

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of)
BRIAN SNELSON,)
Complainant)
vs.)
QUESTAR GAS COMPANY,)
Respondent)

DOCKET NO. 99-057-10

REPORT AND ORDER

ISSUED: August 23, 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 COMPANY

By The Commission:

PROCEDURAL HISTORY

Complainant above-named filed his complaint July 2, 1999, and Respondent filed its answer, together with a motion to dismiss, August 2, 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 appears to be attempting to represent a party in interest named Merrill Gappmeyer ("Gappmeyer"). However, it does not appear that Complainant is an attorney licensed in Utah. Respondent is a gas corporation certificated by this Commission.
2. Complainant alleges that Respondent wrongfully refused to issue Gappmeyer a warranty, as opposed to a quitclaim, deed, and tardily submitted an invoice for work done to Gappmeyer.
3. In its answer, Respondent asserts that the Commission is without jurisdiction regarding this controversy.

CONCLUSIONS OF LAW

The Commission lacks both party and subject-matter jurisdiction. Under Commission rules, only parties in interest, or their licensed attorneys, can initiate proceedings before the Commission. Even if Complainant were the direct party in interest, he has failed to allege facts which would entitle him 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. Instead, the dispute relates to a contract and/or real estate transaction, and only the courts of law have jurisdiction over such matters. The complaint must be dismissed.

ORDER NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The complaint of BRIAN SNELSON against QUESTAR GAS COMPANY be, and the same hereby is, dismissed.

If BRIAN SNELSON wishes to proceed further, BRIAN SNELSON 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 23rd day of August, 1999.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 23rd day of August, 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