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State of Utah
Department of Commerce
Division of Public Utilities

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Recommendation

To: Utah Public Service Commission
From: Utah Division of Public Utilities
Chris Parker, Director
Marialie Wright, Customer Service Manager

Date: May 17, 2018

Re: Formal Complaint, Shane Houskeeper v. South Duchesne Culinary Water, Docket No. 17-2372-02. Mr. Houskeeper's Petition for Redetermination

Recommendation (No Recommendation)

Issue

On May 8, 2018, Mr. Shane Houskeeper (Complainant) submitted to the Public Service Commission (Commission) a Petition for Redetermination regarding South Duchesne Culinary Water's (Company) non-compliance to the Commission's Consolidated Order regarding the result of the Tanya and Nick Olsen and Complainant's Formal Complaint hearings issued on February 13, 2018.

In the Petition for Redetermination, Complainant states:

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 from not allowing me to go on standby however they have not refunded the ill-gotten money that they had charged me for late fees. SDCW has ignored the order to refund me the late fees within the ordered 30 days that was illegally charged to my account and did not follow the tariff.

Complainant requests that the Commission acknowledge that the Company failed to comply with the Commission Order issued on February 13, 2018. Complainant adds that as of April 7, 2018, fifty-three days since the Commission Order was issued, no refund for the late fees has been refunded back to him. Complainant also requests that the Commission increase the Company's penalties to a total of \$52,000 or more.

Background

On April 18, 2018, the counsel for the Company submitted its response to Complainant's petition for redetermination suggesting that the request should be dismissed. The Company adds that it has reviewed its records and confirmed that the \$130 payment for late fees charged to Complainant was in fact overlooked in its February calculation. The Company states that it has corrected the error and has issued a refund to Complainant on April 12, 2018. The Company adds that as a courtesy, it has also refunded the additional \$10 of late fee charged to Complainant on September 30, 2014 even though the fee occurred outside of the initial order period of two years. A copy of the Company's correspondence letter dated April 12, 2018 and a copy of the check issued to Complainant dated April 9, 2018 in the amount of \$140 was provided. In conversation with the Division, Complainant agrees that he has now been paid what is owed. Whether the Commission imposes the full penalties noted in its February order is the question that remains.

It is clear that the Company did not immediately and fully comply with the Commission's February order, despite the Order's strong language requiring compliance. The Commission may wish to impose the fine for the Company's failure to comply, though the brief time between the Complainant's bringing the matter to the Company's attention and the Company's compliance may mitigate the damage done. Nevertheless, the Company's failure to initially comply with the order follows the Company's pattern of conduct, requiring persistence and vigilance from customers seeking to ensure their utility follows the law.

Conclusion

The Commission need not order any further refund to the Complainant. However, it may wish to impose the full fines noted in its February order.

Cc: Service Lists