

In the Matter of the Complaint of )  
LEONA RIVERA, )  
Complainant )  
vs. )  
QUESTAR GAS CO., )  
Respondent )

DOCKET NO. 99-057-06

REPORT AND ORDER

ISSUED: June 21, 1999

SYNOPSIS

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

On April 15, 1999, Complainant filed her complaint; on May 17, 1999, Respondent filed an answer and motion to dismiss. Since ratepayer complaints are denominated informal proceedings under Commission rules, and there appears to be no factual dispute requiring an evidentiary proceeding, we dispose of the matter without further proceedings. 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 has resided in one side of a duplex apartment building since September, 1997. In January, 1999, the tenant in the other residential unit terminated his gas service. At that time, Respondent discovered that the meters for the two units were cross-connected -- meaning that Complainant had been billed for her neighbor's gas usage and vice-versa. Respondent credited the neighbor's account in the amount of \$689.24, and debited Complainant's account in the same amount.
3. Complainant asserts that the adjustment was illegal and seeks to have it abated.
4. In its answer, Respondent asserts that the adjustment complies with its tariff and Complainant has failed to state a claim for which the Commission can grant

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 LEONA RIVERA against MOUNTAIN FUEL SUPPLY, INC., be, and the same hereby is, dismissed.

If LEONA RIVERA wishes to proceed further, LEONA RIVERA 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 21st day of June, 1999.

/s/ A. Robert Thurman  
Administrative Law Judge

Approved and Confirmed this 21st 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:

/s/ Julie Orchard  
Commission Secretary