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Attorneys for South Duchesne Culinary Water, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN RE. COMPLAINT OF TANYA AND NICK OLSEN AGAINST SOUTH DUCHESNE CULINARY WATER, INC.	SOUTH DUCHESNE CULINARY WATER, INC.'S RESPONSE TO MR. HOUSKEEPER'S PETITION FOR REDETERMINATION Docket No.: 17-2372-01
IN RE. COMPLAINT OF SHANE HOUSKEEPER AGAINST SOUTH DUCHESNE CULINARY WATER, INC.	Docket No.: 17-2372-02

By and through its counsel of record, South Duchesne Culinary Water, Inc. (“SDCW”) respectfully submits this response to a document Mr. Houskeeper filed with the Utah Public Service Commission (the “Commission”) on April 7th 2018 that is titled “Petition for Redetermination.”

It is uncertain if Mr. Houskeeper’s Petition is a challenge to the Commission’s February 13, 2018 Consolidated Order, a response to SDCW March 15, 2018 Petition for Redetermination or a challenge to the Commission’s April 3, 2018 Consolidated Order on Petition for Redetermination. Regardless of which it is, Mr. Houskeeper’s Petition should be dismissed.

Utah Code Ann. §§63G-4-301 and 54-7-15 provide that a party may file a Petition for Redetermination within 30 days of the Commission's February 13, 2018 Order or a response within 15 days of SDCW's March 15, 2018 Petition for Redetermination. Mr. Houskeeper's current Petition is well beyond these deadlines.

A petition for redetermination regarding the Commission's April 3 Order could be timely, but Mr. Houskeeper's Petition appears to be more of an untimely response to SDCW's Petition for Redetermination and raises no new issues that have not been fully addressed by the Commission in its prior hearings and Orders. Furthermore, Mr. Houskeeper miscited the Utah penalty statute throughout his pleading claiming that the minimum penalty is \$5,000 when in fact it is \$500. Utah Code Ann. §54-7-25(1). SDCW respectfully, requests that Mr. Houskeeper's Petition be dismissed.

SDCW notes that Mr. Houskeeper asserted that it made an error in its February 21, 2018 refund calculation. Mr. Houskeeper has called SDCW's offices multiple time since the February 21st refund but never indicated any concern about the calculation to SDCW prior to the filing of his April 7th Petition. Once SDCW was notified about this concern by reading Mr. HousKeeper's Petition, SDCW reviewed its records and it has confirmed that that the \$130 payment was overlooked in its February calculation. SDCW has corrected this error and issued a refund to Mr. Houskeeper for this amount on April 12, 2018. As a courtesy, SDCW also refunded the additional \$10 even though it was outside the initial order period by two years. A copy of SDCW's correspondence to Mr. Houskeeper is attached hereto as Exhibit A.

RESPECTFULLY SUBMITTED this 18th day of April, 2018.

CRAPO | DEEDS PLLC

/s/ David J. Crapo _____

DAVID J. CRAPO

JOHN T. DEEDS

Attorneys for South Duchesne Culinary Water, Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of April, 2018, a true and correct copy of the foregoing **PETITION FOR REDETERMINATION** was served in the manner and upon the recipients named below:

BY EMAIL:

Mr. and Mrs. Olsen through their counsel - Russell Monahan (Russell@cooklawfirm.com)

Shane HousKeeper (shaneh708@hotmail.com)

Patricia Schmid (pschmid@agutah.gov)

Division of Public Utilities (datarequest@utah.gov)

Erika Tedder (etedder@utah.gov)

Exhibit A

South Duchesne Culinary Water, Inc.

P.O. Box 294
Duchesne, Utah 84021
431-738-6400

April 12, 2018

Shane Houskeeper
P.O. Box 991
Riverton, UT 84065

Re: Correction to Account UMR-262 Houskeeper

Dear Mr. Houskeeper:

We recently received a copy of a Petition for Redetermination you filed with the Public Service Commission in which you stated that the refund check we sent you on February 21, 2018 was missing an amount for an interest payment of \$130 made in August 2017 and an interest payment of \$10 made in 2014. This is the first time we have received any indication from you that our calculation was not complete. You have called our offices multiple times since February but never indicated that you had any concern about the refund check or the calculations we previously sent you. If you ever have a concern about one of our billings or calculations, please do not hesitate to contact us directly and we will be happy to review your request.

Based on the comments in your Petition, we reviewed your account records and you are correct that the \$130 of interest was overlooked when we sent you the refund on February 21, 2018. We apologize for this oversight.

Regarding the \$10 late fee charged in September 2014, this amount was not included in the prior calculations because the Public Service Commission ordered us to make corrections from November 2016 forward and that charge was incurred more than 2 years earlier in 2014. We thought this \$10 fee was not at issue inasmuch as you had neglected to notify SDCW that you were the owner of UMR-262 from March 2014 through August 2014 and as a courtesy SDCW waived your water fees for those months. Nevertheless, inasmuch as this \$10 charge is a concern to you, as a courtesy we will refund this \$10 amount to you as well.

Please find enclosed a check for \$140. If you feel we have overlooked anything, please contact us.

By this letter we also would like to remind you that you have not paid your \$15 monthly standby fees identified in the March 2018 and April 2018 invoices we have sent you. The March invoice is past due and the April invoice is currently due. If you need any assistance in remitting these payments please contact us.

South Duchesne Culinary Water, Inc.

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD TO LIGHT TO VIEW

ZIONS BANK

Salt Lake City, Utah 84101

CASHIER'S CHECK

A division of ZB, N.A. Member FDIC

31-5/1240

8232455

SOUTH DUCHESNE CULINARY WATER INC.

Remitter

Date

APR 09, 2018

Pay

\$

140.00

ONE HUNDRED FORTY and 00/100 US Dollars

To
The Order
Of

SHANE HOUSKEEPER

Authorized Signature



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P.I.F.

FINAL

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Details on Back. Security Features Included.