

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In Re Complaint of)

COVEY APARTMENTS, INC.,) DOCKET NO. 01-057-09

Complainant)

)

vs.) ORDER ON REQUEST FOR

) CLARIFICATION

) OR RECONSIDERATION

QUESTAR CORPORATION,)

Respondent)

ISSUED: February 19, 2002

On January 9, 2002, the Commission issued a Report and Order, adopting the recommendation of the Commission's Administrative Law Judge (ALJ). Our intention in adopting the ALJ's recommendation was end result driven. We agreed with the ultimate conclusion that we lack the authority to grant the equitable relief sought by Covey Apartments. We did not intend to adopt all of the rationale provided by the ALJ in his discussion concerning his recommendation.

On January 29, 2002, Questar Corporation (Questar) filed a request for clarification or reconsideration of the January 9, 2002, Report and Order. Questar notes that the ALJ's recommendation contains language which states that the Commission lacks subject matter jurisdiction. We agree with Questar that the ALJ's language misstates the law. That the Commission may not have the ability to grant the specific equitable remedy sought by Covey Apartments is not the same as concluding that the Commission lacks subject matter jurisdiction. This is one aspect of the ALJ's recommendation which we did not intend to adopt. As correctly stated by Questar, the Commission did have subject matter jurisdiction concerning the rate or charge which the tariffs required Covey Apartments to pay during the period

in dispute. We concluded that we were not able to fashion the equitable relief sought by Covey Apartments in the circumstances reflected in the administrative record developed before the ALJ. We opine no conclusion on whether some other Utah forum may be able to grant such relief.

DATED at Salt Lake City, Utah, this 19th day of February, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

Gr#28190