

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the Matter of the Termination of Electric )  
Service where Life Support Equipment is ) DOCKET NO. 08-035-50  
Used: Clotile and Louis Johnson ) REPORT AND ORDER  
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ISSUED: June 30, 2008

By The Commission:

This matter came on for hearing before the Commission's Administrative Law Judge on June 19, 2008. Petitioner Rocky Mountain Power was represented by Stacey Davis. Respondents Clotile and Louis Johnson appeared and testified on their own behalf.

At hearing, Respondents stated they had filed for personal bankruptcy but were uncertain concerning the amount of electric charges for which they had sought discharge. Respondents further stated they expect their bankruptcy to become final within a few weeks. Based on this information, Petitioner agreed to investigate the matter further to determine what electric charges would not be discharged and to then offer Respondents a payment plan based on Respondents' re-calculated arrearage. However, based upon Respondents' prior failure to abide by the terms of payment plans, Petitioner continued to seek authorization to terminate Respondents' electric service.

On June 23, 2008, Petitioner filed a letter with the Commission stating it had re-billed Respondents to include only those electric charges from the April 1, 2008, date of their bankruptcy filing to present. Respondents' arrearage was calculated to be \$213.05, for which Petitioner offered, and Respondents agreed to enter into, a twelve-month payment plan

consisting of \$18.00 per month toward the arrearage plus Respondents' current charges for electric service.

Wherefore, based upon said agreement, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Respondents shall make monthly payments to Petitioner, on or before the due date of each statement for services rendered by Petitioner, each such payment to be in the amount of \$18.00 per month toward the past due balance on the account, which equals approximately one twelfth (1/12) of the outstanding balance for prior service provided to Respondents' residence, plus Respondents' monthly billing based on actual usage, until the outstanding balance is fully paid. The first of these payments is to be made no later than August 8, 2008.

2. Respondents are 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 specified in Paragraph 1.

3. Petitioner agrees and is ordered to waive all interest accruing on Respondents' account going forward from the date of this Order so long as Respondents continue to comply with all other terms of this Order.

4. If Respondents fail to make any payment in the full amount specified in Paragraph 1 on or before the due date, Petitioner shall have the right to disconnect service to

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Respondents' 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 Respondents' 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. Petitioner's authorization to disconnect service at Respondents' residence in accordance with this Order shall terminate upon Respondents' payment in full of all arrears on Respondents' account. Any further authorization to disconnect said service would require another order from this Commission.

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.

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DATED at Salt Lake City, Utah, this 30<sup>th</sup> day of June, 2008.

/s/ Steven F. Goodwill  
Administrative Law Judge

Approved and Confirmed this 30<sup>th</sup> day of June, 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#57918