

-BEFORE THE UTAH PUBLIC SERVICE COMMISSION-

In the matter of the Termination of)
Electric Service where Life Support)
Equipment is used:)
VALERIE MOODY)

DOCKET NO. 05-035-103

REPORT AND ORDER

ISSUED: January 24, 2006

By The Commission:

This matter came on for hearing before the Commission's Administrative Law Judge on January 17, 2006. Petitioner PacifiCorp, dba Utah Power & Light Company, was represented by Prestine Tafoya. Respondent Valerie Moody failed to appear.

At hearing, Petitioner stated it had entered into four prior deferred payment plans with Respondent but that Respondent had defaulted on each. Nonetheless, Petitioner stated it would be interested in entering into another payment plan with Respondent to avoid termination of Respondent's electric service. Petitioner stated it is willing to enter into a twenty-four month equal time payment plan whereby Respondent pays a monthly equal time payment equal to Respondent's average monthly bill of \$92.00, plus \$39.00 toward the past due balance on the account, for a total payment of \$131.00 per month. Respondent's first payment under this payment agreement would be due February 13, 2006, which is the next scheduled payment due date on Respondent's account. Petitioner stated it would attempt to contact Respondent both by telephone and by mail to offer this payment plan since Petitioner has recently learned that Respondent's telephone may have been disconnected.

Petitioner renewed its request, based on Respondent's payment history, that it be authorized to terminate Respondent's service should Respondent fail to enter into or comply with the terms of any payment plan going forward. Petitioner also indicated it had recently received a payment from the HEAT program and requests Respondent be directed to continue to seek financial assistance through HEAT and the American Red Cross.

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 accordance with this Report and Order.
3. If Respondent enters into a 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.
4. If Respondent fails to enter into a 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 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 24th day of January, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 24th day of January, 2006, 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#47280