

- 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 DISMISSING COMPLAINT

ISSUED: April 4, 2014

BACKGROUND

On December 26, 2013, Daniel Beck (“Mr. Beck”) filed a formal complaint against Lakeview Water Corporation (“Company”), alleging, in part, that he was overcharged for water he received from the Company in August 2013.¹ On December 30, 2013, the Division of Public Utilities (“Division”) filed a recommendation to hold a scheduling conference and a hearing in this docket.² On December 31, 2013, the Commission issued a notice of scheduling conference for January 27, 2014, at 9:00 a.m.³ 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 at the scheduling conference, 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

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

² See Division Memo, filed December 30, 2013.

³ See Notice of Scheduling Conference, issued December 31, 2013. The notice was served upon Mr. Beck, the Company, and the Company’s legal counsel.

parties to advise the Commission as to whether this matter would be 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).⁴

Thereafter, an order to show cause and notice of hearing was issued.⁵ Mr. Beck then notified the Commission that the parties were working together to try to resolve the complaint, and he requested the order to show cause hearing be cancelled.⁶

Based on Mr. Beck's communication, the order to show cause hearing was cancelled and an order was issued requesting Mr. Beck to provide an update to the Commission in writing as to the status of the matter no later than March 28, 2014.⁷ The request for an update states that "Mr. Beck shall update the Commission in writing regarding the status of this matter and whether he intends to either 1) withdraw his complaint against the Company, or 2) pursue the matter. If Mr. Beck fails to provide the requested update by the deadline designated, the Commission will dismiss this matter without further notice to the parties."⁸ The March 28, 2014, deadline has since passed, and Mr. Beck has provided no update to the Commission.

ORDER

For the foregoing reasons, the Commission dismisses Mr. Beck's complaint.

⁴ See E-mail from Melanie A. Reif, Administrative Law Judge, to the Parties (Mon., Jan. 27, 2014; 10:45 AM).

⁵ See Order to Show Cause and Notice of Hearing, issued February 24, 2014.

⁶ See E-mail from Daniel Beck, to Public Service Commission (Mon., Feb. 24, 2014; 5:12 PM).

⁷ See Order Cancelling Order to Show Cause Hearing, and Request for Update Within 30 Days, issued February 26, 2014.

⁸ *Id.* at 1.

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DATED at Salt Lake City, Utah, this 4th day of April, 2014.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#252483

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.

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CERTIFICATE OF SERVICE

I CERTIFY that on the 4th day of April, 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)

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