

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of)
CAROL MANNING)
Complainant)
vs.)
QUESTAR GAS COMPANY,)
Respondent)

DOCKET NO. 99-057-16
DISMISSAL ORDER

In the Matter of the Complaint of)
E.L. WHITEHEAD,)
Complainant)
vs.)
QUESTAR GAS COMPANY,)
Respondent)

DOCKET NO. 99-057-17
DISMISSAL ORDER

In the Matter of the Complaint of)
LARRY & SONJA DURRANT,)
Complainants)
vs.)
QUESTAR GAS COMPANY,)
Respondent)

DOCKET NO. 99-057-18
DISMISSAL ORDER

ISSUED: January 10, 2000

By The Commission:

The three above-captioned matters were filed October 29, 1999, and Respondent filed its response with a motion to dismiss December 14, 1999, pursuant to a Commission-granted extension of time to respond. The claims present no relevant factual disputes, and so we have determined to dispose of them without further proceedings. The Administrative Law Judge, having been fully advised in the premises, hereby enters the following recommended Report consisting of proposed, Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. The Complaints are identical in every respect, excepting the date, to the complaints filed with the Commission by the same Complainants on July 27, 1999, in Docket Nos. 99-057-11, -12, and -13 (the "Original Complaints").
2. On August 26, 1999, the Original Complaints came on for hearing before A. Robert Thurman, Administrative Law Judge. On that occasion, the Respondent appeared through counsel. The Complainants failed to appear, however, either in person or through counsel. Respondent therefore moved for the dismissal of the Original Complaints for failure of the Complainants, and each of them, to appear and prosecute their respective claims.
3. By a Report and Order executed by the Administrative Law Judge on September 10, 1999, and approved and issued by the Commission on the same date (the "September Order"), the Commission granted the Respondent's motion and dismissed each of the Original Complaints.
4. In the September Order the Commission duly advised the Complainants of their right to file, within twenty days of September Order, a petition for review or reconsideration of the Commission's dismissal of their actions. The Commission further advised the Complainants that their failure to timely request review or reconsideration would result

in forfeiture of the right to appeal the dismissal of their claims to the Utah Supreme Court.

5. The Complainants, and each of them, failed to file with the Commission a written petition for review or reconsideration within the time limit specified in the September Order.

CONCLUSIONS OF LAW

As a result of the Complainants' failure to timely request review or reconsideration of the September Order, that Order is now final, though not appealable to the Utah Supreme Court. The filing of the instant Complaints constitutes an impermissible attempt by the Complainants to collaterally attack the substance and finality of the September Order. Under Utah Code Ann. §54-7-14, however, the terms of that Order, having disposed of the claims and issues raised in the Original Complaints, are conclusive as to the same claims and issues now presented to the Commission in the Complaints. Accordingly, the Complaints, and each of them, must be dismissed.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The complaints in the above-captioned matters, and each of them, be, and they are dismissed with prejudice.
- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. 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 January, 2000.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 10th day of January 2000, 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