

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

PETITION FOR REDETERMINATION

IN RE. COMPLAINT OF SHANE HOUSKEEPER

AGAINST SOUTH DUCHESNE CULINARY WATER, INC. Docket No.: 17-2372-02

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15 , I Shane Houskeeper respectfully submits this Petition for Redetermination and requests a hearing before the Commissioners of the Public Service Commission (the “Commission”). On February 13, 2018, the Commission issued its Consolidated Order in the above captioned Dockets and found 15 violations in the first Docket and 12 in the second Docket. Based on these violations, the Commission imposed total penalties in the amount of \$20,250 and ordered corrections to the billings for Mr. Houskeeper and Mr. and Ms. Olsen and most recently on April 3rd 2018 The PSC suspends 70 percent of the penalty imposed in the Order with the unsuspended portion of the penalty, \$6,075.00.

With the Commission’s Order, on February 21, 2018, SDCW has failed to correct the billing for Mr. Houskeeper.

I want to point out that SDCW has NOT followed the ORDER set forth by the PSC. Although SDCW has issued me a check in the amount of \$240 for the amount over billing however they have not refunded the money that they had charged me for late fees. Per the handwritten billing and notice they have charged me \$130 and SDCW has continually held that money out of the payment I had made on August 28th 2017. SDCW has failed to comply with the ORDER and refund such late fees. I have attached a copy of a check written on 8/21/2017 in the amount of \$290 written to SDCW. When SDCW received the check it seems to appear in the records provided by them that they took out \$130 from the \$290 for late fees and then processed a payment for only the remainder of \$160.

Per the QuickBooks records SDCW had also charged me a \$10 late fee on 9/30/2014. This is another violation that was not recognized during hearings with PSC. This was SDCW evidence piece #1 in the court proceedings at the bottom of the page with an invoice #20277

The statute contemplates a utility “is subject to a penalty of not less than \$5,000” for each offense and provides “[a]ny violation ... is a separate and distinct offense” and “[i]n the case of a continuing violation, each day’s continuance of the violation shall be a separate and distinct offense.” Utah Code Ann. § 54-7-25. SDW had billed me 10 consecutive months adding up to around 300 days in constantly disputed charges on my behalf. I have spent many days calling SDCW and many hours on the phone trying to communicate and dispute these over charges and late fees and that’s not to mention how much time I

have spent writing complaints to the Public Service Commission and court hearings. For every person that goes through this there are many more that just pay the overbilling and over charge late fees that goes unnoticed.

With the overbillings with Deeming each of these 10 monthly overbillings as a separate offense yields a minimum penalty of \$5,000.00 and a maximum penalty of \$20,000.00 SDCW was found to have 10 monthly overbillings with a minimum penalty of \$5,000 each. I feel that compassion has already been given with the size of the company when SDCE was only fined \$750 per violation and that anything less would be insulting. Also this was a continuing violation and Utah code shows “[i]n the case of a continuing violation, each day’s continuance of the violation shall be a separate and distinct offense.” Utah Code Ann. § 54-7-25

With a total of 12 offences found in my complaint TEN of the have a minimum of \$5,000 for a total \$50,000 for overbilling and 2 have a minimum of \$1,000 for excessive late fees for a total of \$2,000 and a grand total of \$52,000 minimum and \$208,000 maximum. This statement below in blue Issued February 13th 2018 below it a miscalculated by the Public Service Commission in my review.

3. Having weighed the relative size of SDCW against its direct, obvious, and repeated violations of its tariff and the Rules, the PSC concludes the minimum penalty is insufficient and will impose a penalty of \$750.00 for each offense, which constitutes approximately 38 percent of the maximum penalty. The total penalty for the 12 offenses found in the Houskeeper Complaint is, therefore, \$9,000.00.

With the maximum penalty of \$208,000 and 38% would be approximately \$79,040 instead of the \$9,000 they are showing. When it is showing that the minimum fines are \$52,000 I would ask why the Public Service Commission has minimum and maximum penalties when they are not going to adhere to them or make a company pay the pre-determined fine amount with regards of violations of the Rules and tariff.

Also when your fine is so low there is not much of a consequence to overcharge customers. If SDCW has 600 customers as they say, if they overcharged each customer of only \$10 per month it would accumulate to \$72,000 per year. In just my case alone in 2017 SDCW overbilled me \$250 and also overcharged me \$130 in late fees. SDCW was also found to be over charging in the case of Tanya and Nick Olsen.

Had the penalty's been imposed on a daily basis as a continuing violation, each day's continuance of the violation shall be a separate and distinct offense there would be over 300 offences for over billing and for the charge of \$130 for late fees for 13 different months equal 390 days for a total of over 690 separate offences from matter with Shane Houskeeper and for Tanya and Nick Olsen for improper quarterly billing cycle and then imposed 8 months for a total of 240 offenses and Failure to Allow 20 Days to Pay – 3 months is 90 days. With these continuing violations they would add up to over a ONE THOUSAND offences.

When Mr. Crapo derived in his dispute that it would take over 30 years to recoup this fine on one account is outrageous. When a law is broken you don't go before a judge and say he robbed a bank and it was only \$1,000 and this guy makes \$10 per hour so only should get 30 days in Jail. This logic is absurd.

I Shane Houskeeper respectfully requests that the Commission either increase the penalties to a total of \$52,000 as identified above with only the minimum penalties allowed in my case and not accounting for Tanya and Nick Olsen or hold firm with the original ORDER of \$20,250 fine. I also like to request a refund per the original order of \$130 plus the \$10 for the overcharge late fee on 9/30/2014 for the late fees that were billed at a rate of \$10 per month or 800% APR that have never been refunded per the February 13th order in which SDCW had 30 days to comply and require a Public Utility Division to verify and acknowledge that there has NOT been full improvement and compliance. RESPECTFULLY SUBMITTED this 7th day of April, 2018.

/s/ Shane Houskeeper

Shane Houskeeper

CERTIFICATE OF SERVICE I HEREBY CERTIFY that on the 7th 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
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/s/ Shane Houskeeper

Shane Houskeeper