

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Cindy Thompson against Questar Gas) DOCKET NO. 10-057-07
Company) ORDER OF DISMISSAL
)

ISSUED: June 30, 2010

By The Commission:

This matter is before the Commission on the formal complaint of Cindy Thompson against Questar Gas Company.

Ms. Thompson contacted the Division of Public Utilities (Division) to complain about Questar Gas's communications to her stating that it would shut off her gas service unless she paid \$176 of the \$351.30 in arrears on her account. She had paid \$100 previously and wanted to be placed on a deferred payment agreement where she offered to pay \$100 a month plus her current bill. Questar denied her offer. Ms. Thompson filed this formal complaint to protest Questar's refusal to enter into payment arrangements.

Questar responded to the formal complaint. It stated that when Ms. Thompson started service at this address on March 1, 2010, she already had a balance owing of \$231.65 from a previous address. Questar informed the Division that Ms. Thompson had entered into four separate deferred payment arrangements. She defaulted on every one of those. The most current default occurred in October 2009. Questar does not plan on allowing Ms. Thompson to enter into another arrangement, except the one initially offered her: she may pay \$176 immediately to stop the termination of service and pay off the arrears in three, equal monthly payments. However, the offer was initially open until only June 1, 2010 and Questar may no longer be willing to enter into such an arrangement. Questar argued that Commission rules only require it

to offer one deferred payment agreement to its customers. *See Utah Admin. Code R746-200-5 (stating that an account holder who cannot pay a delinquent account balance on demand shall have the right to receive residential utility service under a deferred payment agreement. . . . subject to R746-200-5(B)) (emphasis added).*

The Division submitted its recommendation on or about June 9, 2010. It recommended dismissing the application. It did not find any violation of any rule, law, or tariff.

The Commission does not find Questar violated any Commission rule, statute, or tariff. Ms. Thompson breached four deferred payment agreements and is not entitled to the benefit of another at this time, without consent of Questar. Ms. Thompson is entitled to enter into a deferred payment agreement subject to the terms of R746-200-5(B). That rule states if the customer breaches the terms of an agreement, the utility may treat the breach “as a delinquent account and shall have the right to disconnect service” Additionally, the Rule states the “account holder shall not have the right to a renewal of the deferred payment agreement” and that renewal of any deferred payment agreement, after previous breach, is at the discretion of the utility. *See Utah Admin. Code R746-200-5(B).* Therefore:

ORDER

1. The formal complaint of Ms. Thompson is dismissed with prejudice;
2. Questar may terminate her service at any time with proper notice and may pursue any and all means of collection available to it for delinquent amounts;
3. It may also offer a payment arrangement if it desires;
4. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the

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Commission within 30 days after the issuance of this 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 the request, 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 Sections 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 30th day of June, 2010.

/s/ Ruben H. Arredondo
Administrative Law Judge

Approved and confirmed this 30th day of June 2010, 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#67269