

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Susan Parry against Questar Gas Company) DOCKET NO. 08-057-26
) REPORT AND ORDER
)

ISSUED: February 4, 2009

SYNOPSIS

The complainant, Susan Parry (Parry), filed a complaint against Questar Gas Company (Questar or Company) alleging that Questar improperly billed her for service she never used or received. Additionally, she complains that Questar improperly shut-off her service in November 2008, previous to the five-day period Questar gave her to come current on past-due amounts. With this Report and Order, the Commission finds Questar did not violate any statute, rule, or tariff and dismisses the Complaint. The Commission further authorizes Questar to terminate Parry's service

By The Commission:

REPORT

Parry filed a formal Complaint with the Commission on December 2, 2008. Questar has declined to provide Parry service until she satisfies her past-due obligation of \$701.87, and until her husband, Steve Hovey, also satisfies his past-due obligations of \$594.99 owing to the Company. Parry complains that she does not owe these amounts.

Parry states that in early 2003, while living at 326 East Stanton Avenue (First Residence), she and her husband "changed all their appliances over to electric" and no longer needed or used natural gas service after 2003. When Questar billed her for the months of about June 2003 to June 2004, Parry claims that she could not have incurred those charges as she did not use the gas service.

Questar, however, submitted records and bills showing that Parry did indeed use the service. On June 4, 2003, customer service records show Parry called the Questar call center and requested natural gas service at the First Residence. Additionally, meter readings shown on customer account sheets from the First Residence show regular usage patterns at the residence, e.g. low usage in the summer and higher usage in the winter, with usage occurring between December 2003 and January 2004. The only basis for disputing the fact that she used gas service at her residence, is Parry's allegations that "there is no way they would let me have service for an entire year without payment" and also that they terminated her mother-in-law's service for non-payment and would have done the same to her had she received service without paying. She has no other evidence to controvert that submitted by Questar to show that she in fact received service at the First Residence for the dates indicated.

Questar did not receive any payments for service to the First Residence from July 2003 to December 2003, and as of December 17, 2003, the amount owed for service was \$281.09. When Questar was about to terminate Parry's service in January 2004, she agreed to enter into a deferred payment agreement with Questar, agreeing to pay past-due amounts plus interest and current amounts billed. She made her first payment of \$25 and another payment of \$169.57, but thereafter failed to pay any monies per the terms of the agreement. In April 2004, she called the Questar call center, where she was advised that she needed to pay on her account or be terminated. She agreed to send \$233 but never did. In June 2004, Questar terminated her service and sent Parry a final bill for \$556.57.

Apparently, however, someone at the First Residence broke the seal placed on the meter at the time of the June 2004 termination and Parry continued to receive unauthorized service until November 2004. Upon discovering that Parry was using unauthorized service, the Company sent a technician in November 2004 to plug the meter. Questar then billed Parry for her June 2004 to November 2004 usage, bringing her total amount owing to \$701.87.

Previous to November 2008, Parry and her husband moved to their current residence at 701 1st Avenue, Salt Lake City (Current Residence). Questar sent notice on November 12, 2004 to the Current Residence advising the tenant to contact Questar to obtain gas service in the tenant's name or service would be terminated in 5 days. Parry called the call center on November 14, 2008 to request service at her residence. Questar personnel informed her that she would need to make arrangements to pay the outstanding \$701.87 before obtaining new service. Questar also offered to have her make deferred payments of the outstanding balance, but Parry refused to enter into another deferred payment agreement.

Parry also revealed to Questar that Hovey was her husband. Questar personnel further informed Parry that her husband had an outstanding balance of \$594.99 for services used between August 2002 and March 2003. Hovey's gas had also been terminated for non-payment in March 2003. Because Parry was living with Hovey for at least some portion of the time of service for which Hovey owed, she was also ineligible for service at the Current Residence until Hovey's delinquent balance was also paid.

Questar terminated Parry's service on November 14, 2008— three days prior to the five day time period originally given her on November 12th. Parry filed an informal

complaint because of the early termination. Questar restored service in Parry's name at the Current Residence because of the premature termination, and gave her an additional two-weeks in which to pay the past-due balances. In response, Parry filed this formal Complaint, but failed to pay on any past-due amounts.

Questar has not yet terminated Parry's service. Parry has remained current on all present obligations owing on the Current Residence. The HEAT program did pay \$650.00 toward's Parry's outstanding obligations on December 24, 2008, but neither Parry nor Hovey have paid any additional amounts owing on their outstanding balances.

The Division of Public Utilities (Division) filed their recommendation on or about January 5, 2008, recommending that the Commission dismiss Parry's Complaint. The Division found that, regarding the premature shutoff, Questar reconnected the service at this address to remedy the error, and has continued to provide service well past the initial termination date. The Division also found that Questar's actions in billing Parry, terminating her service for non-payment, and its refusal to provide service until Parry and Hovey satisfy all outstanding obligations, were justified, and did not violate any provisions of the Company's tariff, nor any statute or rule.

Having reviewed the Complaint's allegations, the Answer and Motion to Dismiss, and supporting documents provided by the Company, and having received the Division's recommendation, the Commission finds as follows:

1. Questar has complied with all tariff requirements and governing rules and statutes in providing natural gas service and billing for gas used at the First and Current Residence;

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2. Questar has complied with all tariff requirements and governing rules and statutes in terminating the service provided at the First and Current Residence;
3. Questar has remedied any alleged violations arising out of the premature termination in November 2008;
4. Ms. Parry has failed to show that the Company violated any portion of their tariff, or governing rules and statutes.

THEREFORE, the Commission ORDERS as follows:

1. Ms. Parry's Complaint is dismissed for failure to state a claim upon which relief may be granted.
2. The Company may terminate Ms. Parry's natural gas service for failure to pay the delinquent amount.
3. Pursuant to Utah Code § 63G-4-301 and 54-7-15, an aggrieved party may request agency review or rehearing of this Order by filing a written request for review or rehearing with the Commission 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 Commission does not grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission'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 §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

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DATED at Salt Lake City, Utah, this 4th day of February, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 4th day of February, 2009, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#60546