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Attorneys for South Duchesne Culinary Water, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN RE. COMPLAINT OF SHANE HOUSKEEPR AGAINST SOUTH DUCHESNE CULINARY WATER, INC.	SOUTH DUCHESNE CULINARY WATER, INC.'S ADDITIONAL COMMENTS PER THE PUBLIC SERVICE COMMISSION'S NOTICE DATED APRIL 25, 2018 Docket No.: 17-2372-02
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By and through its counsel of record, South Duchesne Culinary Water, Inc. ("SDCW") respectfully submits additional comments as requested by the Public Service Commission ("PSC") in its April 25, 2018 Notice (the "Notice").

The Notice states that "[t]o the extent Mr. Houskeeper wished to respond to SDCW's Petition for Redetermination, the new document is untimely. However, Mr. Housekeeper's allegations concerning SDCW's failure to comply with the PSC's orders warrant further review."¹ Thus, the focus of these comments are to show that SDCW has complied with the PSC's orders.

¹ It also stated that the PSC issued an Action Request to the Division of Public Utilities ("DPU"), requesting the DPU to "review Mr. Houskeeper's April 9th filing and indicate whether the DPU has a recommendation." SDCW is unaware of any recommendation being issued and asks for a copy of such recommendation if one has been issued.

Mr. Houskeeper alleges that SDCW has not followed the PSC February 13, 2018 Order (the “PSC Order”) in that it failed to return money for late fees, specifically calling out a \$10 late fee charged on September 30, 2014. This allegation is incorrect. The PSC Order, ordered SDCW to make corrections to its billing from November 2016 forward. SDCW complied with this request and issued a \$240 refund check to Mr. Houskeeper on February 21, 2018. When it was brought to SDCW’s attention that the refund check did not include \$130 of interest, SDCW promptly verified that error and refunded the additional \$130 of interest. SDCW also refunded the \$10 late fee charged in September of 2014 as a courtesy even though it was beyond the look-back period ordered by the PSC. SDCW is unaware of any late fee that should have been refunded to Mr. Houskeeper that has not already been refunded to Mr. Houskeeper.² Furthermore, Mr. Houskeeper has not identified the existence of any outstanding late fee for which he was charged.

Mr. Houskeeper states that he had called SDCW on March 8, 2018, March 12, 2018 and March 14, 2018 and never received a return phone call. Such statements are untrue. SDCW did receive a voice message from Mr. Houskeeper on March 8, 2018 in which he asked about how to contact the Utah Mini Ranches Homeowner’s Association in relation to improvements he wanted to make to his cabin. After receiving Mr. Houskeeper’s voice message on March 8, 2018, SDCW attempted to reach Mr. Houskeeper that same day on numerous occasions and left messages for him. SDCW attempted throughout the next seven days to reach Mr. Houskeeper and eventually

² Mr. Houskeeper discusses other alleged violations from the 2014 time period that occurred prior to the filing of his 2017 complaint. However, these are merely repeating the issues decided by the PSC Order. During the hearing for this matter Mr. Houskeeper stated that he had brought up all the violations of which he complained. Additionally, Mr. Houskeeper is barred by the principle of *res judicata* (claim preclusion and issue preclusion) to bring up such allegations now. *Buckner v. Kennard*, 2004 UT 78, ¶ 13, 99 P.3d 842.

left the cell phone number of Ms. Kofford. When SDCW and Mr. Houskeeper eventually were able to speak to each other on the phone on March 15th, the only things Mr. Houskeeper inquired about were issues relating to the homeowners' association for the subdivision. At no time did Mr. Houskeeper ever question the correctness of the refund SDCW had previously issued.

SDCW has complied with the PSC's orders. It has refunded the money to Mr. Houskeeper for late fees and provided refunds so as to treat Mr. Houskeeper on standby status as of November 2016, updated its billing process and practices³, and is preparing to make the payment of penalties to the PSC on or before June 13th as ordered.

SDCW respectfully requests that the PSC dismiss Mr. Houskeeper's April 9, 2018 pleading as having been fully resolved.

RESPECTFULLY SUBMITTED this 10th day of May, 2018.

CRAPO | DEEDS PLLC

/s/ John T. Deeds
DAVID J. CRAPO
JOHN T. DEEDS
Attorneys for South Duchesne Culinary Water, Inc

³ It should be noted that SDCW has timely issued monthly invoices to Mr. Houskeeper since March in accordance with the PSC Order and Mr. Houskeeper has failed to pay any of these invoices and is delinquent for his March and April payments and his May payment is currently due. Copies of the last two postcard invoices are attached hereto as Exhibit A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of May, 2018, a true and correct copy of the foregoing **SOUTH DUCHESNE CULINARY WATER, INC.'S ADDITIONAL COMMENTS PER THE PUBLIC SERVICE COMMISSION'S NOTICE DATED APRIL 25, 2018** was served in the manner and upon the recipients named below:

BY EMAIL:

Shane HousKeeper (shaneh708@hotmail.com)

Patricia Schmid (pschmid@agutah.gov)

Division of Public Utilities (datarequest@utah.gov)

Erika Tedder (etedder@utah.gov)

/s/ John T. Deeds

EXHIBIT A

SOUTH DUCHESNE CULINARY WATER
P.O.BOX 294
Duchesne, UTAH 84021

UMR-262 HOUSEKEEPER
Shane Housekeeper
4346 Golden Fox Circle
Riverton, UT, 84096

Date	Transaction	Amount	Balance
03/01/2018	Balance forward		15.00
04/01/2018	INV #2043147.	15.00	30.00
04/21/2018	Amount Due		30.00

Account #

Amount Due

UMR-262

\$30.00

If you have any questions about this bill, please call the Company at 435-738-6400.
For 24 hour emergencies 435-738-6200.
Please note, after 30 days a late fee of 18% per annum will accrue.

SOUTH DUCHESNE CULINARY WATER
P.O.BOX 294
Duchesne, UTAH 84021



UMR-262 HOUSEKEEPER
Shane Housekeeper
4346 Golden Fox Circle
Riverton, UT, 84096

Date	Transaction	Amount	Balance
04/01/2018	Balance forward		30.00
04/24/2018	INV #FC 1203. Finance Charge	0.25	30.25
05/01/2018	INV #2043878.	15.00	45.25
05/21/2018	Amount Due		45.25

Account #

Amount Due

UMR-262

\$45.25

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