

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Termination of)
Electric Service where Life Support)
Equipment is Used: Paula Hunt)
)

DOCKET NO. 05-035-81

REPORT AND ORDER

ISSUED: November 7, 2005

By The Commission:

This matter came on for hearing before the Commission's Administrative Law Judge on October 11, 2005. Petitioner Utah Power & Light Company was represented by Prestine Tafoya. Respondent Paula Hunt appeared on her own behalf.

At hearing, Petitioner offered to enter into a payment plan requiring Respondent to make monthly payments of \$140.00 per month for twenty-four months to commence with Respondent's next regularly scheduled monthly payment due on October 31, 2005. However, Respondent indicated she is unable to work, has no income, and can only afford a maximum payment of \$110.00 per month. The Division of Public Utilities offered to work with Respondent on an expedited basis to attempt to obtain assistance from the HEAT program and Red Cross in order to reduce Respondent's past due balance and thereby reduce the monthly payment required under any payment plan entered into with Petitioner.

The parties then agreed to continue this matter until early November 2005 in order to provide Respondent time to obtain assistance and demonstrate her ability to make payments on her account as indicated above. On October 11, 2005, the Commission issued a Notice of Hearing continuing the hearing until 9:00 a.m. on Friday, November 4, 2005. On that

date and time, the hearing reconvened before the Administrative Law Judge. Prestine Tafoya appeared for Utah Power. However, Respondent failed to appear.

At hearing on November 4, 2005, Petitioner stated that since October 11, 2005, Utah Power had received a commitment from the Red Cross to pay \$200.00 on Respondent's account such that Respondent's past due balance currently stands at \$532.95. However, Petitioner has received no payment from Respondent even though Respondent promised on October 11, 2005, to make a payment of \$110.00 by the October 30 due date on her account.

Petitioner repeated its willingness, prior to termination, to enter into a twenty-four month deferred payment plan with Respondent whereby Respondent would pay \$23.00 per month toward the past due balance plus either an equal time payment amount equal to Respondent's \$109.00 average monthly bill or the current monthly billing on the account. Petitioner also agreed to waive interest charges going forward if Respondent enters into and remains current on a deferred payment plan. Respondent's first payment under this plan would be due at the time of the regularly scheduled payment on the account, approximately November 30, 2005.

Therefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Petitioner shall contact Respondent and offer a deferred payment plan as outlined above.
2. Respondent is directed to pursue assistance from the HEAT program, Red Cross, and other available assistance programs. If lump sum payments are made to Petitioner from any

assistance program, these payments shall be applied to the then-outstanding arrearage and will not affect the monthly payment amounts agreed to in the deferred payment plan.

3. If Respondent enters into a deferred payment agreement with Petitioner, Petitioner agrees and is ordered to waive all interest accruing on Respondent's account going forward from the date of the agreement so long as Respondent continues to comply with all other terms of this Order and the deferred payment plan.

4. If Respondent fails to enter into a deferred payment agreement with Petitioner, or fails to make any scheduled payment pursuant to an agreed payment plan on or before the due date, Petitioner shall have the right to disconnect service to Respondent's residence in accordance with Petitioner's regulations and tariff provisions and the applicable rules and regulations of the Commission, without seeking further approval from the Commission, notwithstanding the fact that a resident at Respondent's residence may be using life-support equipment.

5. At least 48 hours prior to terminating said service, Petitioner shall notify the appropriate Utah State social services agencies of this Order and the pending termination.

6. Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply

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with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 7th day of November, 2005.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 7th day of November, 2005, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#46404