

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the  
Formal Complaint of Raphael  
Morris against South Duchesne  
Culinary Water, Inc.

Docket No. 13-2372-01

~~~~~  
HEARING  
~~~~~

TAKEN AT: Heber M. Wells Building  
160 East 300 South, Room 451  
Salt Lake City, Utah 84111

DATE: Tuesday, October 1, 2013

TIME: 10:30 a.m.

REPORTED BY: Michelle Mallonee, RPR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES

MELANIE A. REIF

Administrative Law Judge

RAPHAEL MORRIS, PRO SE

MIKE SCHNARS (Appearing telephonically)

South Duchesne Culinary Water, Inc.

Office Manager

JEFF SCHNARS (Appearing Telephonically)

South Duchesne Culinary Water, Inc.

President

TOSHA STEED (Appearing Telephonically)

South Duchesne Culinary Water, Inc.

Secretary



1

Hearing

2

October 1, 2013

3

## PROCEEDINGS

4

THE COURT: We'll be on the record. Welcome,

5

everyone. My name is Melanie Reif, and I'm the administrative

6

law judge for the Utah Public Service Commission. This hearing

7

is being held in Docket 13-2372-01, which is entitled, "In the

8

Matter of the Formal Complaint of Raphael Morris against South

9

Duchesne Culinary Water, Inc." This is in response to a

10

complaint that was filed by Mr. Morris.

11

And at this time, we'll start by taking appearances,

12

starting with Mr. Morris.

13

Mr. Morris, if you could kindly identify yourself and

14

spell your name for the court reporter.

15

MR. MORRIS: My name is Raphael Morris. First

16

name is spelled R-A-P-H-A-E-L, last name Morris, M-O-R-R-I-S.

17

THE COURT: Thank you. And on the telephone,

18

we have several individuals.

19

Mr. Schnars, could you please begin by identifying

20

yourself and spelling your name and indicating your association

21

with this case and your title.

22

MR. MIKE SCHNARS: Mike Schnars, M-I-K-E,

23

S-C-H-N-A-R-S. I'm the office manager for South Duchesne

24

Culinary water.

25

THE COURT: And on the line with you, you also

1 have two other individuals.

2 MR. MIKE SCHNARS: We have Jeff Schnars,  
3 J-E-F-F, S-C-H-N-A-R-S, who is the president of South  
4 Duchesne Culinary water. And we have Tosha Steed,  
5 T-O-S-H-A, S-T-E-E-D, who is the company secretary.

6 THE COURT: Thank you very much.

7 MS. STEED: Your Honor, would it be possible for  
8 me to tell you information I've received just this morning as the  
9 secretary from the courthouse?

10 THE COURT: Am I speaking with Ms. Tosha  
11 Steed?

12 MS. STEED: Yes, ma'am. That's me.

13 THE COURT: Ms. Steed, yes. We would be willing  
14 to take your information. Are you willing to provide that  
15 information under oath?

16 MS. STEED: Yes, ma'am, I am.

17 THE COURT: Okay. Would you kindly raise your  
18 right hand.

19 MS. STEED: Yes.

20 THE COURT: And do you swear that the testimony  
21 that you are about to give is the truth?

22 MS. STEED: Yes, ma'am.

23 TOSHA STEED, having been first duly sworn, was  
24 examined and testified as follows:

25 DIRECT TESTIMONY

1 THE COURT: And please proceed with the  
2 information that you wish to share.

3 MS. STEED: The pertinent information that I've  
4 just received from Duchesne County records this morning is a  
5 warranty deed on Lot 25 in the Utah Mini Ranches Space 1.

6 It turns out that Mr. Morris, Raphael, has  
7 transferred his property or sold it to someone else. That means  
8 he's actually been billed improperly. He didn't make us aware  
9 that he had sold the property. So what we are going to do is --  
10 this happened, apparently, April 5, 2012. Bear with me I'm  
11 losing my voice. I've got a terrible cold. And actually South  
12 Duchesne started billing in July of 2012 for this fee he is making  
13 a complaint about. So I feel that that sort of makes this case  
14 moot. I'd rather not waste the Court's time.

15 And we will start billing the correct property owner  
16 now that we have this new information that wasn't provided to us  
17 by Mr. Morris.

18 THE COURT: Ms. Steed, thank you very much for  
19 your testimony. Is there anything further that you wish to add?

20 MS. STEED: Not at this time.

21 THE COURT: The warranty that you have been  
22 provided, you say it was executed on the 5th of April, 2012?

23 MS. STEED: Yes, ma'am, that's correct. And the  
24 date it was actually filed through the courthouse, it went through  
25 April 9, 2012.

1 THE COURT: And again, the courthouse that you  
2 obtained this document from is located where?

3 MS. STEED: In Duchesne County, Utah. I'll be  
4 happy to fax the Court this copy, if necessary. I have it in my  
5 hands. And it was notarized by, let's see, Brandon Pierce. His  
6 Commission number is 577771.

7 THE COURT: Okay. So you have a certified copy  
8 of a warranty deed indicating that Mr. Morris has conveyed his  
9 property to a new owner, effective April 5, 2012.

10 MS. STEED: Yes, ma'am, that's correct. I don't  
11 know if I actually hold a certified copy, but I do have a copy of  
12 what they recorded up at the courthouse.

13 THE COURT: And it's been notarized, correct?

14 MS. STEED: Yes, ma'am, with Mr. Morris'  
15 signature on it.

16 THE COURT: Okay. Ms. Steed, if you'll just hold  
17 the line, please. I'd like to address this issue with Mr. Morris.

18 MS. STEED: Thank you very much.

19 THE COURT: Mr. Morris, were you able to hear  
20 Ms. Steed's testimony?

21 MR. MORRIS: Yes, ma'am.

22 THE COURT: And do you acknowledge that on  
23 April 5, 2012, you sold your property?

24 MR. MORRIS: I granted it over to my son.

25 THE COURT: Okay. Which makes you -- and your

1 son is the sole owner now?

2 MR. MORRIS: He is the sole owner, yes, ma'am.

3 THE COURT: Okay.

4 MR. MORRIS: I may add that I am representing  
5 him because these are transactions -- these things happened  
6 before then.

7 THE COURT: Okay.

8 MR. MORRIS: And my complaint is--

9 THE COURT: Yes.

10 MR. MORRIS: --something there that was not  
11 justified or not following procedures that were entitled to me by  
12 law.

13 THE COURT: Okay. And you're Raphael Morris,  
14 right?

15 MR. MORRIS: Yes, ma'am.

16 THE COURT: And your son's name is?

17 MR. MORRIS: Gregory R. Morris.

18 THE COURT: Okay. Sir, under the circumstances,  
19 I am going to dismiss your complaint as moot. The complaint is  
20 in your name. And as Ms.--

21 MR. MORRIS: The correspondence is also in my  
22 name from the Duchesne County.

23 THE COURT: The complaint is in your name.  
24 There's no mention of any other second party. And the fact that  
25 the property has been sold, this would be an issue for the new



1 property owner if the new property owner wished to make an  
2 issue of it. So there's--

3 MR. MORRIS: My problem is, is my son did not go  
4 through the procedures and was unexposed to this until I found  
5 that I need to transfer the property to him for his inheritance. In  
6 the meantime, all these things were happening, I could not get a  
7 response because he is naive and not knowledgeable at all of  
8 what was happening.

9 And so now that you tell me that, I may have to get  
10 a Power of Attorney to represent him with the same complaint  
11 that he will have, probably, because this is also disturbing to  
12 him.

13 THE COURT: Mr. Morris, you are welcome to file a  
14 second complaint if you choose to do so. Or should I add if  
15 your son chooses to file a complaint or if you wish to assist him  
16 in that manner that you've described, you're certainly not  
17 prevented from doing that. But under the circumstances, the  
18 way the complaint has been brought, and given the information  
19 that you are no longer the owner of the property and, in fact,  
20 weren't the owner of the property when the billing occurred--

21 MR. MORRIS: Why don't we change the title to  
22 "joint ownership"?

23 THE COURT: Sir, I am not able to give you legal  
24 advice.

25 MR. MORRIS: Okay. But if I do, will you guys

1 consider my testimony, my complaint?

2 THE COURT: I'm not able to give you legal advice,  
3 sir, on how to change the title. But my understanding, based on  
4 Ms. Steed's testimony, is that title of the property is in someone  
5 else's name, and that makes your complaint moot. So the  
6 Commission--

7 MR. MORRIS: I understand that ma'am.

8 THE COURT: --the Commission dismisses the  
9 complaint. And this hearing is adjourned.

10 MR. MORRIS: I understand that.

11 THE COURT: Thank you.

12 And thank you for all of those who have attended  
13 by phone.

14 MS. STEED: Your Honor, could we get the case  
15 number on this for our records? As well as if you wouldn't mind  
16 relaying to Mr. Morris, given his threats of violence against  
17 individuals in this company, please do not contact, write, or  
18 come by this office, as we are definitely taking it as a threat.

19 MR. MORRIS: I didn't hear that, ma'am.

20 THE COURT: Ms. Steed, I don't have the ability to  
21 direct Mr. Morris beyond what I've already done in this case.

22 MS. STEED: Yes, ma'am.

23 THE COURT: And he's indicated that he did not  
24 hear what you said. So if you wish to communicate with him, I  
25 suggest that perhaps you find another alternative to do that.

1 MS. STEED: We now have no reason to speak to  
2 Mr. Morris about anything again ever. Thank you.

3 THE COURT: Thank you, Ms. Steed. And were  
4 you asking for the docket number? Is that what you were asking  
5 for?

6 MS. STEED: Yes. If we could get that docket  
7 number just so we could put it on our records and consider this  
8 file and complaint closed. That would be helpful to us.

9 THE COURT: Yes. An order will be issued that will  
10 confirm what we've discussed. And the docket number which  
11 you can reference is Docket No. 13-2372-01.

12 MS. STEED: Thank you very much, your Honor. I  
13 have that information.

14 THE COURT: And if it helps you, you can access  
15 that docket via the Public Service Commission's website by  
16 going to the home page and clicking on "Water." And then from  
17 there, you go to the year of the docket, which would be 2013,  
18 and then you scroll down to the proper docket number.

19 MS. STEED: Okay. And could you give me the  
20 dot-com address on the Public Service Commission please,  
21 ma'am?

22 THE COURT: Certainly. Do you have access to  
23 Google?

24 MS. STEED: I'm sorry, I didn't catch that.

25 THE COURT: Ms. Steed, do you have access to

1 Google?

2 MS. STEED: Yes, ma'am, we do.

3 THE COURT: Okay. If you Google "Utah Public  
4 Service Commission," you'll be directed directly to the site.

5 MS. STEED: Perfect. Thank you for that  
6 information.

7 THE COURT: Okay. And thank you very much for  
8 everyone's participation today. An order will be forthcoming.  
9 And I wish you all a pleasant rest of your day.

10 MR. MORRIS: Thank you.

11 MR. MIKE SCHNARS: Thank you.

12 MS. STEED: Thank you, ma'am.

13 THE COURT: The hearing is adjourned, Mr. Morris.  
14 The hearing is adjourned.

15 MR. MORRIS: Okay. Do I get copies of anything?

16 THE COURT: An order will be issued, sir, and you  
17 will get a copy.

18 MR. MORRIS: Okay. Thank you.

19 (The matter concluded at 10:47 a.m.)

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

State of Utah )

ss.

County of Salt Lake )

I, Michelle Mallonee, a Registered Professional Reporter in and for the State of Utah, do hereby certify:

That the proceedings of said matter was reported by me in stenotype and thereafter transcribed into typewritten form;

That the same constitutes a true and correct transcription of said proceedings so taken and transcribed;

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action, and that I am not interested in the event thereof.

-----

Michelle Mallonee, RPR, CSR