

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of)
MICHAEL & DEBRA MCCARTHY,)
Complainants,)
vs.)
QUESTAR GAS COMPANY,)
Respondent)

DOCKET NO. 00-057-05

REPORT AND ORDER

ISSUED: November 15, 2000

SYNOPSIS

Complainant having failed to show any violation of Respondent's published tariffs or of the applicable statutes and Commission rules, we dismiss.

Appearances:

Jonathan M. Duke For QUESTAR GAS COMPANY

By The Commission:

PROCEDURAL HISTORY

Pursuant to notice duly served, the above-captioned matter came on regularly for hearing before A. Robert Thurman, Administrative Law Judge, at the Commission Offices, Heber M. Wells Office Building, Salt Lake City, Utah. Evidence was offered and received, and the Administrative Law Judge, having been fully advised in the premises, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

- Complainants are residential customers of Respondent, a gas corporation certificated by this Commission.
- Complainants took gas service from Respondent at an apartment at 506 Murray Blvd., # 6H, from July 13, 1994, through December 24, 1997. At the time of shut-off there was a balance of \$82.11 on the account.
- In March, 1998, after Complainants had moved out of the building, Respondent discovered that the meter for their apartment, No. 6H, had actually been registering usage for No. 6I, and vice-versa. This situation, which can occur from a variety of causes, is known in the trade as crossed meter.
- In accordance with Commission rules, Respondent adjusted both accounts for usage back 24 months, which resulted in debiting Complainants' account an additional \$232.76.
- Complainants did not establish new gas service until they moved into their current residence at 9300 S. Redwood Road, West Jordan, Utah. Turn on date for the new service was May 21, 1999.
- Owing to a discrepancy in social security numbers, Respondent did not connect the account at the Murray Blvd. address with Complainants until July, 1999, at which time they transferred a balance of \$321.20 which included the delinquent balance, the crossed meter adjustment, and \$3.51 interest.
- Complainants filed an informal complaint which was processed by the Division of Public Utilities, Utah Department of Commerce (DPU). At the DPU's recommendation, Respondent removed the \$3.51 interest charge and, owing to the three-month delay in finding the crossed meters after Complainants moved out, three months of

- adjusted service amounting to \$9.77. DPU informed Complainants that they were liable for the remainder.
- Still not satisfied, Complainants filed this formal complaint.
 - Complainants presented no evidence to contradict the above findings.
 - Although Complainants have broken two Deferred Payment Agreements (DPA) extended them during the pendency of this controversy, Respondent agreed to extend them another at the conclusion of the hearing in this matter.

DISCUSSION

The transfer of the balance from the Murray Blvd. address to the Redwood Road address comports with Respondent's tariff and with Commission rules. Liability for service is attached to individuals, not addresses. In making the adjustments it made in Complainants' favor, Respondent has acted reasonably in our opinion. The Complaint does not appear well-founded.

CONCLUSIONS OF LAW

The Commission has party and subject-matter jurisdiction. Complainants have failed to provide facts which would entitle them to relief under Section 54-7-20, UCA 1953, as amended. That statute entitles a customer to reparations only upon a showing of charges beyond Respondent's published tariff, or a discriminatory application of the tariff. The facts proved by Complainants do not indicate such overcharge or discrimination.

Respondent is, under the law, not only allowed, but required to charge in accordance with its tariff in order to prevent invidious discrimination among customers. Accordingly, the charges imposed on Complainant are lawful, and Respondent is entitled to collect the same. The complaint must be dismissed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The complaint of MICHAEL & DEBRA MCCARTHY against QUESTAR GAS COMPANY be, and the same hereby is, dismissed.
- If MICHAEL & DEBRA MCCARTHY wish to proceed further, MICHAEL & DEBRA MCCARTHY have 20 days from the date of this Order in which to file with the Commission a written petition for review or reconsideration. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 15th day of November, 2000.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 15th day of November, 2000, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary