

In the Matter of the Complaint of
LESLI HOOPES,
Complainant
vs.
QUESTAR GAS CO.,
Respondent

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DOCKET NO. 99-057-07

REPORT AND ORDER

ISSUED: July 20, 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:

Jonathan M. Duke

For

QUESTAR GAS CO.

By the Commission:

PROCEDURAL HISTORY

Complainant above-named filed her complaint June 9, 1999, and Respondent filed its answer, together with a motion to dismiss, July 9, 1999. Customer complaints being designated informal proceedings under Commission rules, and there appearing to be no disputed factual issue necessary to the resolution of this matter, we deem it ripe for disposition without hearing or submission of further evidence. The Administrative Law Judge, having been fully advised in the premises, now 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 alleges her husband, in whose name the service was initiated, moved out of the family home in January, 1999, and thereafter left the gas bill unpaid. Service was terminated for nonpayment on May 12, 1999. Complainant asserts she is not liable on the account, since it is in her husband's name, and that Respondent has refused to establish an account in her own name.
3. Complainant has not alleged that she did not occupy the premises from January, 1999, until May, 1999, nor that she did not receive the benefit of the gas service provided during that period. We find that she did so occupy the premises and did so receive the benefit of the gas service. Complainant further has not alleged that she and the account holder are or were divorced during the period in dispute.
4. In its answer, Respondent asserts that Complainant may establish an account in her own name upon the payment of an \$8.00 connection fee, as provided in its tariff. It further asserts that since she received the benefit of the service, she

is liable on the account. It further asserts that it has offered her a Deferred Payment Agreement ("DPA") which she has refused.

CONCLUSIONS OF LAW

The Commission has party and subject-matter jurisdiction. Complainant has failed to allege 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.

Husbands and wives are ordinarily jointly and severally liable for goods and services acquired or received during the marriage, which means a creditor may look to either or both for payment. Further, individuals who receive the benefit of goods and services are ordinarily liable to pay the value of the same, even absent specific contract. Under either of those theories, Complainant is liable for the gas service furnished her from January to May of 1999.

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 LESLI HOOPEs against MOUNTAIN FUEL SUPPLY, INC., be, and the same hereby is, dismissed.

If LESLI HOOPEs wishes to proceed further, LESLI HOOPEs 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 20th day of July, 1999.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 20th day of July, 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