has not violated the Tariff. While it is unfortunate that the Delinquent Amount resulted in the Judgment Amount, the foregoing undisputed facts support our conclusion that Complainant has not shown that EGU violated the Tariff, or any applicable statute, administrative rule, or order of the PSC.

ORDER

Having found no violation of tariff, applicable statute, administrative rule, or order, the Motion to Dismiss is granted.

DATED at Salt Lake City, Utah, November 8, 2024.

/s/ John E. Delaney
Presiding Officer

²⁰ See *id.* at 7.

Approved and confirmed November 8, 2024 as the Order of the Public Service
Commission of Utah.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#336460

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 November 8, 2024, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

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