- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of) JENNIFER C. MACARTHUR,) Complainant) <u>DOCKET NO. 99-057-04</u> vs.) <u>REPORT AND ORDER</u> QUESTAR GAS CO.,) Respondent)

ISSUED: June 10, 1999

<u>SYNOPSIS</u>

Complainant having failed to show any violation of Respondent's published tariffs or of the applicable statutes and Commission rules, we dismiss.

Appearances:

Johnathan. M. Duke

For

QUESTAR GAS CO.

By the Commission:

PROCEDURAL HISTORY

Pursuant to notice duly served, the above-captioned matter came on regularly for hearing the eighteenth day of May, 1999, before A. Robert Thurman, Administrative Law Judge, at the Commission offices, 160 E. 300 South, Salt Lake City, Utah. Complainant appeared in *propria persona*. Evidence was offered and received, and the Administrative Law Judge, having been fully advised in the premises, enters the following Report, containing proposed findings of fact, conclusions of law, and the Order based thereon.

FINDINGS OF FACT

1. Complainant is a residential customer of Respondent, a gas corporation certificated by this Commission.

2. Complainant and her husband have resided in one side of a duplex apartment building since February 1997. For a period extending from March, 1997, through October, 1998, Respondent billed Complainant for gas usage by the other tenants in the building and vice-versa. Respondent attributes the error to the proximity of the two meters for the two residential units.

3. Following a comedy of errors, Respondent discovered the error and adjusted Complainant's bill upward while crediting the account of the other tenants.

4. Complainant failed to prove that the adjustment was erroneous, or that the adjustment contravened Respondent's published tariff.

CONCLUSIONS OF LAW

The Commission has party and subject-matter jurisdiction. Complainant has failed to prove facts which would entitle her to relief under Section 54-7-20, UCA 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.

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 collect the same. The complaint must be dismissed.

ORDER NOW, THEREFORE, IT IS HEREBY ORDERED that:

The complaint of JENNIFER C. MACARTHUR against MOUNTAIN FUEL SUPPLY, INC., be, and the same hereby is, dismissed.

If JENNIFER C. MACARTHUR wishes to proceed further, JENNIFER C. MACARTHUR 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 10th day of June, 1999.

<u>/s/ A. Robert Thurman</u> Administrative Law Judge

Approved and Confirmed this 10th day of June, 1999, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest: <u>/s/ Julie Orchard</u> Commission Secretary