

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of)
RICH POGUE,)
Complainant)
vs.)
SPRING CREEK SERVICE COMPANY,)
Respondent)

DOCKET NO. 99-2196-01

SUPPLEMENTAL ORDER

ISSUED: July 2, 1999

SYNOPSIS

The Commission having exhausted its jurisdiction in the original Order in this matter, it can afford Complainant no further relief.

By The Commission:

PROCEDURAL HISTORY

On March 22, 1999, we issued our Order in this matter absolving Complainant of responsibility for fixing a leak in the lateral serving his premises and giving Respondent permission to serve the premises from a new lateral. We noted, however, that if Respondent chose that option, it would have to reimburse Complainant for damage to his property. On May 26, 1999, Complainant filed a letter, which we will treat as a petition, seeking additional relief based on alleged failure of Respondent to fully reimburse him for such damages.

The Commission has no jurisdiction to resolve the dispute as to the proper damages; that is solely the province of the courts. We can only note that Respondent may not terminate Complainant's service based on the dispute. For the rest, if the parties cannot resolve the matter amicably, a proceeding in a court of equity appears to be the only course available. Accordingly, we enter the following ORDER

WHEREFORE, IT IS HEREBY ORDERED that:

The petition of Rich Pogue for additional relief be, and it is dismissed.

DATED at Salt Lake City, Utah, this 2nd day of July, 1999.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

