

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of)	
HOWARD VANWAGONER,)	<u>DOCKET NO. 01-057-08</u>
Complainant,)	
vs.)	<u>REPORT AND ORDER</u>
QUESTAR GAS COMPANY,)	
Respondent)	

ISSUED: August 13, 2001

SYNOPSIS

Complainant having failed to allege 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

Complainant above-named filed his complaint June 8, 2001, and Respondent filed its answer, together with a motion to dismiss, July 9, 2001. Customer complaints being designated informal proceedings under Commission rules, and there appearing to be no factual issue necessary to the resolution of this matter, we deem it ripe for disposition without hearing or submission of further evidence. 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

- Complainant is at present not a customer of Respondent, a gas corporation certificated by this Commission.
- Complainant alleges that Respondent has run a gas line through his property without an easement and as compensation demands that Respondent waive its tariffed connection and new service fee.
- In its answer, Respondent alleges the line in question is laid in a county road, and that in any event, the Commission lacks jurisdiction in the matter.

CONCLUSIONS OF LAW

The Commission has party jurisdiction; subject-matter jurisdiction is lacking. Complainant has failed to allege facts which would entitle him to relief under Section 54-7-20, U.C.A. 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 alleged by Complainant do not indicate such overcharge or discrimination.

In fact, the facts alleged by Complainant relate solely to an alleged trespass, a matter completely outside the Commission's jurisdiction. Only courts of general jurisdiction may hear such matters. If Complainant wishes to pursue the matter, that is the forum to which he must resort.

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 demand the same. The complaint must be dismissed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The complaint of HOWARD VANWAGONER, against QUESTAR GAS COMPANY be, and the same hereby is, dismissed.
- If HOWARD VANWAGONER wishes to proceed further, HOWARD VANWAGONER has 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 13th day of August, 2001.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 13th day of August, 2001, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary