

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Daniel Beck against Lakeview Water)
Corporation)

) DOCKET NO. 13-540-01
) ORDER TO SHOW CAUSE AND NOTICE
) OF HEARING
)

ISSUED: February 24, 2014

On December 26, 2013, Daniel Beck (Mr. Beck) filed a formal complaint against Lakeview Water Corporation (Company), alleging he was overcharged for water he received from the Company in August 2013.¹ Mr. Beck further claims an overcharge also occurred in August 2012, and the Company allegedly resolved that problem.² Mr. Beck asserts either an incorrect meter reading was made or the Company read his neighbor's meter instead of his own meter.³ Mr. Beck is requesting that he be billed a flat rate of \$35 for the month of August 2013 and that he be credited an amount of \$335.93 to resolve the complaint.⁴

On December 30, 2013, the Division of Public Utilities (Division) filed a recommendation to hold a scheduling conference and a hearing in this docket.⁵ The Division's recommendation is "[b]ased on the lack of communication between the parties, and because of the discrepancy of the billing and usage amounts claimed [to] hav[e] been used"⁶

On December 31, 2013, the Commission issued a notice of scheduling conference for January 27, 2014, at 9:00 a.m.⁷ The notice was served upon Mr. Beck, the Company, and the

¹ See Formal Complaint of Daniel Beck, filed December 26, 2013.

² See id.

³ See id.

⁴ See id.

⁵ See Division Memo, filed December 30, 2013.

⁶ Id. at 2.

⁷ See Notice of Scheduling Conference, issued December 31, 2013.

Company's legal counsel.⁸ The notice states: "Parties should come prepared to discuss a schedule for the case, including the hearing date, filing dates for testimony"⁹

On January 27, 2014, a scheduling conference was convened, but neither Mr. Beck nor the Company nor its legal counsel appeared. The Division attended but had heard nothing from the parties beforehand. As a result of the parties' failure to appear, no schedule was set in this matter. Afterwards, the Commission was notified by Mr. Beck that he intended to appear by phone, but the Commission received no call from him on the morning of the scheduling conference. In addition, a representative from the law firm representing the Company notified the Commission that the lawyer overlooked the appointment.

Given the parties' failure to attend the scheduling conference, the administrative law judge asked the parties to advise the Commission as to whether this matter is going forward (in which case a proposed, mutually agreeable schedule was requested), or whether this matter has been resolved (in which a withdrawal of the complaint was requested to dismiss the matter).¹⁰ Given ample time has passed and opportunity has been given for submission of a proposed, mutually agreeable schedule, or filing of a motion to dismiss based on a resolution between the parties, good cause exists to inquire into whether this matter should be dismissed. Thus, the Commission enters the following order:

ORDER TO SHOW CAUSE HEARING

The parties to this docket shall appear before the Administrative Law Judge of the Commission on **Tuesday, March 4, 2014, at 8:30 a.m. in the Fourth Floor Hearing Room**

⁸ See Certificate of Service to Notice of Scheduling Conference at 3, issued December 31, 2013.

⁹ Notice of Scheduling Conference at 1, issued December 31, 2013.

¹⁰ See E-mail from Melanie A. Reif, Administrative Law Judge, to the Parties (Mon., Jan. 27, 2014; 10:45 MST).

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451, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah. Parties should come prepared to show cause, if any, why this complaint should not be dismissed. If this matter has already been resolved, Mr. Beck shall file a request to withdraw his complaint no later than **Monday, March 3, 2014**, and this hearing will be cancelled.

Individuals wishing to participate in the hearing by telephone should contact the Public Service Commission two days in advance at (801) 530-6716 or (toll free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission at one of the numbers posted above five minutes before the conference to ensure participation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the conference should notify the Commission, at 160 East 300 South, Salt Lake City, Utah, 84111, (801) 530-6716, at least three working days prior to the conference.

DATED at Salt Lake City, Utah, this 24th day of February, 2014.

Melanie A. Reif
Administrative Law Judge

Attest:

Gary L. Widerburg
Commission Secretary
DW#251043

CERTIFICATE OF SERVICE

I CERTIFY that on the 24th day of February, 2014, a true and correct copy of the foregoing was served upon the following as indicated below:

By E-Mail:

Daniel Beck (dbeck177@gmail.com)

Lakeview Water Corporation (lakeviewwatercorp@gmail.com)

Melven E. Smith (msith@smithknowles.com), (pmaughan@smithknowles.com)
Smith Knowles, P.C.

Counsel for Lakeview Water Corporation

Patricia Schmid (pschmid@utah.gov)

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Utah Assistant Attorneys General

By Hand-Delivery:

Division of Public Utilities
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Salt Lake City, Utah 84114

Office of Consumer Services
160 East 300 South, 2nd Flr.
Salt Lake City, Utah 84114

Administrative Assistant