

- 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
ORDER DISMISSING COMPLAINT

ISSUED: October 16, 2013

By The Commission:

I. BACKGROUND

On or about August 16, 2013, Raphael Morris (“Mr. Morris”) filed a formal complaint in this docket against South Duchesne Culinary Water, Inc. (“Company”), requesting that a \$15 per month standby fee, which was approved by the Commission in 2003 but not charged by the Company until July 1, 2012, be removed or reduced until the property is developed or utilized.¹ Mr. Morris also requested a justification for the fee and alleged the fee was being charged because the developer underestimated its costs.² In response to a Commission action request, the Division of Public Utilities (“Division”) filed a recommendation on August 29, 2013, to schedule the matter for hearing.³

On October 1, 2013, the Administrative Law Judge for the Commission (“ALJ”) held a duly-noticed hearing in this docket. Raphael Morris appeared on his own behalf. Jeff Schnars, water operator and president; Mike Schnars, office manager; and Tosha Steed, secretary, appeared telephonically on behalf of the Company. Both parties appeared *pro se*.

¹ See Formal Complaint of Raphael Morris, filed August 16, 2013.

² See *id.*

³ See Division Memorandum, filed August 29, 2013. The Division’s recommendation states: “Based on the apparent inconsistency of dates approved and the in-effect date to collect, and the lack of explanation for the culinary Stand-By Fee by South Duchesne Culinary Water[,] Inc[.], the Division believes that a hearing should be set so that testimony of both sides can be evaluated by the Commission.” *Id.* at 2.

Ms. Steed testified the Company had obtained information from the Duchesne County Courthouse showing Mr. Morris had conveyed his property to a new owner on April 5, 2012; thus she alleged his complaint is moot because the charge he complains of did not take effect until July 1, 2012, which is after he was no longer owner of the property subject to the standby fee being imposed.⁴ Mr. Morris confirmed he conveyed his property to his son on April 5, 2012,⁵ but he claimed his complaint represents both his and his son's concerns about the fee.⁶ The complaint, however, lists only one complainant: Raphael Morris. Accordingly, the ALJ dismissed the complaint as moot.

II. ORDER

Based on the complaint filed, testimony presented, and for other good cause appearing, the complaint is dismissed as moot.

DATED at Salt Lake City, Utah, this 16th day of October, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

⁴ See Transcript of Hearing at 6, lines 3-14, October 1, 2013.

⁵ See id. at 7, lines 22-24.

⁶ See id. at 8, lines 4-6; 8, 11-12.

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Approved and confirmed this 16th day of October, 2013, as the Report and Order of the Public Service Commission of Utah.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#247927

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on the 16th day of October, 2013, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Raphael Morris


South Duchesne Culinary Water, Inc.
PO Box 358
Duchesne, UT 84021

By E-Mail:

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Brent Coleman (brentcoleman@utah.gov)
Utah Assistant Attorneys General

Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant