

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
CINNIMIN BARRY,)
Complainant,)
v.)
QUESTAR GAS,)
Respondent)

DOCKET NO. 04-057-01
REPORT AND ORDER

ISSUED: June 22, 2004

By The Commission:

This matter was commenced by a formal complaint from Cinnimin Barry ("Ms. Barry" or "Complainant") against Questar Gas ("Questar" or "company").

Customer complaint matters are designated as informal proceedings under our rules. Based on the record on file, there being no material facts in dispute, we deem this matter ripe for decision.

FACTS

Ms. Barry filed an informal complaint with the Division of Public Utilities ("Division") on March 22, 2004, alleging that she had contacted Questar on December 2, 2003, to have her gas service shut off at 3504 Bristol Way, West Valley City since she had moved out of the premises, but that Questar did not shut off her gas service, resulting in a disputed bill of \$675. As proof that she had moved out of the residence in December 2003, Ms. Barry states that she faxed a copy of her subsequent lease agreement to Questar, along with documents showing that Utah Power service to the residence had been shut off—items she alleges Questar told her the company would accept as proof that she had vacated the premises when claimed. During the Division’s inquiry into the informal complaint, the landlord at 3504 Bristol Way stated that Ms. Barry had indeed terminated electric service in her name because she new that the service would continue in the landlord’s name due to prior agreement between the utility and the landlord.

Following investigation of her complaint, Questar adjusted Ms. Barry’s bill to correct the shut off date to February 2, 2004, the date her landlord had transferred gas service into his name, reducing the balance owing to \$550.97. On April 11, 2004, Ms. Barry filed a formal complaint alleging that Questar is trying to charge her for gas she did not use because the company failed to shut off gas service when she instructed them to do so.

The Division filed a memorandum containing the results of its investigation of the formal complaint. The Division found that the property owner/landlord at 3504 Bristol Way had changed the locks on the property on February 2, 2004, following service of a notice of eviction on January 25, 2003. Property occupants at the time of eviction were two women, both Ms. Barry’s sisters. The Division concluded that Questar has not violated any statutes, rules or tariff provisions in this matter and recommends that the Complaint be dismissed.

On June 18, 2004, Questar filed an Answer and Motion to Dismiss stating that the company has no record of a December 2, 2004, phone call from Ms. Barry requesting shut off of gas service. Questar also states that the company has not violated any of its tariff provisions or Commission rules in this matter.

DISCUSSION

Questar’s actions in investigating Ms. Barry’s complaint and reducing her bill based on information gathered

during its investigation appear reasonable. There is no evidence in the record that Ms. Barry ever contacted Questar in December 2003, or any later date, requesting termination of gas service at 3504 Bristol Way. On the contrary, the evidence leads one to reasonably conclude that she left gas service in place after vacating the premises so that her two sisters then residing at 3504 Bristol Way would continue to have gas service.

Questar correctly points out that Commission rules require customers to provide three days prior notice for service disconnection. In addition, Questar's tariff holds customers responsible for all gas consumed until notice to disconnect has been given and a final meter reading taken. Based on the foregoing, the Division determined that Questar has violated no statute, Commission rule, or tariff provision and recommends that the complaint be dismissed. We agree and find accordingly.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Complainant's claim that Questar failed to shut off gas service when she instructed them to do so is dismissed.
2. Any person aggrieved by this Order may petition the Commission for review/rehearing pursuant to the *Utah Administrative Procedures Act, Utah Code Ann. §63-46b-1 et seq.* Failure so to do will preclude judicial review of the grounds not identified for review. *Utah Code Ann. §54-7-15.*

DATED at Salt Lake City, Utah, this 22nd day of June, 2004.

/s/Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 22nd day of June, 2004, as the Report and Order of the Public Service Commission of Utah.

/s/Ric Campbell, Chairman

/s/Constance B. White, Commissioner

/s/Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

GW#38975