

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Termination of Electric)
Service where Life Support Equipment is) DOCKET NO. 08-035-39
Used: Marti Allen and Bryan Breshears) REPORT AND ORDER
)

ISSUED: April 28, 2008

SYNOPSIS

ROCKY MOUNTAIN POWER having petitioned for Commission authorization to terminate, for nonpayment of applicable charges, the utility service of MARTI ALLEN AND BRYAN BRESHEARS, at premises where life support equipment is allegedly located, and MARTI ALLEN AND BRYAN BRESHEARS having failed timely to oppose said request by requesting a hearing or otherwise, we grant the petition, except that Rocky Mountain Power may only terminate said utility service if MARTI ALLEN AND BRYAN BRESHEARS defaults on the Equal Time Payment Plan referenced in this Order.

By The Commission:

On January 18, 2008, ROCKY MOUNTAIN POWER (hereafter "Petitioner") filed its petition seeking authorization to terminate the utility service of MARTI ALLEN AND BRYAN BRESHEARS (hereafter "Respondent") at Respondent's home, which is allegedly the location of life support appliances. Respondent was properly notified of the petition and of the need to request a hearing or respond otherwise and failed timely to do so. However, on March 21, 2008, the Division of Public Utilities reported to the Commission that Petitioner and Respondent have entered into an Equal Time Payment Plan whereby Respondent agrees to pay Petitioner \$31.00 per month toward the past due balance on Respondent's account plus a monthly equal time payment equal to Respondent's \$97.00 average monthly bill until such time as Respondent's account becomes current.

Wherefore, the Administrative Law Judge, having been fully advised in the premises, now enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- If Respondent MARTI ALLEN AND BRYAN BRESHEARS fails to make any payment on or before the due date in the full amount specified in the Equal Time Payment Plan referenced above, Petitioner ROCKY MOUNTAIN POWER 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.

- At least 48 hours prior to terminating said service, ROCKY MOUNTAIN POWER shall notify the appropriate Utah state social services agencies of this Order and the pending termination.

- This Order is effective the date of its issuance.

- Any person aggrieved by this Order may petition the Commission for review/rehearing pursuant to the *Utah Administrative Procedures Act, Utah Code Ann. §63-46b-1 et seq.* Failure so to do will preclude judicial review of the grounds not identified for review. *Utah Code Ann. §54-7-15.*

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DATED at Salt Lake City, Utah, this 28th day of April, 2008.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 28th day of April, 2008, as the Report and
Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#57186