

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the matter of the Termination of	)	<u>DOCKET NO. 05-035-79</u>
Electric Service where Life Support	)	
Equipment is used:	)	
CHERYLYNN VAN LEEUWEN	)	<u>REPORT AND ORDER</u>

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ISSUED: October 20, 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 Cherylynn Van Leeuwen and her husband, Glen, appeared on their own behalf.

At the hearing, the parties agreed to the payment plan and other terms set forth below. Based upon that agreement, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Respondent 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 \$34.00 per month calculated as follows: (a) the current charges for electric service to Respondent's residence on an equal time payment plan, estimated to be approximately \$26.00 per month, plus (b) \$8.00 per month, which equals approximately one twelfth (1/12) of the

outstanding balance for prior service provided to Respondent's residence, until the outstanding balance is fully paid. These payments are to begin with the regularly scheduled monthly payment due to Petitioner not later than November 3, 2005.

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 specified in Paragraph 1.

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

4. If Respondent fails 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 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

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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 20<sup>th</sup> day of October, 2005.

/s/ Steven F. Goodwill  
Administrative Law Judge

Approved and Confirmed this 20<sup>th</sup> day of October, 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#46057